

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 4, 2003**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on August 4, 2003 at the Citizens Center, Commissioner's Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Thomas R. Anderson, PE
Carrol Mitchem
Buddy Funderburk

Commissioners Absent:

Larry S. Craig, Vice-Chairman

Planning Board Members Present:

Dean Lutz
Mike Baker
Ken Hovis
Darrell Harkey
Harold Howard Jr.
Terry Whitener
Gerald Johnson
Clyde Brown

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the August 4, 2003 meeting of the Lincoln County Board of Commissioners to order. Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the agenda as presented.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
AUGUST 4, 2003

- | | | |
|----|---------|----------------------------------------------------|
| | 7:10 PM | Call to Order |
| 1. | 7:12 PM | Adoption of Agenda |
| 2. | 7:15 PM | Approval of Minutes
- July 7, 2003 |
| 3. | 7:20 PM | Presentation of Proclamation to Hugh “Buzz” Peeler |
| 4. | 7:25 PM | Pleasant Retreat Academy - Bob Cantwell |
| 5. | 7:30 PM | New Business/Advertised Public Hearings |

ZMA #461 Lake Norman Dredging & Marine Construction Inc., applicant (Parcel ID# 56199) A request to rezone approximately 23.5 acres from Transitional Residential (R-T) to General Industrial (I-G). The property is part of a 41.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township.

ZMA #462 Carrol Mitchem, applicant (Parcel ID# 11440) A request to rezone a 1.45-acre parcel from Residential Suburban (R-S) to Neighborhood Business (B-N). The property is located on the south side of Hwy. 27 at Hulls Grove Church Road in North Brook Township.

PCUR #95 Bret Conway, applicant (portions of Parcel ID# 74118 and 74120) A request for a parallel conditional use rezoning to rezone 4.4 acres from Residential Single-Family (R-SF) to General Business (B-G) to permit the operation of a machine shop. The property is located at 2802 Lee Lawing Road in Ironton Township.

PCUR #96 Michael Maldonado, applicant (Parcel ID# 50275) A request for a parallel conditional use rezoning to rezone a 2.4-acre parcel from Residential Single-Family (R-SF) to Rural Residential (R-R) to permit the operation of an auto repair and auto body shop.

The property is located at 6544 Fairview School Road in North Brook Township.

CUP #220 Fleetwood Homes, applicant (Parcel ID# 15445) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 5.1-acre parcel is located at the end of Dawnview Lane off Bethel Church Road in Lincolnton Township.

CUP #221 Bill Stamey Jr., applicant (Parcel ID# 16032) A request for a conditional use permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The 0.53-acre lot is located off Bill Lynch Road in Lincolnton Township.

CUP #222 Kevin Mauney, applicant (Parcel ID# 10304) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 0.51-acre lot is located on Ed Willis Road about 700 feet west of Hwy. 274 in North Brook Township.

CUP #223 Richard Falls Jr. and Stephanie Falls, applicants (Parcel ID# 56531 and 80951) A request for a conditional use permit to operate a day care center in the Residential Suburban (R-S) district. The 10.8-acre tract is located on the south side of Hwy. 150 about 1,400 feet west of Otis Dellinger Road in Ironton Township.

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| 6. | 8:30 PM | Scattered Site Housing Grant Recipients – Jeff Vernon |
| 7. | 8:40 PM | Request for Motion to Delay EMS and Rescue Ordinance – Ron Rombs |
| 8. | 8:50 PM | Resolution in Support of SEQL – Rebecca Yarbrough |
| 9. | 9:00 PM | Forest Service Report of Accomplishments – Liz Snyder |
| 10. | 9:10 PM | Certificates of Participation – Leon Harmon |
| 11. | 9:20 PM | Resolution Concerning COPS – Leon Harmon |
| 12. | 9:30 PM | Resolution to Sell Personal Property of Lincoln County, North Carolina – Leon Harmon |
| 13. | 9:40 PM | Resolution to Authorize Exchange of Certain Real Property Owned |

by Lincoln County and the City of Lincoln with Edna Carpenter
– Jeff Taylor

14. 9:50 PM Easement for Airport Property – Jeff Taylor
15. 10:00 PM Voting Delegate for NCACC Annual Conference
16. 10:05 PM Appointments
17. 10:10 PM Other Business

Adjourn

Approval of Minutes – July 7, 2003: Chairman Cochrane presented the minutes of the July 7, 2003 meeting for the Board's approval.

Chairman Cochrane presented some slight modifications.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the minutes of the July 7, 2003 meeting as amended.

Presentation of Proclamation to Hugh Peeler: Chairman Cochrane presented the Proclamation to Hugh Peeler honoring him for his efforts in establishing the Lincoln Campus of Gaston College.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, August 4, 2003 and the time, which was advertised in the *Lincoln Times-News* on Friday, July 25 and August 1, 2003.

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, August 4, 2003, at 6:30 p.m. to consider the following zoning cases:

ZMA #461 Lake Norman Dredging & Marine Construction Inc., applicant (Parcel ID# 56199) A request to rezone approximately 23.5 acres from Transitional Residential (R-T) to General Industrial (I-G). The property is part of a 41.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township.

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CUP #223 Richard Falls Jr. and Stephanie Falls, applicants (Parcel ID# 56531 and 80951) A request for a conditional use permit to operate a day care center in the Residential Suburban (R-S) district. The 10.8-acre tract is located on the south side of Hwy. 150 about 1,400 feet west of Otis Dellinger Road in Ironton Township.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Zoning Map Amendment No. 461 – Lake Norman Dredging & Marine Construction, Inc., applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 461 – Lake Norman Dredging & Marine Construction, Inc., applicant.

The applicant is requesting to rezone approximately 23.5 acres from Transitional Residential (R-T) to General Industrial (I-G).

The property is part of a 41.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township. It is adjoined on the north by property zoned General Business (B-G) and on the other sides by property zoned Transitional Residential. The applicant is amending the request to extend the rezoning to 300 feet of the creek.

Chairman Cochrane opened the Public Hearing concerning Zoning Map Amendment No. 461 – Lake Norman Dredging & Marine Construction.

Brian Nuhfer presented a petition signed by 19 adjacent property owners. He also presented a letter from the Frier family who could not be here tonight. Mr. Nuhfer stated that he appeared before the Board not long ago to build an outbuilding. He stated that

there is nothing on their side of the road that is industrial and he would like for it to stay that way.

Jack Harrison stated that this is right across from his house and he has small children. He stated that they moved there to get away from this type of thing.

John Harrison stated that he has raised one daughter there and is raising another now. He stated all his neighbors have children. Mr. Harrison stated that if business comes in there, safety goes out the window.

Jeanne Nuhfer stated that she and her husband bought off the beaten path when they bought there. She stated that she was told that the property in question was a Duke Power easement and could not be built on. Mrs. Nuhfer stated that she would have never built here if there was a chance of industrial being next door. She stated that if Lake Norman Drilling moves again, it would open the door for industrial use.

Helena Genero stated that this company is the same that owns land beside her business in Catawba County. She asked where he dumps the junk that comes out of the lake when dredges it.

Jeff Mauer stated that he lives in a subdivision off Pine Ridge Road. He stated that he and his neighbors feel that Lake Norman Dredging coming in there with industry would ruin the aesthetics of that side of the road, destroying property values.

Ron Horne stated that he is downstream from this site. He stated that industry can lead to pollution.

Greg Miller with Lake Norman Dredging stated that they are going to build a nice building, as nice as the one across the street. They are going to tap onto county water and sewer and have county residents as employees. They have been in business over 20 years with no bad track record. He stated that they just need a place to build docks. He stated that there will be a 50 foot buffer of trees and he will leave extra trees as well.

Deborah Holden stated that she lives on Pine Ridge Drive and recently moved there from Charlotte. She stated that if she'd wanted to be near industrial, she'd have stayed in Charlotte.

James Flynn stated that he lives on Windy Pine Circle and has made a \$250,000 investment. He stated that if he'd wanted to live in industrial, he'd have built on Denver Drive.

Eddie Weatherman stated that he is opposed to this and is in total agreement with his neighbors that have already spoken.

Karen Horne stated that if this operation closes, it remains general industrial. She stated that all residents there have wells, so they are concerned with groundwater contamination. She stated that if you go to the end of Pine Ridge, and look across the street, you can see what their commercial neighbors look like.

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

Zoning Map Amendment No. 462 – Carrol Mitchem, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 462 – Carrol Mitchem, applicant.

The applicant is requesting to rezone a 1.45-acre parcel from Residential Suburban (R-S) to Neighborhood Business (B-N).

The property is located on the south side of Hwy. 27 at Hulls Grove Church Road in North Brook Township. It is adjoined on the north by property zoned Neighborhood Business and on the other sides by property zoned Residential Suburban. The Lincoln County Land Use Plan identifies this area as a rural community center, which is defined as a crossroads or other center of activity within a rural community where a cluster of locally oriented businesses, civic uses and residences are located.

County water is available at this property. This property lies in the Indian Creek WS-II Watershed, which would limit the built-upon area of a commercial project to 12% of the lot, unless a Watershed Conditional Use Permit is obtained.

Mr. Hawkins received a letter from Michael Taylor, adjoining property owner, stating his opposition to this rezoning. He was very concerned with a blanket rezoning with no idea what would be there.

Chairman Cochrane opened the Public Hearing concerning Zoning Map Amendment No. 462 – Carrol Mitchem, applicant.

Stan Friedland stated that he knows Carrol Mitchem and knows he'll be a good neighbor. He asked if there is any plan submitted for the use of this property.

Carrol Mitchem stated that he owns this property and is requesting this rezoning. He stated that he owns the land that adjoins this property, this is where his restaurant sits. Mr. Mitchem said that he has no plans for the property, but was wanting it rezoned for future use.

Chairman Cochrane stated that since Carrol Mitchem is a Commissioner, he will be prohibited from voting on this matter.

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

Parallel Conditional Use Rezoning No. 95 – Bret Conway, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 95 – Bret Conway, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone 4.4 acres from Residential Single-Family (R-SF) to General Business (B-G) to permit the operation of a machine shop. The rezoning would apply to a new lot that would be created through a recombination of three existing lots.

The property is located at 2802 Lee Lawing Road in the Ironton Township. It is adjoined by property zoned Residential Suburban (R-S) and Residential Single-Family (R-SF). Property zoned Neighborhood Business (B-N) lies across the road just to the north.

Mr. Hawkins presented pictures of the existing metal building.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 95 – Bret Conway, applicant.

Robert Graham stated that he lives at 3267 Oakridge Circle. He stated that Lee Lawing is not a 35 mph zone street. Cars come up and down that road at 55 mph. With North Lincoln High School opening, it will dump all those cars onto Lee Lawing. He asked how Mr. Conway will get his materials, what kind of materials will be used, and if big trucks will be transporting them. He asked about shavings, leftover parts, and what he'll do with the water used in the shop.

Bret Conway, applicant, submitted pictures to the Board. He stated that a small part used for Winston Cup Racing will be made in this building. The part will fit in your hand. The water-soluble coolant is recycled and never leaves the building. If it does, it goes in 55 gallon containers. The material is brought in by pickup truck. He stated that he is building his 4,600 square foot home beside this building. Mr. Conway stated that you can eat off the floor in his machine shop.

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

Parallel Conditional Use Rezoning No. 96 – Michael Maldonado, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 96 – Michael Maldonado, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone a 2.4-acre parcel from Residential Single-Family (R-SF) to Rural Residential (R-R) to permit the operation of an auto repair and auto body shop. Under the Zoning Ordinance, auto repair shops,

auto body shops, machine shops and woodworking shops may be allowed as a conditional use in the Rural Residential district subject to the following conditions:

1. No portion of any pre-existing residential structure (other than the residential structure which is occupied by the owner of said use) shall be located within 200 feet of the principal structure containing said use.
2. The use may only be in operation between the hours of 7 a.m. and 9 p.m.
3. The total gross floor area of all principal and accessory structures shall be no greater than 2,000 square feet.
4. No outside storage of motor vehicles, parts, or equipment shall be allowed.

The property is located at 6544 Fairview School Road in North Brook Township. It is adjoined on all sides by property zoned Residential Single-Family, but it is about 400 feet from property zoned Rural Residential.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 96 – Michael Maldonado, applicant.

Dean Godfrey stated that he is saddened to be here under these circumstances. He stated that he feels Mike Maldonado should be allowed to use his home as a business and should be refunded the money for his application fee. He commented on speeders on the road. He stated that Mike Maldonado recently lost his job and needs to make a living and support his family.

Brent Roland, 6695 Fairview School Road, stated that he supports small business, but believes it is the Board's responsibility to make sure that changes like this do not negatively impact an area or infringe on the residents there. The location of a business affects the surrounding land and community. There will be additional traffic with any business located there. With an auto repair shop, there will be test drives there.

David Prue stated that he lives on this street and has been there for 3 years. He stated that he sees nothing negative about the shop there. Mr. Prue stated that Mr. Maldonado should be refunded his application fee. He stated that there will be no more traffic from the business than there is now. He stated that this is a man out of a job, trying to make money to keep his family up.

Richard Murnam stated that he lives 4/10 of a mile from this property. An auto body shop is now being conducted at this business. He stated that he has never objected to this and does not now, however, if zoning is changed, there is no telling what someone might put there. He stated that he wishes to keep the zoning R-SF.

Penny Lingerfelt, 6590 Fairview School Road, stated that she has lived there since 1965 and is a direct neighbor of the Maldonado's. She stated that this has always been a very peaceful community. The traffic has increased dramatically and there are black marks in front of her house from test drives on cars. She stated that she works 3rd shift and sleeps

during the day. Her sleep is interrupted often. She asked the Board to leave it as a residential community.

Phil Hunt, 6628 Fairview School Road, stated that he is opposed to the rezoning for 3 main reasons: 1 - this property is surrounded by farmland and other R-SF zoned properties, 2 – the safety issue – families with small children live near this property, and 3 – opens the door for other properties to be rezoned. Mr. Hunt stated that there is an appropriate place for a business and this is not the place. He presented a petition with 14 names opposed to this request.

Skip Locke, 6084 Fairview School Road, stated that he lives ½ mile from the property. He stated that Mr. Maldonado keeps his yard cleaner than he does. He stated that he is for the proposal. Mr. Locke stated that his next door neighbor signed the petition thinking it was for speeding on the road.

Chairman Cochrane reminded Mr. Locke that this could be considered heresay and wanted Mr. Locke to remember that he was under oath.

Mr. Locke stated that his neighbor told him directly that she signed the petition under false pretense.

Michael Maldonado stated that his dad is asking for this request. He stated that everything done in the shop is done right. He stated that his dad knows how to run a business. He stated that his dad helps the community.

Tammy Maldonado stated that they are doing what they have to do to keep the mortgage up on their house. She stated that they have no intentions of making any changes to the house. She stated that the neighbors complaining are very far away. She presented pictures of their house.

Wes Dunbar stated that there is no additional traffic because of this business. He stated that there are no signs there and they bring the cars to the house themselves. He said that the applicant is just trying to make a living for himself.

John Ellis stated that the applicant should have the right to do what they need to do to protect their family and make a living.

Mike Maldonado stated that he is the property owner. He stated that there will be a spray booth so they can operate legally. He stated that he has been there for four years. Mr. Maldonado stated that he has the right to provide for his family and make a living. He presented a petition of people in favor of the request. He stated that he will do automotive repair in this shop.

Danny Bivens stated that he sees nothing wrong with this man's business and the applicant should have a way to make a living.

Betty Mangas stated that Michael Maldonado only wants the chance to make a living for his family.

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

Conditional Use Permit No. 220 – Fleetwood Homes, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 220 – Fleetwood Homes, applicant.

The applicant is requesting a Conditional Use Permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The home would have a 3 ½/12 roof pitch, shingled roof, vinyl siding and brick underpinning.

The 5.1-acre parcel is located at the end of Dawnview Lane off Bethel Church Road in Lincolnton Township. It is surrounded by property zoned Residential Suburban. Doublewides are located on two adjoining lots.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 220 – Fleetwood Homes, applicant.

Charles McCaslin stated that the land was rezoned not long ago where mobile homes could not be put there. He stated that he lives west of Maiden, but owns property near this. He asked how they plan on getting in and out of the sites, since it's nothing but big gullies.

Scott Corter stated that this is a 2000 square foot mobile home. He stated that they will get the home in there and the bulldozer will fix some of the mess Mr. McCaslin spoke about.

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

Conditional Use Permit No. 221 – Bill Stamey, Jr., applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 221 – Bill Stamey, Jr. applicant.

The applicant is requesting a Conditional Use Permit to place a Class C mobile home in Residential Suburban (R-S) district. It would be placed on a lot that has been newly created as part of a family subdivision.

The 0.535-acre lot is located off Bill Lynch Road in the Laboratory community. It is surrounded by property zoned Residential Suburban. Singlewides are located on nearby lots.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 221 – Bill Stamey, Jr., applicant.

Bill Stamey, Jr. stated that the land was all owned by his father and he is only wanting to move the mobile home. He stated that his dad died in February, but had sold some property to the church. All he'd like to do is move the mobile home.

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

Conditional Use Permit No. 222 – Kevin Mauney, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 222 – Kevin Mauney, applicant.

The applicant is requesting a Conditional Use Permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. It would be placed on a newly subdivided lot for the applicant's daughter to live in. A Class E mobile home is one that doesn't meet the new appearance requirements (shingled roof, vinyl siding) but that was located in Lincoln County prior to the adoption of the new rules.

The 0.51-acre lot is located on Ed Willis Road about 700 feet west of Hwy. 274. The lot has been subdivided out of a 7.2-acre tract. It is surrounded by property zoned Residential Suburban, but the larger tract adjoins the Transitional Residential (R-T) district. A singlewide and a doublewide are located across the road from the lot.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 222 – Kevin Mauney, applicant.

Stan Friedland stated that he lives ¼ mile from the lot. He stated that he is opposed to putting another singlewide in the North Brook Community. He stated that there are too many homes there already.

Commissioner Mitchem asked Mr. Friedland to consider if he had a daughter and was wanting a mobile home for her to live in.

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

Randy Hawkins stated that Conditional Use Permit # 223 – Richard Falls, Jr. and Stephanie Falls will be heard on September 8, 2003.

The Planning Board reconvened to the 2nd floor balcony.

Pleasant Retreat Academy: Bob Cantwell thanked the Board for providing funding for the Pleasant Retreat Academy.

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

Scattered Site Housing Grant Recipients: Jeff Vernon stated that fourteen top-rated homes for the Scattered Site Housing Grant have been presented to the Lincoln County Scattered Site Housing Selection Committee. The Committee is making the recommendation to the Board of Commissioners to approve the list of fourteen

applicants. There is \$400,000 available to help rehabilitate some housing, bringing it to marketability.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the names as submitted for the Community Development Block Grant.

Request for Motion to Delay EMS and Rescue Ordinance: Ron Rombs, Director of Lincoln County EMS, stated that on June 16, 2003 Lincoln County Emergency Medical Services presented the Lincoln County Emergency Medical and Rescue Services Ordinance. Since that date, there has been considerable controversy over the rescue components of the ordinance.

A committee has been formed by the County Manager to resolve any concerns over matters relating to medical and rescue services. The committee met on July 29 and several issues were discussed. The primary concern was a unanimous vote by committee members to do away with the Lincoln County Emergency Medical and Rescue Services Ordinance.

Mr. Rombs presented the committee with a revised ordinance, Lincoln County Pre-hospital and Emergency Medical Services Ordinance. This document will be presented to the Board of Commissioners in September.

A MOTION by Commissioner Mitchem to advertise for a Public Hearing for August 18 for cancellation of the Ordinance.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to suspend the Board's Rules of Procedure to allow reconsideration of the Lincoln County Emergency Medical and Rescue Services Ordinance.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to reconsider the Lincoln County Emergency Medical and Rescue Services Ordinance adopted at the June 16, 2003 Board of Commissioners meeting.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to delay the effective date of the Lincoln County Emergency Medical and Rescue Services Ordinance indefinitely.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to instruct the Committee to have a recommendation no later than September 22, 2003.

Resolution in Support of SEQL:

**A RESOLUTION OF SUPPORT
BY THE
LINCOLN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Lincoln County Board of Commissioners is keenly aware of the importance of natural resource protection and enhancement within our community; and

WHEREAS, the degradation of natural resources, including air and water pollution and the rampant consumption of open space does not recognize political boundaries; and

WHEREAS, intergovernmental cooperation, on a regional basis, is essential to any effort to protect and preserve the natural environment; and

WHEREAS, the protection and preservation of natural resources within Lincoln County and the greater region are essential to the general health, safety, and welfare of community and regional residents; and

WHEREAS, improper management of natural resources is contrary to the ideals of a healthy, economically vital and aesthetically pleasing community and region;

NOW THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners adopts this resolution in support of SEQL: Sustainable Environment for Quality of Life; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners through its comprehensive and all other planning efforts, will seek to implement sound environmental planning principles in a manner that furthers the efforts of SEQL to the benefit of Lincoln County and regional citizens.

Adopted this 4th day of August, 2003.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution of Support of SEQL.

Barry McKinnon presented the following request for appointments for the Lincoln County Expert Panel on Growth for Regional Travel Demand Model for Air Quality Conformity Modeling.

Barry Matherly
Martin Eaddy
Mike Baker
Dean Lutz
Billy Lentz
John Pagel
Max Garner
James "Bo" Moore
Buddy Funderburk

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the appointments to the Lincoln County Expert Panel on Growth.

Forest Service Report of Accomplishments: Elizabeth Snyder, County Ranger, presented a report of accomplishments for the Forest Service.

Certificates of Participation: Leon Harmon, Finance Director, stated that our bond attorney, Peter Michel advised him of some actions that need to be taken as the county proceeds with possible COPS financing. The COPS financing was to refinance existing debt on the jail, DSS building, water plant sludge de-watering facility, and possibly the East Library. We will also fund the \$2.7 million needed by the schools for their cost overruns, additional classrooms, and sewer line expenses. The items we need are:

1. Contract with an attorney, other than the County Attorney, to create a not for profit corporation that will be needed to enter into the financing agreement with the County. Jonas Law Firm has quoted a price of \$150 per hour and will be doing this work.
2. Appoint a Board of Directors of the not for profit corporation.
3. County Attorney will need to prepare some real estate title reports.

LINCOLN COUNTY PUBLIC FACILITIES CORPORATION

1. Dyra Eaker
2. Danny Richard
3. John Black, Jr.
4. John Lockman
5. Jim Mauney

UPON MOTION by Commissioner Anderson, the Board voted unanimously to appoint the five members to the Lincoln County Public Facilities Corporation.

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

RESOLUTION CALLING A PUBLIC HEARING
CONCERNING THE FINANCING OF A PUBLIC SCHOOL PROJECT AND
REFINANCING
OF COUNTY'S PAYMENT OBLIGATIONS UNDER VARIOUS
PRIOR FINANCING AGREEMENTS
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") proposes to finance the completion of the construction of the new North Lincoln High School (the "Project"), pursuant to an Installment Financing Agreement, to be dated as of September 15, 2003, between a North Carolina nonprofit

corporation (the “Corporation”) to be created and the County (the “Installment Financing Agreement”); and

WHEREAS, in order to achieve debt service savings, the Board of Commissioners for the County is also considering the refinancing, pursuant to the Installment Financing Agreement, of the County’s payment obligations under the (i) Installment Financing Contract, dated as of December 28, 1995, among First Union National Bank of North Carolina (succeeded by Wachovia Bank, National Association), the County and First Union National Bank of North Carolina (succeeded by Wachovia Bank, National Association), Corporate Trust Department, as supplemented by Supplement No. 1 to Schedule A of Real Property and Facilities, dated as of December 30, 1997, among the same parties, (ii) Financing Agreement and Deed of Trust, dated as of May 31, 2000, granted by the County to F. Louis Loyd, III, trustee for the benefit of Branch Banking and Trust Company, (iii) Installment Financing Agreement (2001 Shopping Center Project), dated as of June 15, 2001, between the County and Bank of America, N.A., and (iv) Installment Financing Agreement, made and entered into as of January 31, 2003, between the County and First Charter Bank (collectively, the “Prior Financing Agreements”); and

WHEREAS, pursuant to the Installment Financing Agreement, the Corporation will finance the Project and refinance the County’s payment obligations under the Prior Financing Agreements, and the County will make Installment Payments (as defined in the Installment Financing Agreement) in amounts sufficient to pay the principal and interest with respect to Certificates of Participation (Lincoln County Public Facilities Projects), Series 2003 (the “2003 Certificates”), to be executed and delivered by the Corporation for

the purpose of financing the Project and refinancing the County's payment obligations under the Prior Financing Agreements, it being the express intention of the Board of Commissioners that only the principal amount of 2003 Certificates necessary to accomplish the purposes stated in the Installment Financing Agreement will be executed and delivered (estimated not to exceed \$15,000,000 principal amount); and the County's obligations under the Installment Financing Agreement will be secured by, among other things, a deed of trust on certain real property owned by the County, including the sites of the jail and the Department of Social Services Building; and

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

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

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

Section 1. A public hearing with respect to the Installment Financing Agreement is hereby directed to be held on Monday, August 18, 2003, at 6:30 P.M., in the Lincoln County Citizens Center located at 115 West Main Street, Lincolnton, North Carolina.

Section 2. The Clerk to the Board of Commissioners is hereby directed to publish notice of said public hearing, in substantially the following form, once at least ten

(10) days prior to the date of the public hearing as required by Section 160A-20(g) of the General Statutes of North Carolina:

NOTICE OF PUBLIC HEARING BY
THE BOARD OF COMMISSIONERS FOR THE COUNTY OF LINCOLN,
NORTH CAROLINA, CONCERNING THE FINANCING OF A
PUBLIC SCHOOL PROJECT AND REFINANCING OF
COUNTY'S PAYMENT OBLIGATIONS UNDER VARIOUS
PRIOR FINANCING AGREEMENTS
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is proposing to finance the completion of the construction of the new North Lincoln High School (the "Project") and refinance the County's payment obligations under the (i) Installment Financing Contract, dated as of December 28, 1995, among First Union National Bank of North Carolina (succeeded by Wachovia Bank, National Association), the County and First Union National Bank of North Carolina (succeeded by Wachovia Bank, National Association), Corporate Trust Department, as supplemented by Supplement No. 1 to Schedule A of Real Property and Facilities, dated as of December 30, 1997, among the same parties, (ii) Financing Agreement and Deed of Trust, dated as of May 31, 2000, granted by the County to F. Louis Loyd, III, trustee for the benefit of Branch Banking and Trust Company, (iii) Installment Financing Agreement (2001 Shopping Center Project), dated as of June 15, 2001, between the County and Bank of America, N.A., and (iv) Installment Financing Agreement, made and entered into as of January 31, 2003, between the County and First Charter Bank (collectively, the "Prior Financing Agreements"), pursuant to an Installment Financing Agreement, to be dated as of September 15, 2003, between a North Carolina nonprofit corporation (the "Corporation")

to be created and the County (the "Installment Financing Agreement"). It is expected that the Corporation will execute and deliver Certificates of Participation, evidencing proportionate and undivided interests in the Installment Payments to be made by the County under the Installment Financing Agreement, in an aggregate principal amount not exceeding \$15,000,000 for the purpose of financing the Project and refinancing the payment obligations described above.

NOTICE IS HEREBY FURTHER GIVEN that the Board of Commissioners will hold a public hearing in the Lincoln County Citizens Center located at 115 West Main Street, Lincolnton, North Carolina, on August 18, 2003, at 6:30 P.M., or an adjournment thereof, at which time any person may be heard regarding the proposed Installment Financing Agreement.

COUNTY OF LINCOLN, NORTH CAROLINA

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

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

Upon motion of Commissioner Anderson, seconded by Commissioner Funderburk, the foregoing resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE FINANCING OF A PUBLIC SCHOOL PROJECT AND REFINANCING OF COUNTY'S PAYMENT OBLIGATIONS UNDER VARIOUS PRIOR FINANCING AGREEMENTS PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT" was passed by the following vote: Unanimously approved.

Resolution to Sell Surplus Personal Property: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution to Sell Surplus Personal Property of Lincoln County, North Carolina.

RESOLUTION

**TO SELL SURPLUS PERSONAL PROPERTY OF
LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, Lincoln County government has numerous items of personal property that are no longer needed by Lincoln County offices, and

WHEREAS, North Carolina General Statute 160A-270 (b) provides an expeditious procedure for selling surplus personal property;

WHEREAS, the surplus property consists of vehicles, trucks, desks, furniture, computers, and other surplus items of personal property.

THEREFORE BE IT RESOLVED, that the County Manager and/or Finance Officer be authorized to sell, at public auction, surplus personal property of Lincoln County on Saturday, September 13, 2003 in the County parking lot on West Water Street in Lincolnton. The terms of the sale will be for cash to the highest bidder with Marathon Realty and Auction, Inc. conducting the sale.

Adopted this 4th day of August, 2003.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Resolution to Authorize Exchange of Certain Real Property Owned by Lincoln County and the City of Lincolnton with Edna Carpenter: Jeff Taylor presented the following Resolution for the Board's consideration.

**RESOLUTION TO AUTHORIZE EXCHANGE
OF CERTAIN REAL PROPERTY
OWNED BY LINCOLN COUNTY AND THE CITY OF LINCOLNTON
WITH EDNA F. CARPENTER**

WHEREAS, Lincoln County and the City of Lincolnton jointly own in fee simple a certain tract of real property consisting of approximately 2.849 acres, such tract being a portion of a tract conveyed to Lincoln County and the City of Lincolnton by deed recorded in Book 1486 at Page 257, Lincoln County Public Registry; and

WHEREAS, the said tract is located generally adjacent to the premises of the Lincolnton-Lincoln County Airport and is further described in the proposed deed attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, Edna F. Carpenter is the owner in fee simple of a separate tract of real property consisting of 2.066 acres located adjacent to the aforesaid tract and described in the proposed deed attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the tracts have been professionally appraised as having a value of approximately \$28,000.00 each; and

WHEREAS, obtaining ownership of the tract described in Exhibit B is important to the future needs of the Lincolnton-Lincoln County Airport; and

WHEREAS, Lincoln County and the City of Lincolnton have agreed to convey the land described in Exhibit A to Edna F. Carpenter, and Edna F. Carpenter has agreed to convey the land described in Exhibit B to Lincoln County and the City of Lincolnton jointly, and the parties have agreed that no further consideration shall be exchanged in connection therewith; and

WHEREAS, proper public notice of intent to authorize this exchange was published in the *Lincoln Times-News* on July 25, 2003;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners and the Lincolnton City Council hereby authorize the exchange of real property as described hereinabove and authorize the Chairman and Clerk to the Board (for Lincoln County) and the Mayor and City Clerk (for the City of Lincolnton) to execute all necessary documents to effectuate this conveyance.
2. This resolution shall become effective upon its adoption by both boards.

ADOPTED by the Lincoln County Board of Commissioners at its regular meeting this 4th day of August, 2003.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

ADOPTED by the Lincolnton City Council at its regular meeting this 14th day of August, 2003.

Bobby Huitt, Mayor
City of Lincolnton

ATTEST:

Donna Flowers, City Clerk

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution.

Easement for Airport Property: Jeff Taylor presented an easement for the Carpenter family to get access to their property temporarily. This will be until the future Airport Road is relocated and will expire when the road is completed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Easement.

Voting Delegate for NCACC Annual Conference: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to appoint Chairman Cochrane as the voting delegate for the annual NCACC Conference.

Appointments: Chairman Cochrane presented the following appointments in Commissioner Craig's absence.

Lincolnton Planning Board – ETJ - Bo Abernethy
ABC Board – Michael Davis

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

Other Business: Chairman Cochrane stated that Dr. Jim Watson notified him that some School Board members will be traveling to Wilkes County to look at less costly schools on August 29. They are asking for Commissioners to go with them on this trip.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners