

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 18, 2005**

The Lincoln County Board of County Commissioners met in regular session on April 18, 2005 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

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

**Others Present:**

Stan B. Kiser, County Manager – arrived at 9:00 p.m.  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board

**Call to Order:** Chairman Anderson called the April 18, 2005 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Pastor Curtis Paul of St. Luke's Lutheran Church gave the Invocation and Chairman Anderson led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to adopt the agenda removing Item 8 and adding Item 18a – Closed Session for Property Acquisition.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**APRIL 18, 2005**

6:30 PM	Call to Order
6:31 PM	Invocation – Pastor Curtis Paul St. Luke's Lutheran Church
6:32 PM	Pledge of Allegiance

1. 6:33 PM Adoption of Agenda
2. 6:34 PM Approval of Minutes
  - March 14, 2005
  - April 4, 2005
3. 6:35 PM Public Comments
4. 6:50 PM Public Hearing – Incentive Grant for Timken and Agreement
5. 7:00 PM Recommendations from Planning Board
  - ZMA #493 Melvin D. Core, applicant
  - ZMA #494 Wayne Heavner, applicant
  - ZMA #495 David Cox, applicant
  - PCUR #111 Michael Wright, applicant
  - PCUR #112 David Wulffhorst, applicant
6. 7:25 PM Spring Litter Sweep 2005 – Nathan Eurey
7. 7:30 PM Gaston College Update and Economic Impact Study – Don Ballard and Dr. Patricia Skinner
8. 7:45 PM Condemnation Appeal – Former Rhyne Mills Property - Wayne Godfrey
9. 8:00 PM Order of Collection
10. 8:05 PM Morris Lane and Owl's Den Waterline Bids – Steve Gilbert
11. 8:15 PM Sewer Service to Lincoln County Industrial Park - Steve Gilbert
12. 8:25 PM Signature Authority for Duke Power Relicensing – Steve Gilbert
13. 8:35 PM Public Works Capital Project Reports – Steve Gilbert
14. 8:40 PM Finance Officer's Report
15. 8:45 PM County Manager's Report
16. 8:50 PM County Commissioners' Report
17. 8:55 PM County Attorney's Report
18. 9:00 PM Vacancies/Appointments
19. 9:05 PM Calendar

20. 9:10 PM Other Business

Adjourn

**Approval of Minutes – March 14, 2005, April 4, 2005:** Chairman Anderson presented the minutes of the March 14, 2005 and April 4, 2005 meetings for approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the minutes as modified by County Attorney Jeff Taylor.

**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.

*Shane Killian* spoke concerning the Referendum for the 1 – 5 cent Recreation Tax. He asked why this needed to go on a referendum and stated that it looks like the Board is just trying to pass a tax hike onto voters.

Being no additional speakers, Chairman Anderson declared the public comments section closed.

**Incentive Grant for Timken and Agreement:** Laura Foor, with Lincoln EDA, presented information on the proposed Incentive Grant for Timken. This a grant in which the Iron Station Timken is competing with Timken facilities in other areas. There will be a total investment of \$14 million, of which \$9,800,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the date of the agreement, Timken shall provide at such site at least 10 new jobs paying average hourly wages of \$15 per hour. The County will provide cash grants to Timken of \$45,570 per year for a five-year period, which will total \$227,850.00.

Chairman Anderson opened the public hearing concerning the Incentive Grant for Timken.

Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant with the Timken Company.

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

**Zoning Map Amendment No. 493 – Melvin D. Core, applicant:** The Planning Board voted 8 – 0 to recommend approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Zoning Map Amendment No. 493 – Melvin D. Core, applicant, based on the recommendation of the Planning Board.

**Zoning Map Amendment No. 494 – Wayne Heavner, applicant:** The Planning Board voted 8 – 0 to recommend approval.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Zoning Map Amendment No. 494 – Wayne Heavner, applicant.

**Zoning Map Amendment No. 495 – David Cox, applicant:** The Planning Board voted 8 – 0 to recommend approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Zoning Map Amendment No. 495 – David Cox, applicant.

**Parallel Conditional Use Rezoning No. 111 – Michael Wright, applicant:** The Planning Board voted 8 – 0 to recommend that the rezoning request be denied.

Commissioner Mitchem stated that there are 3 acres in this tract, but additional mobile homes would have to come back before the Board. If the land is sold, more mobile homes would still not be allowed. Commissioner Mitchem stated he visited the site and there is a house in front of this property that looks to have been under construction for six or seven years.

Randy Hawkins stated that if the request had been to rezone to R-T, the land could have been subdivided for more than 1 mobile home.

Commissioner Anderson reminded the Board of the petition, in which the neighbors in close proximity signed. There were approximately 38 signatures on the petition.

**A MOTION** by Commissioner Moore, the Board voted unanimously to accept the Planning Board's recommendation and deny Parallel Conditional Use Rezoning No. 111 – Michael Wright, applicant.

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

**Parallel Conditional Use Rezoning No.112 – David Wulffhorst, applicant:** The Planning Board voted 8 – 0 to recommend approval with the condition that the front of the building be brick.

Randy Hawkins stated that the Planning Board felt there is a reasonable basis for the spot zoning in this case with the mixture of uses in the area (Sani Can, Convenience Site, old mobile homes, power substation).

Application # PCUR #112

Date 4/18/05

Applicant's Name David Wulffhorst  
4598 Lakeshore Road North  
Denver, NC 28037

Property location: Webbs Road  
Existing Zoning: CU B-N

Proposed Conditional Use office/storage building

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Applicant must obtain permit for septic tank or connect to sewer system, building must meet state building code.
  
2. The use meets all required conditions and specifications. YES  NO  
Factual Reasons Cited: Meets requirements for setbacks and screening.
  
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES  NO  
Factual Reasons Cited: Adjoining properties have fairly old mobile homes, other properties in vicinity are industrial in nature.
  
2. 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 Reasons Cited: Mixed uses in area: power substations, convenience site, mobile homes, Sani-Can business.

After having held a public hearing on April 4, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

**A MOTION** by Commissioner Patton to rezone the property subject to the Conditional Use Permit.

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

**A MOTION** by Commissioner Patton to accept the Planning Board's recommendation with their Findings of Fact for Parallel Conditional Use Permit No. 112 – David Wulffhorst, applicant, with the condition that the front of the building be brick.

**VOTE: Unanimously approved.**

**Spring Litter Sweep 2005:** Nathan Eurey, Program Coordinator, presented the Spring Litter Sweep 2005 Proclamation for the Board's approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Litter Sweep 2005 Proclamation.

**Gaston College Update and Economic Impact Study:** Dr. Patricia Skinner presented a report on Gaston College's Economic Impact on the Community.

Don Ballard gave an update on the Lincoln Campus Science and Technology Center. Last May, Lincoln County Commissioners committed \$750,000 toward construction of a 13,112 sq. ft. Science & Technology Center on the Lincoln Campus of Gaston College to accommodate student growth and needs, allow the college to expand health science offerings, and provide complete Associate in Arts and Associate in Science degrees (college transfer programs) in Lincoln County. Mr. Ballard gave a fundraising update, stating that the amount left to be secured for the project is \$226,984. The estimated completion date for the center is December of 2006.

Chairman Anderson thanked Don Ballard, Dr. Patricia Skinner, and the representatives of Gaston College for the update.

**Order of Collection:** **UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Order of Collection.

#### ORDER OF COLLECTION

STATE OF NORTH CAROLINA  
COUNTY OF Lincoln County

TO: The Tax Administrator of Lincoln County

Pursuant to North Carolina General Statute #105-321(b), 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. Such taxes are hereby declared 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 18<sup>th</sup> day of April, 2005.

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Thomas R. Anderson, Chairman  
Board of County Commissioners

ATTEST:

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Amy Long, Clerk to the Board  
Board of County Commissioners

**Morris Lane & Owl's Den Water Line Bids:** Steve Gilbert presented the following information concerning Morris Lane and Owl's Den Water Line Bids.

Bids have been received from three contractors for the lines on Morris Lane and Owl's Den Road. The Morris Lane line is a neighborhood extension being built under the utility extension petition policy, and the Owls' Den Road line is being built to supply water to the Owl's Den Convenience site adjacent to the old County landfill and is being funded by the Solid Waste Department. The bids are listed below:

	<u>Morris Lane</u>	<u>Owl's Den Road</u>
Burke Development, Drexel, NC	\$39,250.00	\$104,750.00
Atlantic Coast Contractors, Denver, NC	\$72,077.50	\$169,987.50
Trans-State Construction, Stanley, NC	\$156,070.00	No Bid

Work on Morris Lane can commence as soon as permit is received from NCDENR and the Owl's Den Road work will be coordinated with the line that the Schools will be constructing on Rock Dam Road to serve the new elementary school.

Based upon these bids, Public Works recommended that this contract be awarded to Burke Development of Drexel, NC in the total amount of \$144,000.00.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the recommendation of the Public Works Department and award the contract to Burke Development of Drexel, NC.

**Sewer Service to Lincoln County Industrial Park:** Steve Gilbert stated that Public Works has received a letter from the City of Lincolnton requesting that the County consider turning all gravity portions of the line that will serve the Industrial Park over to the City for maintenance and ownership once it is constructed. Since anyone connecting to this line will become a customer of the City, and since this would lessen the long term maintenance responsibility on the County, the Public Works feels this request should be given strong consideration. Ownership and maintenance of the pump station and force mains that are a part of the project will still fall under the County's responsibility under this arrangement.

The Board reviewed previous action taken and background information concerning sewer service to the Lincoln County Industrial Park.

Commissioner Moore asked the Clerk to pull all the minutes concerning this issue.

It was the consensus of the Board to ask Legal Counsel to develop an agreement to transfer the ownership and maintenance of the gravity portion of the line to the city once it is constructed.

**Signature Authority for Duke Power Relicensing:** Steve Gilbert stated that Duke Power is in the process of preparing a relicensing application to the Federal Energy Regulatory Commission for the entire chain of lakes that they operate under their current license. This effort began in 2003 and will culminate in the submittal of their renewal application in August 2006. Their goal is to obtain their renewal by August 2008 when the current license expires.

As part of their process, Duke has invited anyone with an interest in the relicensing to join what they call advisory groups. Steve Gilbert stated that he has joined the Metro Advisory Group to make sure that any issues concerning water quality and quantity were properly addressed in the process and to try to look out for other county interests.

The end product of these advisory group meetings is a “Binding Agreement”, signed by the advisory group members and signifying that they agree with the information that Duke is including in their renewal application. A preliminary “Non-Binding Agreement” will be produced in November 2005, and the final “Binding Agreement” must be signed in April 2006.

Steve Gilbert asked for guidance on who should sign the agreement. He feels the Chairman should sign the document as the chief elected official of the County.

It was the consensus of the Board for the Chairman to sign the agreement.

Steve Gilbert reminded the Board of the meeting concerning Duke Relicensing, which is scheduled for Thursday night at 7:00 at the East Lincoln Recreation Center.

**Public Works Capital Project Reports:** Steve Gilbert presented the Capital Project Reports for the Public Works Department.

**Finance Officer’s Report:** Leon Harmon, Finance Officer, presented the budget performance report for March, 2005.

Leon Harmon stated that the next sale of the \$47 million school bonds will be in September of 2005. This will be the next \$17 million. The next \$11 million will be sold in Spring or September of 06. He stated that the \$2 million QZAB Bond was approved by the State.

Chairman Anderson stated that the interest rates are going up. He asked if there is a reason for waiting that long for the sale.

Mr. Harmon stated that the State Treasurer’s Office does not like for you to sell more than you have to at one time. It lowers your initial interest cost and there is arbitrage, where you have to spend the money once it’s sold.

Chairman Anderson asked Leon Harmon to find out the interest impact for waiting to sale the bonds.

**County Attorney's Report:** Jeff Taylor, County Attorney, stated that he will be drafting a written policy on Courthouse Security. The closing for the airport t-hangars will be next week, since it has been approved by the LGC. Two more parcels of the Owl's Den property have been closed and the other two will close soon. The doublewide sold last week on GovDeals. Mr. Taylor reported on foreclosures.

Mr. Taylor stated that he and Audrey Setzer met on the Personnel Policy and it will be submitted to the Board for approval by next month.

**Vacancies:** Commissioner Funderburk presented the following vacancies and appointments.

## VACANCIES

Nursing and Adult Care Home Community Advisory Committee	6
Recreation Commission – Ironton	1
Library Board	
Lincolnton	1
Historic Properties Commission	1
Future Forward	1
Pathways	1

## APPOINTMENTS

### Recreation Commission

#### Appoint:

Howard's Creek Township – Jeffery Steve Adams  
Ironton Township – Julia Armstrong  
Lincolnton Township – Danny Richard

#### Reappoint:

Lincolnton Planning Board ETJ – Becky Burke  
Gaston Community Action – Rev. Michael Figueroa

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

**Calendar:** Chairman Anderson presented the calendar for May 2005.

Commissioner Anderson informed the Board of the County Assembly Day and Best Practices in County Budgeting in Raleigh May 24 – 25. Chairman Anderson, along with Commissioners Patton, Moore, and Funderburk will attend this meeting.

The Board changed the May 24 budget work session and set the following dates for work sessions: June 2, June 7, and June 13. All meetings will begin at 1:00 p.m.

**Closed Session: UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to go into closed session to discuss a real estate matter that is confidential pursuant to N.C.G.S. 143-318.11.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to return to open session.

**Other Business:** Commissioner Funderburk stated that he has talked to Kelly Atkins about having Bill Duston give a refresher course to the Board, Planning Board, and homebuilders on zoning issues.

The Board discussed having this meeting in the later part of September.

Commissioner Funderburk asked Jeff Taylor to research and try to come up with a policy for retired elderly people on fixed incomes to help offset property taxes.

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

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Amy S. Long, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners