

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 16, 2004

The Lincoln County Board of County Commissioners met in regular session on August 16, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Thomas R. Anderson, PE, Vice Chairman
James "Buddy" Funderburk
Larry S. Craig
Carrol D. Mitchem

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board

Call to Order: Chairman Cochrane called the August 16, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Commissioner Funderburk gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to adopt the agenda adding Item 9a – Consideration of Changes for Planned Districts.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AUGUST 16, 2004

	6:30 PM	Call to Order
	6:31 PM	Invocation
	6:33 PM	Pledge of Allegiance
1.	6:34 PM	Adoption of Agenda
2.	6:35 PM	Approval of Minutes - August 2, 2004
3.	6:40 PM	Consent Agenda

- Tax Requests for Refunds
More than \$100 – July 26 – August 8, 2004
- Sponsored Group Status
 - Chamber of Commerce
- Waived fees
 - Latino Contact Center

4. 6:45 PM Public Comments

5. 7:00 PM Leash Law for Grandview Farms

6. 7:10 PM Courthouse Security and Staffing – Sheriff Barbara Pickens

7. 7:25 PM Lincoln County Peddling and Solicitation Ordinance

8. 7:35 PM Planning Board Recommendations

ZMA #483 – East Lincoln Christian Ministry, applicants
CUP #246 – Richard Perkins, applicant
PCUR #95A – Bret Conway, applicant

9. 7:50 PM Lake Norman Buffer Zone/Sedimentation Control

10. 8:05 PM Flexible Spending Plan – Audrey Setzer

11. 8:15 PM Employee Assistance Program – Audrey Setzer

12. 8:25 PM Maintenance HVAC Request – Leon Harmon

13. 8:35 PM Curve View Road Water Line Bids – Steve Gilbert

14. 8:45 PM Public Works Capital Project Reports – Steve Gilbert

15. 8:55 PM Finance Officer's Report – Leon Harmon

16. 9:00 PM Vacancies/Appointments

17. 9:05 PM Calendar

18. 9:10 PM County Commissioners' Report

19. 9:15 PM County Manager's Report – Stan Kiser

20. 9:20 PM County Attorney's Report

21. 9:25 PM Other Business

Adjourn

Approval of Minutes: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the August 2, 2004 minutes with one correction.

Consent Agenda: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Consent Agenda as presented.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (July 26, 2004 – August 8, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Bush, Charles Edward	2003	City	0126551	101.60
Clanton, Imogene	1998-2004	City	0076561	1,267.99
			TOTAL	\$1,369.59

Sponsored Group Status
- Chamber of Commerce

Waived Fees
- Latino Contact Center

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

Cynthia Jones, with the Catawba Riverkeeper Foundation, presented violation forms from DEHNR. She stated that these violations are not Lincoln County builders.

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

Leash Law – Grandview Farms: Chairman Cochrane opened the public hearing concerning the Leash Law for Grandview Farms.

Douglas Thomas stated that packs of dogs are roaming around their neighborhood and he is for the leash law for Grandview Farms.

There was a question concerning whether signatures were verified and the percentage of signatures needed.

Chairman Cochrane asked for a transmittal document in the future with information concerning verification of leash laws.

Chairman Cochrane declared the public hearing closed and deferred action until the September 13, 2004 meeting.

Courthouse Security and Staffing: Sheriff Barbara Pickens presented proposals from Wackenhut and Securitas for security needs at the Courthouse. She recommended 2 unarmed security officers and 1 armed security officer. These security officers will work directly with 1st Sergeant Lonnie Reep, who is chief bailiff. The security officers will maintain a presence on the main floor of the courthouse as well as patrol the hallways of each floor and the outside area including the parking lot.

Sheriff Pickens stated that the overall cost of hiring, equipping and training a new deputy sheriff is approximately \$50,000. The annual cost will exceed \$30,000 per officer. With vacation, holidays, sickness, workmen's compensation, 401k, and a variety of other benefits due a county deputy sheriff, it will be much more beneficial to use a security firm. If one of their Security Officers is out for any reason, they will immediately replace the officer. If this happens with a Deputy, an Auxiliary Officer would have to be used or a Deputy Officer would be pulled from the road.

The billable rates per hour are as follows:

Unarmed Security Officer

Securitas:	\$13.94
Wackenhut:	\$13.41

Armed Security Officer

Securitas:	\$20.00
Wackenhut:	\$17.85

These are straight time rates and do not include any overtime. The per hour rate would be less costly than a full time officer.

Sheriff Pickens stated that she believes this interim time will provide an opportunity to evaluate the use of private security.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the bid of Wackenhut for security services, for a period of 4 months with a 30-day termination clause.

The security services will start Monday and the money will come out of contingency.

Lincoln County Peddling and Solicitation Ordinance: Jeff Taylor, County Attorney, presented the Lincoln County Peddling and Solicitation Ordinance, which is an absolute ban of door to door sales. To stop unwanted solicitation, someone would have to complain.

The Board discussed making solicitors register with the county before selling within the county.

A MOTION by Commissioner Anderson to approve the Ordinance as presented.

Commissioner Anderson amended his motion to redraft the Ordinance that anyone soliciting in Lincoln County get a license with an effective date of November 1.

Commissioner Anderson withdrew his motion.

The Board asked the County Attorney to redraft the Ordinance and bring it back before the Board at the next meeting.

There was a discussion concerning the Peddling and Solicitation Ordinance.

LINCOLN COUNTY PEDDLING AND SOLICITATION ORDINANCE

WHEREAS, the Lincoln County Board of Commissioners has received numerous complaints about unwanted door-to-door sales calls being made on citizens throughout the County; and

WHEREAS, the Board verily believes that it would be in the public interest to prohibit door-to-door sales; and

WHEREAS, North Carolina General Statutes Section 153A-125 gives counties the authority to regulate such activities;

NOW, THEREFORE, PURSUANT TO SECTIONS 153A-125, 153A-121, AND 153A-123 OF THE NORTH CAROLINA GENERAL STATUTES, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. Prohibited Acts. The practice of going in and upon private residences within Lincoln County by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of such private residence for the purpose of soliciting orders for the sale of goods, wares, services, or merchandise or disposing of or peddling or hawking the same is hereby declared to be a nuisance and is punishable as a misdemeanor.

Section 2. Violations. This Ordinance shall be enforced by the Lincoln County Sheriff. Any violation of a provision of this Ordinance shall constitute a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statutes Section 14-4 or successor statute by a maximum fine of \$500.00.

Section 3. Effective date. This Ordinance shall become effective on _____, 2004.

Adopted this _____ day of _____, 2004.

Jerry W. Cochrane
Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Planning Board Recommendations: Randy Hawkins presented the following recommendations of the Planning Board.

Zoning Map Amendment No. 483 – East Lincoln Christian Ministries, applicant:
The Planning Board voted 7 – 0 to recommend approval. The trustees have agreed to move the building over and back on the parcel.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the recommendation of the Planning Board and approve Zoning Map Amendment No. 483 – East Lincoln Christian Ministries, applicant.

Conditional Use Permit No. 246 – Richard Perkins, applicant: The Planning Board voted 7 – 0 to recommend approval with the following conditions: 1 – Staff to monitor landfill at least once a month and 2 – Upon completion, disposal areas must be grade level and seeded.

Application # CUP #246 Date 08/02/04

Applicant's Name Richard Perkins
1475 N. Ingleside Farm Road
Iron Station, NC 28080

Property location: 1390 N. Ingleside Farm Road
Existing Zoning: R-T

Proposed Conditional Use land clearing and inert debris landfill.

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: Will improve land.

2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Will meet conditions set forth.
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: Using such a little bit of land will not harm the property value.
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 Reasons Cited: Based on information given by the applicant.

After having held a public hearing on August 2, 2004 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Planning Board: voted 7 – 0 to recommend approval with the following conditions: 1 – Staff to monitor landfill at least once a month and 2 – Upon completion, disposal areas must be grade level and seeded.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve Conditional Use Permit No. 246 and accept the Planning Board's Findings of Fact and conditions, adding the condition that the Conditional Use Permit expire after a 5-year time frame.

Parallel Conditional Use Rezoning No. 95A – Bret Conway, applicant: The Planning Board voted 7 – 0 to recommend approval.

Application # PCUR #95A Date 08/02/04

Applicant's Name Bret Conway
 2808 Lee Lawing Road
 Lincolnton, NC 28092

Property location: 2802 Lee Lawing Road
Existing Zoning: B-G

Proposed Conditional Use Amend CUP for machine shop to permit 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: Will not create any dangers
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Based on photos and information presented
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: Large tract; building will not be seen.

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 Reasons Cited: Will be in harmony and conformity.

After having held a public hearing on August 2, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 7 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Parallel Conditional Use Permit No. 95A – Bret Conway, applicant.

Lake Norman Buffer Zone/Sedimentation Control: The Board discussed adopting an ordinance protecting lakes and streams for property east ~~north~~ of Highway 16.

Kelly Atkins, Director of Building and Land Development, recommended forming a committee with residents, riverkeepers, and affected individuals. He suggested getting input from these individuals and bringing amendments back to the Board.

Consideration of Changes for Planned Districts: Commissioner Anderson recommended changes to Planned Districts. He stated that the threshold of 50 homes is higher than it needs to be. He suggested reducing the threshold to 20 or 25 homes, with staff having the flexibility to waive some requirements.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to put into place a Zoning Text Amendment to reduce the threshold for planned districts from 50 to 20 homes, with a tier system and set a public hearing for September 13, 2004.

Chairman Cochrane called for a short recess.
Chairman Cochrane called the meeting back to order.

Flexible Spending Plan – Audrey Setzer: Audrey Setzer stated that a total of 238 employees attended the meetings concerning a Flexible Spending Plan, of which 184 employees indicated they would like to have an opportunity to participate in a flexible spending plan. Ms. Setzer asked the Board's consideration for approval to: 1 – add the flexible spending plan to the County's employee benefit package, 2 – set the first plan year for October 1 through December 31, 2004 with open enrollment held in September, 3 – set the plan year thereafter to be January 1st through December 31st of each year, and 4 – establish limits for employee contributions based on years of service for Medical Expense Accounts. The limits are as follows:

First year of employment	Limit \$1,500
Beginning 2 nd year	Limit \$2,500
Beginning 5 th year and thereafter	Limit \$5,000.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the flexible spending plan as proposed for a period of October 1 – December 31, 2004.

Employee Assistance Program: Audrey Setzer stated that Lincoln County has been notified that effective August 31, 2004 Family Service, Inc. will no longer be providing the Employee Assistance Program (EAP) for Lincoln County employees. This is a result of budget cuts and re-accreditation requirements. Family Services, Inc. has provided this program to Lincoln County employees since 1997.

Lincoln County presently provides, at no cost to the employee, three (3) visits per year for employees and their immediate family members at \$70 per visit. Services provided were billed on an as-used basis.

In reaearching what other counties and the City of Lincolnton provides, 4 to 6 visits is offered to employees and their immediate family members at no cost to the employee. The services provider is available 24/7 and conducts training workshops throughout the year to management and employees.

Ms. Setzer presented quotes from United Family Services, EAP of Carolinas, Family Guidance Center, The Counseling Group, and EAP & Counseling Associates. She recommended employing the EAP & Counseling Associates as provider of the County's EAP program. The cost at \$18 per employee would be \$9,000 per year.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Employee Assistance Program as recommended.

HVAC Position Request: Leon Harmon presented a request to hire a HVAC position for the maintenance department. Lincoln County has 24 buildings it provides maintenance for. Seventeen of those buildings do not have maintenance or preventive maintenance performed on HVAC systems. The Maintenance Department recommends these services be done in-house, by creating a position for a HVAC technician. A person in this position would perform monthly preventive maintenance such as changing filters, washing coils, greasing motors, pumps, bearings, change belts, etc. This person will also be responsible for all repairs and/or replacement of the heating and air systems. The requirements will include refrigerant and electrical license. He could also help the maintenance department with any electrical problem that might arise. This move would save time and money.

UPON MOTION by Commissioner Craig, the Board voted unanimously to create the HVAC Maintenance position and reallocate funds in the Maintenance Department budget to cover this.

Curve View Road Water Line Bids: Steve Gilbert, Director of Public Utilities, stated that on May 3, he brought a design contract for approval for a water line relocation on Curve View Road. This relocation was made necessary by NCDOT's upcoming

replacement of drainage culverts under Curve View Road at the entrance to Clearbrook Acres. The water line must be relocated in order to provide continuous service to customers in this area during the culvert replacement project. Using the construction plans which were prepared by the design contract, informal bids have been taken from local contractors to construct the water line relocation. The bids were received and Atlantic Coast Contractors was the low bid.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the low bid of Atlantic Coast Contractors.

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 July, 2004.

Vacancies: Commissioner Craig presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 6

Recreation Commission – Union 1

 Howards Creek 1

 Lincolnton 1

 Ironton 2

Solid Waste Advisory Board 4

 (3 year terms, only meet about 2 times per year)

Historic Properties 1

Library Board

 Lincolnton 1

Mountain Island Marine Commission 1

The following are Commissioner Craig's recommendations.

APPOINTMENTS

Airport Authority

- David Carpenter

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the appointment of David Carpenter to the Airport Authority.

County Commissioners' Report: Commissioner Craig asked the County Manager to review the salaries of County Commissioners in surrounding counties. He asked Mr. Kiser to bring this back to the Board and bring back a recommendation to try and get the salaries of the Board in line with other counties.

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

County Attorney's Report: Jeff Taylor, County Attorney, reported on foreclosures. He stated that collections continue to be a success.

Mr. Taylor reported that The Keith Corporation closed on a lot in the Industrial Park and a check for \$172,290 has been delivered to Leon Harmon, Finance Director.

Mr. Taylor spoke concerning ownership of the EMS Base in western Lincoln County, a condemnation on 274, and the Beatties Ford Lease. He also asked the Board for direction concerning a RSI company picnic for which they would like to use a vacant site at the Industrial Park. They are working on a license agreement and will have liability insurance.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to authorize the County Manager to sign an agreement to authorize RSI to use the property.

Jeff Taylor stated that Commissioner Anderson contacted him concerning Paradise Lakes with questions about the legality and safety of lakes and dams. He stated that there is a vested rights problem with Paradise Lakes and the applicant is allowed to proceed as it is now. He stated that he will continue to research this issue.

Other Business: Chairman Cochrane stated that he recently toured the ABC Store in Denver. He suggested writing a letter to the ABC Board letter thanking them for the work they have done.

Recess: Chairman Cochrane recessed the meeting to Thursday, August 19, 2004 at 6:00 p.m. at the EMS Base.

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman