

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 15, 2004

The Lincoln County Board of County Commissioners met in regular session on November 15, 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
Carrol D. Mitchem
Larry S. Craig
James "Buddy" Funderburk

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 November 15, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Rev. Jerry Goodman of Redemption Outreach Center, gave the Invocation and Commissioner Funderburk led in the Pledge of Allegiance.

Adoption of Agenda: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Request for Waived Fees for City under Consent Agenda and a Task Force to Study the County Line under Other Business.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 15, 2004

6:30 PM	Call to Order
6:31 PM	Invocation – Jerry Goodman, Redemption Outreach Center
6:33 PM	Pledge of Allegiance
1. 6:34 PM	Adoption of Agenda
2. 6:35 PM	Approval of Minutes - November 1, 2004

3. 6:40 PM Consent Agenda

- Tax Requests for Releases
More than \$100 – October 18 – October 31, 2004
- Budget Adjustments 33 – 35
- Social Services Data Processing Technician Position
- Waived fees for City of Lincolnton for Use of Citizen's Center

4. 6:45 PM Public Comments

5. 7:00 PM Update on Soil and Erosion Control Ordinance – Brad Dyer

6. 7:10 PM Planning Board Recommendations

- ZTA #486 - Lincoln County, applicant.
- ZTA #487 - Lincoln County, applicant.
- ZMA #488 - Lincoln County, applicant
- CUP #253 - Richard and Stephanie Falls, applicants
- PCUR #109 - Hecht Development Co., applicant

7. 7:30 PM Audit Report – Brian Starnes

8. 7:45 PM Resolution in Support of the Centralina Regional Comprehensive Economic Development Strategy (“No Boundaries) and the Formation of the Centralina Economic Development Commission

9. 7:50 PM 501 (c) (3) for Lincoln County – Erma Deen Hoyle

10. 8:00 PM Lincoln County Work First Family Assistance
County Plan 2005 - 2007 – Candy Wilcox

11. 8:10 PM Special Funding Assistance – Erma Deen Hoyle

12. 8:20 PM City Recreation Building Request – Stan Kiser

13. 8:30 PM Morris Lane Water Line Extension – Steve Gilbert

14. 8:40 PM Cloudburst Circle Water Line Extension – Steve Gilbert

15. 8:50 PM Lincoln County Industrial Park Sewer Alternative – Steve Gilbert

16. 9:00 PM Field Survey Procedures – Steve Gilbert

17. 9:10 PM Request for Funding for Long Range Goals – Bill Beam

18. 9:20 PM Pay Study for Commissioners – Larry Craig

19. 9:30 PM Public Works Capital Project Reports – Steve Gilbert

20. 9:35 PM Finance Officer's Report
21. 9:40 PM County Manager's Report
22. 9:45 PM County Commissioners' Report
23. 9:50 PM County Attorney's Report
24. 9:55 PM Vacancies/Appointments
25. 10:00 PM Calendar
26. 10:05 PM Other Business

Adjourn

Approval of Minutes: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the November 1, 2004 minutes as presented.

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

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (October 18, 2004-October 31, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Caskey, Joe D. & Janice Yorktown Funding Inc.	2004 2004	AFD PCFD	11726 0157865	328.57 292.63
			TOTAL	\$ 621.20

- Budget Adjustment No. 33 for Social Services to increase expenditure & revenue line items for additional allocation of funds for Child Day care Program through State funds (no county funds involved).
- Budget Adjustment No. 34 for Emergency Management for Part I – Homeland Security Grant FY 2003.
- Budget Adjustment No. 35 to budget for estimated costs of courthouse security improvements, items, approved 11/1/04 and estimate of architect expenses.
- Approval of Social Services Data Processing Technician Position
- Waived fees for City of Lincolnton for Use of the Citizen's 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.

Shane Killian congratulated Tom Anderson, Marie Moore, and Alex Patton for their election to the Board. He spoke against Amendment One, which passed very narrowly, but did not pass in Lincoln County.

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

Update on Soil and Erosion Control Ordinance: Brad Dyer, Land Use Coordinator, gave an update on the Soil and Erosion Control Ordinance.

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

Commissioner Craig asked to be excused from voting on the first four zoning cases, due to the fact that he was absent for that part of the previous meeting.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to excuse Commissioner Craig from voting on the zoning matters.

Zoning Text Amendment No. 486 – Lincoln County, applicant: The Planning Board voted 7 – 0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 0 (Commissioner Craig excused) to concur with the Planning Board and approve Zoning Text Amendment No. 486 – Lincoln County, applicant.

Zoning Text Amendment No. 487 – Lincoln County, applicant: The Planning Board voted 7 – 0 to table proposal for further review.

Zoning Map Amendment No. 488 – Lincoln County, applicant: The Planning Board voted 7 – 0 to recommend approval.

UPON MOTION by Commissioner Funderburk, the Board voted 4 – 0 (Commissioner Craig excused) to concur with the Planning Board and approve Zoning Map Amendment No. 488 – Lincoln County, applicant.

Conditional Use Permit No. 253 – Richard and Stephanie Falls, applicant: The Planning Board voted 7 – 0 to recommend approval with the conditions that a 10-foot wide buffer with a Grade C screen (trees, shrubs) be provided along the side property lines and that the building have a brick facing on all sides.

Randy Hawkins stated that the Planning Board placed a condition that the building be brick on all sides after receiving the information from Mrs. Falls that the building would

be brick. Mr. Falls later called Building and Land to inform them that due to cost, he did not have plans to brick the building, only the front. Mr. Hawkins stated that he had spoken to one Planning Board member who would be in favor of taking the condition off.

Application # CUP #253

Date 11/01/04

Applicant's Name Richard and Stephanie Falls
1745 Old Mill Road
Lincolnton, NC 28092

Property location: Hwy. 150 East
Existing Zoning: R-S

Proposed Conditional Use Day care center

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 endanger public health or safety
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Testimony at hearing, site plan
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: Type of structure with brick façade.
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: day care centers typically located in residential areas.

After having held a public hearing on November 1, 2004 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 Anderson to approve Conditional Use Permit No. 253 – Richard and Stephanie Falls, applicants based on the recommendations and findings of fact as presented by the Planning Board with the conditions stated.

Rick Falls stated that his wife was wrong when she said the building would be brick. He stated that the building is 8,000 square feet and it would be too expensive to brick it. Mr. Falls said that about 3 miles down the road, there is a completely metal building. He stated the he will make the building blend in with the community and it will be very tactful. He stated that he owns the property behind this site and may eventually build a home there.

VOTE: 1 – 3

AYES: Anderson

NOES: Funderburk, Cochrane, Mitchem

A MOTION by Commissioner Mitchem to approve Conditional Use Permit No. 253 – Richard and Stephanie Falls, applicants, based on the recommendations and findings of fact as presented by the Planning Board with the following conditions: 1 – The building will have a brick front, 2 – that a 10-foot wide buffer with a Grade C screen (trees, shrubs) be provided along the side property lines.

**VOTE: 3 – 1 AYES: Funderburk, Cochrane, Mitchem
NOES: Anderson**

Parallel Conditional Use Permit No. 109 – Hecht Development Co., applicant: The Planning Board voted 6 – 1 to recommend approval.

Application # PCUR #109 Date 11/01/04

Property location: Grassy Creek Drive
Existing Zoning: R-SF, B-N

Proposed Conditional Use Major subdivision with 131 lots for single-family homes

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: Information provided by developer.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Plans submitted, traffic study.
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: Based on location, subdivision across road.
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 November 1, 2004 and in light of the Findings of Facts listed herein, the following action was taken:

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the rezoning for Parallel Conditional Use Permit No. 109 – Hecht Development Co.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Parallel Conditional Use Permit No. 109 – Hecht Development Co. with the condition that any improvements determined necessary by NCDOT be accomplished at the cost of the developer.

Audit Report: Marcy Sparvey, of Martin Starnes & Associates, CPAs, P.A., gave the Audit Report with the following audit results. The unreserved fund balance is \$8,945,952, with an increase in fund balance of \$268,033. The unreserved fund balance is 14% of the general fund expenditures and transfers out.

Resolution in Support of the Centralina Regional Comprehensive Economic Development Strategy (“No Boundaries”) and the Formation of the Centralina Economic Development Commission: **UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the Resolution.

**Resolution of Lincoln County, North Carolina
In support of the Centralina Regional Comprehensive Economic Development
Strategy (“No Boundaries”) and the Formation of the Centralina Economic
Development Commission**

WHEREAS, Centralina Council of Governments initiated a new program for regional economic prosperity and has conducted an economic development study, “*No Boundaries*”, which was presented on September 29, 2004;

WHEREAS, Lincoln County is a member of the Centralina Council of Governments;

WHEREAS, Lincoln County recognizes the need to support and promote economic development for its citizens, by local and regional programs;

WHEREAS, Lincoln County supports and promotes economic development to maintain and improve the regional infrastructure and strengthen capacities needed to sustain economic growth in a positive and competitive environment; and

WHEREAS, Lincoln County recognizes that in order to be eligible for preferential US Economic Development Administration funding and support, an Economic Development District must be created and designated.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF LINCOLN COUNTY, NORTH CAROLINA, THAT:**

SECTION 1. Supports the Regional Comprehensive Economic Development Strategy, “*No Boundaries*”, (September 2004) as a regional plan to be submitted to the US Economic Development Administration.

SECTION 2. Recommends creation of Centralina Economic Development Commission as a 501(c)(3) organization and will participate in the organization and name an elected official or senior staff member to serve as a representative.

SECTION 3. Supports the Centralina Council of Governments seeking and accepting EDA district designation for Centralina Economic Development Commission.

ADOPTED, with quorum present and voting this 15th day of November, 2004.

County Commission Chairman

County Clerk

501 (c) (3) for Lincoln County: Erma Deen Hoyle requested the creation of a 501 (c) (3) for Lincoln County. She presented the Articles of Incorporation of Lincoln County Community Friends Corporation.

UPON MOTION by Commissioner Craig, the Board voted unanimously to move forward with the creation of a 501 (c) (3) for Lincoln County, with the Board consisting of the Director of Recreation, the Library Director, Chairman of Historic Properties Commission, and one citizen from each township with Jeff Taylor as the Incorporator.

Lincoln County Work First Family Assistance County Plan 2005 – 2007: Candy Wilcox presented the Work First Family Assistance County Plan for 2005 – 2007. She stated that the goal is for families to become self sufficient and children are the top priority. Last year, the state employment goal for the year was 44 and they put 60 to work. This year, their goal is also 44 and they have already put 19 people to work.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Lincoln County Work First Family Assistance County Plan.

Special Funding Assistance: Delaine Davis, Recreation Committee Chairman, recommended 3 community assistance projects. These requests were received at the November 3, 2004 meeting of the Lincoln County Recreation Commission. The funding amounts were recommended and approved by the Recreation Commission.

Current requests include the following:

- East Lincoln High School - \$20,000
Assistance with construction of a field house for baseball and soccer fields
- North Lincoln High School - \$20,000
Assistance with the lighting of their baseball field (plans to also light the softball and soccer fields in the future)
- West Lincoln Optimist - \$10,000

Assistance with the paving of the entrance to their park to a point beyond neighboring homes (Total price estimated to be \$12,500 to \$15,000)

Leon Harmon stated that there is \$47,000 in contingency and anything else will come from the fund balance.

Erma Deen Hoyle requested the money remain in the county's capital funds until the projects are completed. The funds will be transferred to the groups at that time.

UPON MOTION by Commissioner Craig, the Board voted unanimously to grant North Lincoln High School \$20,000, East Lincoln High School \$10,000, and West Lincoln Optimist \$10,000.

City Recreation Building Request: Stan Kiser, County Manager, presented the Board a letter from the City of Lincolnton concerning the old recreation property on Pine Street. The City is exploring potential uses for this property. They are asking the County to agree to provide clean ownership to the City of Lincolnton.

The Board discussed the fact that more parking is needed on this site, the fact that the building is a liability currently, and the expense involved in doing anything with the building.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve a Memorandum of Understanding with the City that the Board will agree to providing ownership to the City if satisfactory parking is achieved.

Chairman Cochrane called for a brief recess.

Chairman Cochrane called the meeting back to order.

Morris Lane Water Line Extension: Steve Gilbert, Director of Public Utilities, stated that the Public Works Department has received sufficient responses and financial commitments from the residents of Morris Lane and a portion of Sherrill's Cove Way in order for use to proceed with the design and construction of the water line extension for this location. This was one of the extension projects requested by the residents through the petition process. With the Board's approval of the Engineering Services proposal, as submitted by WK Dickson & Co., construction will begin in early spring of next year.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Engineering Services proposal with WK Dickson & Co. for Morris Lane Water Line Extension.

Cloudburst Circle Water Line Extension: Steve Gilbert stated that the Public Works Department sent notices on August 9, 2004, to the residents of Cloudburst Circle that in order for the project to move beyond the petition stage, the county would need a financial commitment in the form of their \$850.00 tap fee. Of the 20 residents who signed the petition, only 3 have responded with a check, even after second letters were sent as a

reminder. This letter gave them to the 5th of November to send their checks, or the County would consider canceling this project and moving to the next one on the list.

Public Works recommended the Cloudburst Circle water line extension petition request be cancelled, the fees be refunded, and the next petition on the list be made active.

It was the consensus of the Board to cancel the Cloudburst Circle water line extension petition and make the next petition on the list active.

Lincoln County Industrial Park Sewer Alternatives: Steve Gilbert stated that at the last meeting, the Board requested that Public Works consider a route for the Industrial Park sewer line that would run through the National Fruit property on US 321 Business. This route would potentially allow a large portion of the new line to be gravity sewer instead of pressurized force main. The sewage would have to be pumped from the Industrial Park, but should be able to be carried in a gravity sewer line from the US 321 Bypass bridge all the way to Clark's Creek Road. Mr. Gilbert stated that he has contacted the plant manager at National Fruit and explained what is being looked at. The plant manager seemed receptive to idea. This route should only require easement acquisition from one property owner in the Industrial Park and possibly 2 owners in the vicinity of National Fruit. These owners will be given ample notice before anyone enters their property.

WK Dickson has prepared an engineering services proposal to provide design and construction services for this route. This agreement would supersede the existing agreement with them for the design of the gravity sewer line running along Clark's Creek and Larkard Creek. The extension of a gravity line to the south from the entrance to National is included as a separate item. While this line could alleviate some sewer problems along US 321 Business, this portion of the line is not necessary in order to serve the Industrial Park with sewer service. Upon approval of this proposal, WK Dickson will proceed with surveying and design for this revised route.

The Public Works Department recommends approval of the proposal from WK Dickson for design and construction services for this revised route for the sewer line to serve the Lincoln County Industrial Park. The additional line, running south from the entrance to National Fruit, is not necessary to serve the Industrial Park, and for that reason is not recommended to be included in this project.

The Board discussed the possibility or need for having dual systems at the Industrial Park.

Eddie Faulkner stated that he lives in Lincoln County and works for the Town of Maiden. He stated that this issue concerns him because it is his tax dollars the Board is talking about. He stated that currently the industrial site pumps about 25,000 gallons per day or 10% of what was originally proposed. He stated that some substantial industries would have to come in to reach the 250,000 gallons per day. He stated that they money could be better spent without a duplicated system.

Chairman Cochrane asked Commissioners Anderson and Mitchem to meet with Steve Gilbert to study this issue further and come back with a recommendation at a later date.

Field Survey Procedures: Steve Gilbert stated that at the last meeting, the Board requested that Public Works, or consultants, would follow before entering private property for surveying or other purposes. Listed are the steps that will provide adequate notice when field activities are necessary on private property.

1. Public Works will compile a list of affected properties, owners and their contact information.
2. Initial contact will be attempted by telephone. Information will be given as to the nature of the proposed project and as to the exact nature of the work to be done on the property. Permission to enter the property will be requested at this time. If permission is granted, an acknowledgement letter will be sent to the owner.
3. If telephone contact is not possible, a letter will be sent on Public Works letterhead to the property owner at the address of record explaining the project, the nature of work, and requesting the property owner contact our office within 10 days to give permission to enter the property. A return envelope and permission form will be included in the letter.
4. If permission is not given by return of the form mentioned in Item 3, North Carolina General Statute 40A.11 allows access to the property after 30 days written notice. If this becomes necessary, a separate letter will be sent to the property owner at the address of record providing such notice and telling the date the entry on the property will occur.
5. Field personnel entering private property will be reminded that, as per the general statutes, private property is not to be damaged and entry into buildings or structures is not allowed unless specific permission is given.
6. For a large project with many different owners or affecting large land areas, consideration will be given to holding a Public Information Meeting to inform everyone at once who may be affected by a particular project.

Commissioner Craig suggested that the letters be registered.

Chairman Cochrane suggested documenting information such as phone calls and keeping a log.

Request for Funding for Long Range Goals: Bill Beam requested \$15,000 each year for the next five years (2005 – 2010) for work on the Ramsour's Mill. The five-year funding plan, if granted by the Lincoln County Board of Commissioners, affords an opportunity to further preserve the county's most significant historic site, and expand Lincoln County's historical corridor that includes the new Lincoln County Museum of History in Lincolnton and the Madison Iron Furnace in Pumpkin Center. This long range funding plan would make it easier to receive grants for historical projects.

A MOTION by Commissioner Craig to grant \$15,000 from the Hotel/Motel Tax to go to Ramsour's Mill to take the site to its full potential and recommend to future Boards to fund this for the next four years.

VOTE: 3 – 2

AYES: Mitchem, Craig, Funderburk
NOES: Anderson, Cochrane

Chairman Cochrane voiced concerns that the Board has already spent the money from contingency tonight and this money will have to come from the fund balance.

Commissioner Anderson asked Bill Beam to bring this back to the new Board after the first of the year, as budget discussions begin.

Pay Study for Commissioners: Commissioner Craig presented a study the County Manager did of other counties salaries for county commissioners. He stated that \$200 per month expenses will not buy gas for your car, cell phone, dues and subscriptions, etc. He stated that there is an astronomical amount of money that Commissioners have to spend. He stated that he has talked to other Board members who do not want to give themselves a raise. Commissioner Craig suggested giving the raise to the new members coming on Board and at the next election, the new members would also get the raise.

Commissioner Anderson offered the alternative that a committee, of non-elected citizens, be formed to recommend Commissioner salaries and expenses. He suggested asking the President of the Chamber of Commerce to put together a list of names to serve on this committee.

UPON MOTION by Commissioner Craig, the Board voted unanimously to set up a Commissioner Pay Study Committee to study Commissioner salaries and make a recommendation back to the Board.

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 October, 2004.

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

County Attorney's Report: Jeff Taylor, County Attorney, gave an update on foreclosures and spoke concerning the creation of a task force to resolve the county line issue.

Vacancies: Chairman Cochrane presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 4

Recreation Commission –	Union 1
	Howards Creek 1
	Lincolnton 1
	Ironton 2

Library Board Lincolnton 1

APPOINTMENTS

Mountain Island Marine Commission – Chris Watson
Dangerous Dog Board - Ken Hovis
Joann Hager
Diane Leatherman

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

Commissioner Craig presented the Board with a letter from Darrell Gettys asking for Jerry Cochrane to be appointed to the Hospital Board.

Chairman Cochrane asked to be excused from voting on this.

UPON MOTION by Commissioner Craig, the Board voted unanimously to excuse Chairman Cochrane from voting on this.

UPON MOTION by Commissioner Craig, the Board voted unanimously (4-0) to appoint Jerry Cochrane to Lincoln Health Systems Board.

Calendar: Chairman Cochrane reminded the Board of the Employee Appreciation Luncheon on December 1 at 11:30 a.m.

Other Business: Chairman Cochrane stated that he has taken the liberty of forming a task force to discuss the Gaston/Lincoln County line dispute.

Commissioner Craig asked the County Manager to look at a new pay study for employees in the upcoming budget.

Stan Kiser stated that he would like to have department heads look at salaries for their individual departments. He stated that the Board can look at implementing the study when money is available.

Commissioner Craig stated that this is a very important issue. At the Board of Health meeting, he was asked to make the Commissioners aware of the problem. There is a \$4 per hour gap for home health nurses between Lincoln and surrounding counties. He asked the future Board to look at this problem.

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

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman