

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 19, 2005

The Lincoln County Board of County Commissioners met in regular session on December 19, 2005 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:00 PM.

Commissioners Present:

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

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Delores Alfaro, Assistant Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Brad Dyer, Associate Planner
Judy Caudill, Director of Elections
Erma Deen Hoyle, Director of Recreation
Madge Huffman, Director of Tax Dept
Leon Harmon, Director of Finance
Steve Gilbert, Director of Public Works

Call to Order: Chairman Anderson called the December 19, 2005, meeting of the Lincoln County Board of Commissioners to order.

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

Commissioner Patton stated that he had a personnel matter to discuss in **Closed Session**.

Commissioner Mitchem stated that he had an item to discuss under **Other Business**, and asked that Steve Gilbert, Director of Public Works, remain for it.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to adopt the agenda as amended.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

DECEMBER 19, 2005

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| | 7:00 PM | Call to Order |
| 1. | 7:01 PM | Adoption of Agenda |
| 2. | 7:02 PM | Consent Agenda <ul style="list-style-type: none">- Tax Requests for Refunds- December 6 – 11, 2005 |
| 3. | 7:05 PM | Public Comments |
| 4. | 7:20 PM | Planning Board Recommendations – Randy Hawkins <ul style="list-style-type: none">• ZMA #511 Donald and Carlean Sain, applicants• ZMA #512 Boyce Lynch, applicant• ZMA #513 Fredda Robinson, applicant• ZMA #514 Mark Robinson, applicant• ZTA #515 Lincoln County, applicant.• PCUR #125 Ronnie Caldwell, applicant• PCUR #126 Lauth Property Group, applicant• CUP #268 Greenway of NC Inc., applicant• Verdict Ridge, Phases 3-7 and revision of Phase 2. |
| 5. | 8:00 PM | Public Hearing – Closeout of Community Development Block Grant – F.E. Isenhour |
| 6. | 8:10 PM | Resolution of Support for Allen Creek Watershed Reclassification – Randy Hawkins |
| 7. | 8:15 PM | Scattered Site Housing Proposal – James Luster |
| 8. | 8:30 PM | Update on Voting Equipment – Judy Caudill |
| 9. | 8:40 PM | Parks and Recreation – Trust Fund Grant Applications for West Lincoln Park and Beatties Ford Access Park |
| 10. | 8:50 PM | Strategic Plan for Fire and Emergency Services for East Lincoln County – Jason Saine |
| 11. | 9:00 PM | Advancing the Tax Collection Administration – Madge Huffman |
| 12. | 9:10 PM | Resolution to Exempt Waterline Projects from Qualifications Based Method of Awarding Contracts – Steve Gilbert |

13. 9:15 PM Design Proposals for NC 73 Waterline and Airport Road Waterline
14. 9:20 PM Public Works Capital Project Reports – Steve Gilbert
15. 9:30 PM Finance Officer’s Report
16. 9:35 PM Vacancies/Appointments
17. 9:40 PM Calendar
18. 9:45 PM County Manager’s Report
19. 9:50 PM County Commissioners’ Report
20. 9:55 PM County Attorney’s Report
21. 10:00 PM Other Business
22. 10:05 PM Closed Session

Adjourn

UPON MOTION by *Commissioner Moore*, the Board voted unanimously to defer approving the December 5, 2005, minutes until the next meeting.

Consent Agenda

- Tax Requests for Refunds
- December 6 – 11, 2005

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (December 6, 2005-December 11, 2005)

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

NAME	YEAR DIST	A/C#	AMOUNT
Chang, John S.	2004 City	0072059	176.60
TOTAL			\$176.60

- Sponsored Group Status
- Xtreme TEAM Ministry

- Budget Adjustments 39 – 42
- Resolution Naming Candace Cornwell as Review Officer for Lincoln County

NORTH CAROLINA
LINCOLN COUNTY

RESOLUTION

WHEREAS, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, the Lincoln County Board of Commissioners believes and so find that Candence Cornwell is a person experienced in mapping of land records management in the spirit of the aforesaid statute, and

WHEREAS, to comply with General Statute 47-30.2, the Lincoln County Board of Commissioners enacts this Resolution.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Lincoln County Board of Commissioners at its December 19, 2005, regular meeting as follows:

1. That Candence Cornwell be and is hereby appointed as a REVIEW OFFICER to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the REVIEW OFFICER shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
3. The REVIEW OFFICER shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
4. This Resolution designating the aforesaid REVIEW OFFICER be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the REVIEW OFFICER.

The foregoing Resolution was unanimously passed by the Lincoln County Board of Commissioners at its regular meeting held on December 19, 2005.

LINCOLN COUNTY

Thomas R. Anderson, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

North Carolina
Lincoln County

I, Amy S. Atkins, Clerk to the Board of Lincoln County Board of County Commissioners do hereby certify that the foregoing Resolution is a true and accurate copy of the original Resolution duly passed by the Board of Commissioners at its regular December 19, 2005 meeting, and the original of said Resolution is duly recorded in the minute book for Lincoln County.

This 19th day of December, 2005.

Amy S. Atkins, Clerk to the Board

Sworn to and subscribed before me,
This 19th day of December, 2005.

Notary Public

My commission expires _____.

- Lincoln County DSS Request for Medicaid Position
- Charter School Right of Way Agreement

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to approve the Consent Agenda, without the December 5, 2005, minutes included.

Public Comments: Chairman Anderson advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Connie Zmejewski asked the Board to consider an architectural committee for signage on old Hwy. 16. Ms. Zmejewski stated that the highway has become inundated with every kind of sign possible. She expressed concern that they affect property value and that, with the widening of that road, some signs may be too close to the road. Ms. Zmejewski proposed that the committee consist of business people, residents and other county members. She stated that there is no regulation, and that there aren't nearly as many signs on Highways 27, 150 and 321.

Being no more speakers, Chairman Anderson declared the Public Comments section closed.

Recommendations from the Planning Board: Randy Hawkins, Zoning Administrator presented the following recommendations from the Planning Board.

Zoning Map Amendment No. 511 – Donald and Carlean Sain, applicants: The Planning Board voted 7-0 to recommend approval.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to accept the Planning Board's recommendation on Zoning Map Amendment No. 511 – Donald and Carlean Sain, applicant.

Zoning Map Amendment No. 512 – Boyce Lynch, applicant: The Planning Board voted 6-0 to recommend approval.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to accept the Planning Board's recommendation on Zoning Map Amendment No. 512 – Boyce Lynch, applicant.

Zoning Map Amendment No. 513 – Fredda Robinson, applicant: The Planning Board voted 7-0 to recommend approval.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to accept the Planning Board's recommendation on Zoning Map Amendment No. 513 – Fredda Robinson, applicant.

Zoning Map Amendment No. 514 – Mark Robinson, applicant: The Planning Board voted 7-0 to recommend the request be disapproved.

Randy Hawkins stated that the applicant withdrew his request.

Zoning Map Amendment No. 515 – Lincoln County, applicant: The Planning Board voted 7-0 to recommend approval.

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

Parallel Conditional Use Rezoning No. 125 – Ronnie Caldwell, applicant: The Planning Board voted 5-2 to recommend approval with the condition that the exterior appearance of the house be preserved.

Commissioner Funderburk presented a letter to the Board from the Historical Properties Commission asking that the Board allow them an opportunity to have this area declared a historic district.

Commissioner Moore asked if the applicant would be able to operate the business as an office, in the meantime. *Darrell Harkey* stated that it was a possibility, but that it could take up to 6 months for the committee to make a decision. *Commissioner Patton* stated that it was unreasonable to wait longer than 60 days.

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to table Conditional Use Request No.125 – Ronnie Caldwell, applicant, for sixty days.

Parallel Conditional Use Rezoning No. 126 – Lauth Property Group, applicant: The Planning Board voted 7-0 to table the case, and continued the meeting until December 13 at 10 a.m. On December 13 at 10:00 a.m., the Planning Board voted 6-0 to recommend approval.

Randy Hawkins stated that there are additional/revised conditions which include: new elevations, brick columns have been added, more features on the roof over the garden center, the main sign will be made of brick. NCDOT's Moving Ahead Project (at 16/73) funding has been approved, and should be completed within the coming year.

Chairman Anderson stated that a meeting is scheduled December 14 to discuss road improvements. He asked *Randy Hawkins* which projects are included in the Moving Ahead Project. *Randy Hawkins* stated that he did not know at this time, because the design analysis is not complete. He deferred to *Richard Adams*, Traffic Engineer with Kimley-Horne, who stated that the purpose of the meeting is to meet with property owners along the corridor who are developing, along with DOT, and that specific road improvements were not likely to be decided. Mr. Adams stated this meeting is in NCDOT's interest so they will know if Lowe's is coming, and if Lowe's is, in fact, contributing \$100,000. He assured Chairman Anderson that DOT has allocated the money, but that they do not know what specific improvements will be made. Chairman Anderson asked what \$100,000 could buy. Mr. Adams stated that it could buy a turn lane or pay a portion of road widening.

Commissioner Mitchem asked Mr. Adams how much money NCDOT had committed to the Moving Ahead Project specifically for 16/73. Mr. Adams deferred to *Randy Hawkins*. Mr. Hawkins stated that, according to Jackie McSwain, NCDOT Division Engineer, at this time, it is \$600,000. He added that Ms. McSwain did state that this figure may change, contingent on the design of the intersection. Mr. Hawkins stated that traffic needs and a design analysis should be determined after the meeting later this week. He stated that DOT's preliminary plans were to take care of the new 16 opening, and the meeting this week is to look at additional needs created by the development that's planned in that

area. Mr. Hawkins added that Ms. McSwain stated that, depending on the needs that are established, additional money may be added to the project. *Mr. Adams* urged the Board to approve the request so DOT would know that another \$100,000 is committed to road improvements. *Commissioner Mitchem* stated that DOT needs to know if Lowe's is going to be approved, before they can proceed with their plans for that area. *Chairman Anderson* referred to Mr. Adams' comment about Lowe's paying part of the cost for the conditions the Board imposed on Wal-Mart. Chairman Anderson stated that it was information the Board did not have at the time they were considering conditions they might impose on Wal-Mart, and that information may or may not have impacted the conditions they decided upon.

UPON MOTION by *Commissioner Moore*, the Board voted 2-3 to deny the motion to table the request for sixty days, pending information from NCDOT's meeting on Wednesday, December 21, on Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE: 2-3 AYES: Anderson, Moore
NOES: Funderburk, Mitchem, Patton

UPON MOTION by *Commissioner Mitchem*, the Board voted 4-1 to approve the rezoning for Parallel Conditional Use Rezoning No. 126 – Lauth Property Group, applicant.

VOTE: 4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

The Board voted individually on the Findings of Fact on Parallel Conditional Use Rezoning No. 126 – Lauth Property Group, applicant:

Application # PCUR 126

Date: 12/05/2005

Applicant's Name: Lauth Property Group
 4201 Congress St – Ste 375
 Charlotte NC 28211

Property Location: Hwy. 73
Existing Zoning: R-T, B-G, I-G

Proposed Conditional Use: 225,410 SF shopping center with 139,410 SF store

UPON MOTION by *Commissioner Mitchem*, the Board voted 4-1 to accept the Planning Board's Findings of Fact #1 on Parallel Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE: 4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual reason cited: 16/73 intersection will be upgraded by the time the store is open; connectivity provided to adjoining property.

UPON MOTION by *Commissioner Patton*, the Board voted 4-1 to accept the Planning Board's Findings of Fact #2 on Parallel Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE: 4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Meets all required conditions and specifications and more.

UPON MOTION by *Commissioner Mitchem*, the Board voted 4-1 to accept the Planning Board's Findings of Fact #3 on Parallel Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE: 4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited: Will enhance the value of adjoining property.

UPON MOTION by *Commissioner Mitchem*, the Board voted 4-1 to accept the Planning Board's Findings of Fact #4 on Parallel Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE: 4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES ☒ NO ☐

Factual reason cited: Land Use Plan calls for this area to be a commercial and business center.

Chairman Anderson asked the Board to consider placing the condition that, upon approval of this request, the applicant would be responsible for completion of all improvements set forth in the revised traffic analysis impact report prepared by Ramey-

Kemp, specifically at the intersection of NC 16/73, with the proviso that the applicant will not be responsible for any conditions included in the Moving Ahead funds and are to be accomplished by NCDOT. *Randy Hawkins* stated that, under the Zoning Ordinance, the applicant should be allowed to respond to any proposed conditions. *Commissioner Patton* asked Mr. Hawkins to confirm that DOT indicated that some of the turn lanes were not options due to right-of-way issues. Mr. Hawkins confirmed that was correct. He stated that Lowe's does not have the power of eminent domain to condemn the property for the right-of-way. *Commissioner Funderburk* asked why have Lowe's pay for it when the state had already committed to it. *Commissioner Patton* agreed. *Commissioner Funderburk* stated that other forthcoming developers should help pay for road improvements, also. *Walter Fields* stated that Lowe's was only a small proportional contributor to the area, and that it would be difficult for them to agree to something that NCDOT has already committed to, noting that there would be no incentive for NCDOT to make those improvements. Mr. Fields stated that some of the road improvements will be significantly diminished, if needed at all, once the final segment of new NC 16 is open all the way to NC 150. He reminded the Board that the money they've already committed for road improvements is still on the table, and concluded by stating that it would be very difficult for them to agree to an open-ended request that they build whatever the state does not. *Richard Adams* reaffirmed the right-of-way issue, and that a lot of the improvements will no longer be needed once the by-pass is completed. Mr. Adams stated that, according to DOT, the second section of the by-pass, now under construction, is about a year ahead of schedule, and could possibly be complete by 2008. Chairman Anderson amended his condition to include one more exemption, that Lauth would be exempt from making any improvements which require them to acquire right-of-way. *Commissioner Mitchem* asked the County Attorney if the County could front money for road improvements, and recoup it from future development. *Jeff Taylor* stated that he had not heard of that being done, but that there was a 50% chance that it might work. *Randy Hawkins* stated that DOT has done arrangements where municipalities have fronted money for road improvements, and then DOT has reimbursed them later.

UPON MOTION by *Chairman Anderson*, the Board voted 2-3 to disapprove Lauth Group making the improvements set forth in the Ramey-Kemp Traffic Study that are not completed by NCDOT's Moving Ahead money, but being exempt from making any improvements requiring them to acquire right-of-way.

VOTE: 2-3 AYES: Anderson, Moore
NOES: Funderburk, Mitchem, Patton

UPON MOTION by *Chairman Anderson*, the Board voted unanimously that the applicant be required to provide all water system infrastructure improvements determined to be required by the Utilities Department, specifically as a result of this development being put in place.

VOTE: 5-0 AYES: Anderson, Funderburk, Mitchem, Moore, Patton

UPON MOTION by *Commissioner Patton*, the Board voted 4-1 to accept the Planning Board's recommendations for Parallel Conditional Use Request No.126 – Lauth Property Group, applicant.

VOTE:4-1 AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

Conditional Use Permit No. 268 – Greenway of NC Inc., applicant: The Planning Board voted 7-0 to recommend the request be disapproved.

Randy Hawkins stated that the applicant withdrew his request.

Verdict Ridge, Phases 3-7 and Revision of Phase 2: The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendations.

Public Hearing – Closeout of Community Development Block Grant – F. E. Isenhour: F. E. Isenhour, with Benchmark CMR Services - Administrator of the Scattered Site CDBG the past three years, presented information on the closeout. Mr. Isenhour stated that the project, now at its completion point, requires a final public hearing. He presented documentation to the Board for review. Chairman Anderson asked Mr. Isenhour if there was a principal type of work involved in the project. Mr. Isenhour stated that DCA, Division of Community Assistance in the Department of Commerce, determines what needs to be brought up to code; i.e., roofing, water/sewer systems, heating, abatement, etc., based on information presented. He stated that most houses require \$30,000 to \$50,000 to be brought up to code. Mr. Isenhour thanked the Board for the opportunity.

Chairman Anderson declared the public hearing on the CDBG Closeout open.

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

Resolution of Support for Allen Creek Watershed Reclassification – Randy Hawkins: Randy Hawkins presented the Resolution of Support for Allen Creek Watershed Reclassification.

A RESOLUTION TO SUPPORT THE RECLASSIFICATION OF THE ALLEN CREEK WATERSHED

WHEREAS, the North Carolina General Assembly ratified the Watershed Protection Act of 1989 which required local jurisdictions to adopt watershed protections regulations to protect drinking water supplies in the State; and

WHEREAS, Allen Creek was designated by the State as WH-II/High Quality Water (HQW) watersheds to protect the Town of Maiden's watersupply reservoir; and

WHEREAS, Lincoln County has adopted watershed protection regulations to include land use controls for the Allen Creek watersheds; and

WHEREAS, in the Fall of 2002, the Town of Maiden abandoned the Maiden Reservoir as its municipal water supply and contracted with the City of Hickory to purchase water; and

WHEREAS, Allen Creek does not serve as a drinking water supply for the Town of Maiden; and

WHEREAS, the Town of Maiden has requested Lincoln County's support for the classification of Allen Creek to a WS-V watershed classification;

THEREFORE BE IT RESOLVED that Lincoln County hereby requests the North Carolina Environmental Management Commission's reclassification of Allen Creek from a WS-II watersupply watershed classification to a WS-V watershed designation; and

FURTHERMORE BE IT RESOLVED that Lincoln County does not support the supplemental classification of High Quality Waters (HQW) for Allen Creek because the water quality parameters in the creek does not meet the State's requirements for designation of HQW.

Adopted this _____ day of _____ 2006.

Thomas R. Anderson, Chairman
Lincoln County Board of Commissioners

UPON MOTION by *Commissioner Mitchem*, the Board voted 2-3 against the motion not to adopt the Resolution to support the Allen Creek Watershed Reclassification.

VOTE: 2-3 **AYES: Mitchem, Moore**
 NOES: Anderson, Funderburk, Patton

UPON MOTION by *Commissioner Funderburk*, the Board voted 3-2 to approve the resolution. Commissioner Funderburk asked that the record show that he supported it because the area is developed.

VOTE: 3-2 **AYES: Anderson, Funderburk, Mitchem**

NOES: Mitchem, Moore

Scattered Site Housing Proposal – James Luster: James Luster, with Centralina Council of Governments, presented a proposal for furnishing 2006 Community Development Block Grant (CDBG) Scattered Site Housing (SSH) Application Preparation Services by and between the County of Lincoln and Centralina Council of Governments. Centralina estimates the cost of all work to be \$3,500, plus 2 blocks of 7.5 member hours from the County's 2006 member allocation.

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to accept the proposal

Update on Voting Equipment – Judy Caudill: Judy Caudill presented an update on voting equipment that included cost estimates, in addition to background information. Ms. Caudill reminded the Board that there would be a public forum Tuesday, December 20, in the Board of Commissioners Room at 9:00 a.m., which is a prerequisite to applying for the grant. Ms. Caudill stated that her board would meet tomorrow, after the public forum, to adopt a resolution to present to the Board in January, 2006.

Parks and Recreation – Trust Fund Grant Applications for West Lincoln Park and Beatties Ford Access Park: Erma Deen Hoyle presented information regarding the Trust Fund Grant Applications for West Lincoln and Beatties Ford Access Parks.

UPON MOTION by *Comissioner Mitchem*, the Board voted unanimously to authorize Parks and Recreation to apply for a \$500,000 grant for each park with the County providing the necessary matching funds to support that grant application.

Strategic Plan for Fire and Emergency Services for East Lincoln County – Tim Tench: Tim Tench, Chief of East Lincoln Fire Department, along with Susan Spake, Director of Emergency Services and James Flynn, Chief of Denver Fire Department, presented the strategic plan for Fire and Emergency Services for the County.

Following discussions with Commission Chairman Tom Anderson this past June, the Denver and East Lincoln County Fire Departments, together with County Fire Marshal and Emergency Management personnel met to discuss available options for preparing a plan for fire and emergency services. While we were certain such an undertaking would benefit the entire County, our immediate concerns, also shared by Commissioner Anderson at the time, focused on very rapidly growing eastern region.

Subsequently, the Denver and East Lincoln Fire Departments have joined together to sponsor *and equally fund* a comprehensive study to address these concerns and to generate a series of strategic recommendations from which we can plan for not only our immediate needs but those anticipated in the near future as well. Since the scope of Mr. Allan's work will encompass not just the two fire departments but other county agencies as well, we are hoping that the board of commissioners will share in the cost of this project, which will not exceed \$12,000. They asked the Board to fund \$8,800 to cover the additional cost for the entire county.

In this regard we have retained the services of Mr. Steve Allan with Solutions for Local Government, Inc. of Charlotte to undertake this study. A copy of the complete Scope of Services is enclosed for your review. In summary, the project's objectives call for Mr. Allan to:

1. Assess the status of current operations, including recent response and performance history, of the designated fire, and emergency service agencies.
2. Identify the needs and challenges facing the County's fire and emergency service disciplines (Fire, Rescue [first responders], EMS, Emergency Management, and Communications) today as well as those anticipated over the next the (10) years.
3. Recommend how best to provide these services to the citizens of Lincoln County.
4. Identify the associated resources (costs) necessary to meet the needs identified.

Commissioner Mitchem made the motion to approve the additional \$4,800, but withdrew the motion.

UPON MOTION by *Commissioner Moore*, the Board voted unanimously to approve the request for funding of \$8,800, with the condition that the consultant furnish a report to the Board at a later date.

The report will take 10-12 weeks to complete, and the consultant will start in January, 2006.

Advancing the Tax Collection Administration – Madge Huffman: Madge Huffman presented information regarding Advancing the Tax Collection Administration to the Board. A letter will be sent to Representative Joe Kiser requesting his support in the House Bill Ratification for G.S. 161-31 and G.S. 153A-351. This change is to authorize Lincoln County to adopt local resolutions which would require that all delinquent property taxes be paid before a deed could be recorded, and before a building permit is issued.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to allow the Tax Department to proceed with the procedure.

Resolution to Exempt Waterline Projects from Qualifications Based Method of Awarding Contracts – Steve Gilbert: Steve Gilbert presented information regarding the resolution.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to approve the resolution.

Design Proposals for NC 73 Waterline and Airport Road Waterline: Steve Gilbert presented the design proposals.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to approve the recommendation of Public Utilities in awarding the contract to W. K. Dickson.

Public Works Capital Project Reports: Steve Gilbert presented the Public Works Capital Project Reports.

Steve Gilbert addressed the issue of problem fire hydrants recently raised by a local newspaper. He stated that his department is already reviewing lists submitted by Denver and East Lincoln Fire Departments. Mr. Gilbert stated that the reasons varied: some needed extra maintenance, one could not be located, one that could not be opened was found to be functional. Of 40 hydrants submitted on a list by East Lincoln: 10 were found to be obstructed, in which case the Fire Marshall submits letters to property owners reminding them of regulations that require access to those hydrants; 15 needed repair/replacement, and parts have been ordered, and once received, will be scheduled for repair; 9 of them his department could find nothing wrong with, and he will follow up with the fire department for more information; 5 were repaired during the inspection as they only required minor adjustments; 1 was a private fire system maintained by an industry; 1 is in limbo pending DOT's completion of a widening project on Hwy. 16. *Commissioner Mitchem* asked about the proper procedure for inspecting the hydrants. *Mr. Gilbert* stated that the fire departments inspect the fire hydrants when they do flow tests on a time rotation, and when they find a problem, they report it to Public Utilities via Emergency Management. *Commissioner Mitchem* then addressed *Susan Spake*, Director of Emergency Management. Ms. Spake stated that the hydrants have to be inspected and flushed every 6 months, and flow tested annually. She explained that general maintenance is done during the inspection/flushing, and a list is created and submitted based on those inspections. In the event of responding to a fire, a faulty hydrant is discovered, it is reported immediately. Ms. Spake stated that she and Mr. Gilbert have collaborated and decided that hydrants not operable will be bagged with black bags so everyone knows they're out of service until such time as they can be repaired. *Commissioner Patton* asked about the possibility of keeping spare parts in stock. *Steve Gilbert* stated that it was cost prohibitive due to numerous types of hydrants throughout the county. Mr. Gilbert added that parts can usually be received within a week, once ordered. *Susan Spake* stated that, since the reorganization of the Fire Marshall's office into Emergency Management, she and Steve Gilbert have worked on this since last January, noting that it has improved because she has more staff to follow up on the hydrant lists. Ms. Spake stated that they've created an e-mail list between the chiefs of the departments in the eastern part of the county, because that seems to be where the problems are generating. *Commissioner Funderburk* suggested rearranging priorities in the repair of hydrants. *Commissioner Mitchem* asked if it would be advantageous to have the hydrants tested more often. *Ms. Spake* stated that it would be, and added that a lot of counties contract this work. Due to that, it is done more frequently, and, therefore, there is more accountability because it is done on a routine basis. *Commissioner Patton* asked what the main problem is that is causing damage to the hydrants. *Steve Gilbert* stated that car accidents, DOT mowers and stripped threads (caused by someone other than fire department personnel, water haulers for one) all contribute to the damage. Several commissioners stressed that repair of fire hydrants should take precedence over routine repairs. *Susan Spake* stated that the new Assistant Fire Marshall will be handling all the hydrant issues, and will collaborate with Steve Gilbert and Chris Henderson in Public Works to get the hydrants repaired in a more

timely manner. *Commissioner Moore* asked about the fire hydrant at Lincoln Medical Center, alluding to a retaining wall. *Steve Gilbert* stated that it was inspected and passed inspection when the building was occupied. *Susan Spake* stated that they will have to either relocate the hydrant or make adjustments on the retaining wall. *Chairman Anderson* stated that the County Manager will research the possibility of outsourcing fire hydrant inspections, and report his findings during the budget process. *Stan Kiser* stated that the firm also does repair work, and that they most likely stock parts for repairs. Mr. Kiser stated that he plans to research that possibility as well. *Chairman Anderson* stated that the consensus of the Board is that this is a life/safety issue.

Finance Officer's Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for November, 2005.

Vacancies/Appointments: Commissioner Funderburk presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee *3 Vacancies
Historical Properties Commission *1 Vacancy
Central Economic Development Council *2 Vacancies
Lincoln County Public Library Board *1

APPOINTMENTS

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

Appoint to the Centralina Economic Development Council:
- Tom Anderson

Chairman Anderson stated that the vacancy on the Lincoln County Library Board will be filled pending the County Manager's report on the by-laws.

Calendar: None.

County Manager's Report: Stan Kiser presented the County Manager's Report.

County Commissioners' Report: *Commissioner Patton* stated that, as a member on the Downtown Development Board, he has been asked to address a concern about parking on the courthouse lawn. *Stan Kiser* stated that Susan Spake ordered signs. *Susan Spake* stated that signs prohibiting unauthorized parking were erected on the grounds last week. Ms. Spake stated that a memo is being sent to all departments in the courthouse and the agencies that transport prisoners or utilize the courthouse. Ms. Spake stated that only law enforcement transporting prisoners will be allowed to park on the pad, and they will be allowed 15 minute load and unload intervals. *Chairman Anderson* encouraged stringent enforcement based on information he recently acquired from a course on "How to Design

Buildings for Anti-Terrorism.” Ms. Spake stated that the safety of transport officers was being compromised due to others parking in that area. *Commissioner Funderburk* wished everyone a Merry Christmas; *Chairman Anderson* stated that there has been a significant change in the NCACC insurance pools, and that more information would be forthcoming in 2006.

County Attorney’s Report: Jeff Taylor, County Attorney, presented his findings on the state’s issues with the Soil and Erosion Control Ordinance. Mr. Taylor stated that he consulted with various authorities at the state level. He stated that their general consensus is that the ordinance, if adopted by the Board as it is now written, is likely to be challenged. He added that there is a mechanism in the state law that would allow county regulation, but it would require a countywide ordinance, and would require significant rewriting on the proposed ordinance. Mr. Taylor stated that, if the Board adopts the ordinance as it is now written, it is subject to challenge based on the pre-emption doctrine, the trend of the court cases and the opposition of the state. Mr. Taylor concluded by stating that when the General Assembly resumes session in May, 2006, there may be some new stormwater regulations that will hopefully give counties more control over enforcing regulations. *Commissioner Funderburk* asked the Board if they would agree to have DENR meet with them to discuss the issues. *Commissioner Mitchem* agreed and stated that he thought it would be fair to the committee that helped write the ordinance. *Chairman Anderson* suggested referring the matter back to the Lincoln County Natural Resources Committee with a request that they arrange a meeting with DENR, LNRC and the Board. *Commissioner Funderburk* suggested having the Board arrange the meeting. *Commissioner Anderson* referred the matter back to LNRC, and asked the County Manager to arrange the meeting with DENR. *Commissioner Moore* asked Kelly Atkins about what the county could do, in the interim, in regards to a 50’ buffer and sedimentation. Mr. Atkins stated that the State, as Jeff Taylor alluded to, told him it is countywide or nothing. He stated that the only thing his department can do is to educate people when they pull building permits, and call the State when there is a violation. He stated that they cannot hold up issuance of building permits because of a state problem. *Commissioner Moore* asked him to report these issues to DENR in Mooresville, as well as to the Board, so they will have a list when that meeting takes place. *Commissioner Mitchem* suggested holding the Certificate of Occupancy that is issued once all inspections have passed. Mr. Atkins stated that he and the County Attorney are still exploring whether or not that is a viable option.

Other Business: *Commissioner Mitchem* stated that the business he had asked to discuss had already been addressed. There was no other business.

UPON MOTION by Commissioner Patton, the Board voted unanimously to go into Closed Session to discuss a real estate matter and a personnel matter.

The Board came out of Closed Session.

Chairman Anderson stated that no action was taken in closed session.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to approve the transfer of funds in the amount of \$487,000 to LEDA Board for an economic development project.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to approve the increase in salary of the Director of Social Services to \$75,000, effective with the beginning of the next budget year.

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

Delores Alfaro, Assistant Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners