

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 22, 2003

The Lincoln County Board of County Commissioners met in regular session on September 22, 2003 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
Larry S. Craig, Vice Chairman
Thomas R. Anderson, PE
Carrol D. Mitchem
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 September 22, 2003 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 22, 2003

- | | | |
|----|---------|--|
| | 7:20 PM | Call to Order |
| 1. | 7:21 PM | Adoption of Agenda |
| 2. | 7:22 PM | Approval of Minutes
- September 8, 2003 |
| 3. | 7:25 PM | Consent Agenda
- Tax Requests for Releases
Less than \$100 – July 16 – August 15, 2003
More than \$100 – July 16 – August 15, 2003
- Tax Requests for Refunds
Less than \$100 – July 22 – August 10, 2003 |

More than \$100 – July 22 – August 10, 2003

- Budget Adjustments 17 - 23
- Sponsored Group Status
 - United Way
 - Oak Grove Baptist Church
- Waived Fees
 - National Guard Farewell
- Release of Remainder of Cash Bond for Paradise Cove – LOC #27
- Letter of Credit # 30 and 31
- 2003 Holiday Schedule

4. 7:30 PM Public Comments
5. 7:35 PM Planning Board Recommendations – Randy Hawkins
 - ZMA #463 – Ronald Best, applicant
 - ZMA #464 – Lake Norman Dredging & Marine Construction, Inc., applicant
 - SOA #18 – Lincoln County, applicant
6. 7:45 PM Resolution by Lincoln County Board of Commissioners in Support of Clean Air – Twyla McDermott
7. 7:55 PM Public Hearing – 2003 Local Law Enforcement Block Grant
8. 8:05 PM Proclamation Honoring Admiral Robert Zenas Johnston and Request for Placement of Monument on Courthouse Grounds – Dale Punch
9. 8:15 PM Proclamation – 2003 International Business Appreciation
10. 8:20 PM Fall Litter Sweep 2003 – Erma Deen Hoyle
11. 8:25 PM Adoption of Land Use Assessment Values
12. 8:35 PM Lincoln County Health Department Renovation and Facility Plan – Dennis Williams
13. 8:45 PM Changing Coordination Services Program Status – Joanie Belk, Maggie Dollar, Connie Hall
14. 9:00 PM Ordinance Regulating Pre-hospital and Emergency Medical Services
15. 9:10 PM Resolution to Declare Certain Real Property Owned by Lincoln County to be Surplus Property and Authorize Sale of Such Property

16. 9:30 PM Resolution Concerning Removal of the South Aspen Street Bridge
17. 9:40 PM Finance Officer's Report – Leon Harmon
18. 9:45 PM Vacancies
19. 9:50 PM Appointments
20. 9:55 PM Calendar
21. 10:00 PM County Manager's Report
22. 10:05 PM County Commissioners' Report
23. 10:10 PM County Attorney's Report
24. 10:15 PM Other Business

Adjourn

Approval of Minutes – September 8, 2003: Chairman Cochrane presented the minutes of the September 8, 2003 meeting.

Commissioner Anderson made a minor correction to the minutes.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the minutes as amended.

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

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (July 22, 2003-August 10, 2003)

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

NAME	YEAR	DIST	A/C#	AMOUNT
ABERNETHY, W. A. JR	2003	BCFD	0163771	68.95
TOTAL				\$68.95

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

NAME	YEAR	DIST	A/C#	AMOUNT
FREEMAN, DOUGLAS D.	2003	SFFD	42010	229.19
NORTH BROOK PROPERTIES	2003	NBFD	0166166	215.38
TOTAL				\$444.57

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

NAME	YEAR	DIST	A/C#	AMOUNT	
BRITO, ILEANA M.	2002	HCDF	0142516	20.47	
CHEVY CHASE BANK FSB	2002	PCFD	0141808	89.00	
ENTERPRISE LEASING CO. SE	2002	UFD	0147681		31.59
FIRST UNION NATIONAL BANK	2003	BCFD	0119489		84.70
GREENE, BARRY S.	2002	AFD	0122126	48.62	
HEFNER, JERRY D.	2002	ELFD/ELSD	0128169	6.67	
NICHOLS, KAREN L.	2002	SFFD	0109195	7.93	
ROGERS, THOMAS LENSON	2002	NBFD	0106118	1.71	
TOTAL				\$290.69	

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

NAME	YEAR	DIST	A/C#	AMOUNT
MAYO, MELISSA	1999	DFD	0066058	104.87
TOTAL				\$104.87

NAME	YEAR	A/C NO	AMOUNT
Atwell, Matthew	2003	0151841	\$ 52.56
Avery, Jerry T.	2003	0133257	\$ 51.23
Banis, Darlene E.	2003	0123862	\$ 55.75
Baxter, Kenneth Frank Jr.	2003	00353	\$ 2.94
Beam, Kenneth	2003	0154529	\$ 61.27
Beckham, Stephen	2003	06178	\$ 32.80
Bleicher, David P.	2003	0132844	\$ 49.97
Carpenter, James V.	2003	11601	\$ 2.89
Christopher, Billy Joe	2003	0157805	\$ 69.00
CMH Homes Inc.	2002	0152464	\$ 69.00
Coffey, Susan Dianne Flowers	2003	0165308	\$ 37.25
Connell, Darryel Eugene	2003	21872	\$ 3.98
Cook, Millie Heafner	2003	03191	\$ 18.80
Dana, Eric	2002	0154548	\$ 62.32
Davis, Ronald Lee	2003	0161996	\$ 69.00
Dellinger, Michael K.	2003	33393	\$ 83.14
Derossett, Jeffery Dwayne	2003	0163133	\$ 66.31
Draper, P. Colin	2003	0130163	\$ 21.93

Earthmasters Tree Service	2000	44487	\$ 28.52
Edmundson, James Herbert	2002/03	0090306	\$ 57.41
Elmore, Macie Harrelson	2003	0081639	\$ 5.97
Fender, William R.	2003	0110821	\$ 14.00
Galow, Craig	2003	0163186	\$ 31.32
Goodson, Margaret C. (Heirs)	2003	13603	\$ 11.59
Hickman, Dennis Keith	2003	0109687	\$ 85.68
Houser, Tommy Daniel	2002/03	25158	\$ 74.78
Hubbard, Jerry W.	2003	46296	\$ 10.09
Hunt, Tonya Lowrance	2001-03	0090039	\$ 60.06
Isaac, Charlie Richard	2003	0149253	\$ 69.00
Jenkins, Stephen Ray	2003	0155870	\$ 49.32
Kennedy & Lackey Builders Inc.	2003	0069855	\$ 92.13
Kennedy, Mike	2003	0161917	\$ 23.09
Kercher, Sylvia W.	2003	0134672	\$ 69.00
Lauries TLC Grooming DBA/	2003	0166084	\$ 45.10
Lemasters, Renee	2003	0130202	\$ 9.02
Lloyd, Linda Preslar	2003	0137621	\$ 71.71
Malcolm, Mark David	2003	0109065	\$ 39.62
Mayo, Mark Bristol	2001	0066058	\$ 63.16
McDonald, Daniel P.	2003	0166882	\$ 26.16
McGinnis, Carolyn R.	2003	0158336	\$ 69.00
Morris, Blake	2002	0154602	\$ 32.93
Murray, Cathy M.	2003	0148275	\$ 42.64
Newsome, Bryan	2003	0130676	\$ 2.21
Pfeifer, Robert Charles Jr.	2003	0076433	\$ 2.40
Putnam, Rodney A.	2003	0121959	\$ 69.00
Sain, Jim	2001	0154786	\$ 73.57
Story, Shasta	2003	0166227	\$ 73.70
Town Square Ford Inc.	1997	26156	\$ 53.68
Williamson, Connie	2003	0156657	\$ 98.67
Wilson, Joseph R.	2003	0161840	\$ 25.53
Wm P Rice/Water Works	2003	0163200	\$ 90.20

TOTAL \$2,380.40

NAME	YEAR	A/C NO	AMOUNT
Anthony, Kay Gunias	2003	0160257	\$ 93.69
Arley, Carmelina Esperanza	2002	0154993	\$ 60.22
Austin, Linda Crouch	2003	0168047	\$ 17.11
Austin, Paul Matthew	2003	05501	\$ 7.32
Bailey, Jack Blackman	2002	0100416	\$ 2.20
Beam, Roy A.	2002	00816	\$ 18.20
Beard, Gene Ranson	2002	18313	\$ 12.63
Beatenhead, David William	2003	0076679	\$ 63.17
Benson, James Franklin II	2003	0167271	\$ 24.17
Black, Lisa Shawntae	2003	0078529	\$ 22.63

Bliss, Marinka B.	2003	0138026	\$ 20.43
Bollinger, Gail	2003	0117708	\$ 5.70
Bosworth, Michael	2003	12719	\$ 30.36
Bradham, Dana Byrum	2003	0121644	\$ 30.38
Brito, Javier Francisco	2002	0125532	\$ 25.99
Browne, Christopher Aaron	2002	0166389	\$ 5.90
Burgin, Matthew Jacob	2003	0167308	\$ 58.79
Burns, David Benjamin	2002	0162824	\$ 28.09
Carpenter, Alan V.	2002	11561	\$ 12.24
Carpenter, David Michael	2003	0080823	\$ 75.28
Carpenter, Donna Williams	2003	0167405	\$ 59.60
Casey, Thomas Martin	2002	0068566	\$ 71.52
Cavanaugh, Brenda Kay	2003	0127872	\$ 9.65
Childs, Fran	2003	04821	\$ 54.73
Correll, Denisha Setzer	2003	0167099	\$ 30.12
Cowie, Robert Earl Jr.	2003	0111830	\$ 41.59
Dalrymple, Fred Mciver Jr.	2002	0099537	\$ 35.80
Dellinger, Dennis Jacob	2002	0092562	\$ 11.12
Dellinger, William F. III	2003	0133740	\$ 5.36
Dunn, John Joseph Jr.	2003	0121320	\$ 19.61
Edwards, Brandy Kaye	2003	0120526	\$ 42.88
Ellis, Richard Michael	2003	0166880	\$ 10.05
Ellis, Robert Edmond	2003	0118251	\$ 1.88
Eurey, Lucille D.	2002	06253	\$ 13.80
Fowler, Gregory Lisle	2003	0152173	\$ 11.10
Gilbert, Gerald D.	2003	0117176	\$ 13.83
Goins, Holly Britt	2002	0130264	\$ 65.10
Gunter, David Scott	2003	0060671	\$ 25.32
Haeck, Amy Fields	2003	0132825	\$ 16.64
Haley, Lorraine Machele	2003	0160149	\$ 12.28
Hamby, Donald Wesley	2002	0108859	\$ 32.56
Harris, Donna Bailes	2001	0140335	\$ 46.98
Haynes, Richard Calvin	2003	0159752	\$ 43.68
Heafner, Roy Scott	2002	0133970	\$ 2.85
Heavner, George Edgar	2003	0084375	\$ 15.97
Helms, Howard Wendell Jr.	2003	0133698	\$ 31.87
Hendrick, Jennifer Michelle	2003	0148586	\$ 40.73
Hernandez, Johnny Kay	2002	0162116	\$ 15.58
Higdon, Kevin Shane	2002	0154902	\$ 12.53
Hillen, Elaine K.	2003	0160564	\$ 81.03
Hillen, Paul J.	2003	0156585	\$ 44.36
Hinson, Tammy Christopher	2003	0152261	\$ 75.51
Hooper, Christine Barkley	2002	0113921	\$ 2.54
Horne, Charles Edward	2003	0066581	\$ 20.50
Horton, Bryant S.	2003	18149	\$ 14.98

Huffman, Jason Andrew	2003	0167867	\$ 79.53
Hull, Michael Warren	2003	0146511	\$ 61.93
Hurdt, Carlton Barry	2003	16723	\$ 24.65
Huss, Randy Kevin	2002	0075922	\$ 3.44
James, Kisha Gales	2002	0150557	\$ 3.76
James, Wyllis Eugene Jr.	2003	0097796	\$ 73.82
Jarvis, Eddie Gray	2002	0128194	\$ 93.20
Jay, Mary Stewart	2003	0166543	\$ 55.22
Jeranek, Kathleen Austin	2003	0137322	\$ 32.30
Johnson, Wendy Kaye	2003	0160171	\$ 30.88
Jones, Bruce A.	2002	0159810	\$ 16.13
Josey, Wendy Dawn	2002	0158258	\$ 9.31
Keener, Barry L.	2003	14093	\$ 26.90
Lake Norman Propane	2003	0130626	\$ 44.15
Lawing, Margaret W.	2003	43626	\$ 14.48
Leatherman, Maurice Fearl	2003	0117364	\$ 60.00
Link, Howard W.	2003	0167151	\$ 39.04
Lloyd, Harry James	2002	0150661	\$ 60.18
Lowery, Lois Helen	2003	0144781	\$ 55.60
Lowery, Mark R.	2003	16538	\$ 11.22
Luckey, Ashely Todd	2003	0075295	\$ 37.64
Lumston, Rance R.	2003	0155727	\$ 67.70
Lyons, Georgia Wilson	2003	0114862	\$ 35.50
Martin, Gary	2002	0161987	\$ 91.81
Martin, Kenneth Douglas	2003	0117408	\$ 41.91
McAllister, Carol Lynn	2000	0147215	\$ 39.18
McCorkle, Roy James	2003	0122047	\$ 92.40
McIntyre, Daniel B.	2003	0097326	\$ 32.70
McLeod, Ronald Charles	2002	0089613	\$ 32.61
Middleton, James William	2003	0167863	\$ 23.24
Miller, Mark Sherriel	2003	0147811	\$ 78.39
Millerstrom, David Michael	2002	0114700	\$ 36.29
Moss, Gwinn Edward	2003	0163667	\$ 32.10
Mountain Craft Handcrafted	2002	0159704	\$ 3.77
Murray, Norman Fraser Jr.	2003	0131192	\$ 13.18
Nixon, Rhonda Pendleton	2003	0132757	\$ 1.94
Oxford, Deborah Bryant	2002	0137763	\$ 22.35
Peace, Jerry Wade	2000	0081247	\$ 32.73
Pearson, Jeffery Scott	1997	0116576	\$ 16.08
Phillips, James Michael	2003	13816	\$ 11.92
Pope, Raymond Arnold	2003	0113238	\$ 26.80
Powell, Samuel Coy Jr.	2002	0094069	\$ 33.47
Price, David Richard Glenn	2003	0167032	\$ 5.90
Propst, Sidney Roger	2003	0138079	\$ 67.88
Purser, Darrell Keith	2001/02	0158246	\$ 11.70

Ramsey, Dena Johnson	2002	0168091	\$ 46.63
Ray, Tommy Richard	2003	0111234	\$ 61.45
Reed, Judyann	2002	0166568	\$ 33.82
Rhodes, John Rankin	2003	0078489	\$ 40.64
Ritchie, Ray Everette	2002	0120713	\$ 13.06
Rogers, Thomas Lenson	2003	0106118	\$ 7.71
Royster, Bobby Alvin	2002	0106401	\$ 54.77
Sailors, Terry C.	2002	0103819	\$ 19.79
Sampson, Keith Richard	2003	0167762	\$ 29.20
Scarborough, Geraldine L.	2003	0149886	\$ 47.13
Schneider, Daniel Edward	2003	0167791	\$ 7.02
Schneider, Robert M.	2002	19141	\$ 52.64
Sherrill, James Ray Jr.	2003	0098113	\$ 35.00
Sigmon, Jonathan Michael	2002	0157553	\$ 65.61
Sisk, Donald Ray	2003	0071237	\$ 39.35
Smith, Steven R.	2002	0162655	\$ 78.05
Spencer, Barbara Clippard	1998	0089328	\$ 9.90
Sronce, Jeffrey Ray	2003	0087037	\$ 98.70
Stanley, Richard Holmes	2003	0102683	\$ 2.35
Stewart, Paul Samuel	2003	0159499	\$ 51.16
Stroupe, Dennis A.	2002	11141	\$ 7.23
Stull, Joyce Kerbein	2003	0104607	\$ 6.70
Sylvester, Laura Elaine	2003	0135156	\$ 33.07
Tallent, Harold Eugene	2003	0115905	\$ 18.84
Taylor, Michael Chad	2003	0134126	\$ 8.09
Turner, Charles Wayne	2003	14569	\$ 16.48
Turner, Margaret Ledford	2003	0103602	\$ 14.41
Ugalde, Marlene Patricia Lord	1998	0101685	\$ 20.56
Vane, Andrew Scott	2003	0135833	\$ 9.82
Voina, Benjamin	2003	0167103	\$ 25.89
Wallace, Gary L.	2003	14739	\$ 57.34
Walton, Charles T.	2003	0123753	\$ 7.56
Warlick, Felicia Adams	2002	0135153	\$ 14.82
Warren, Angela Rickman	2003	0167798	\$ 46.02
Weaver, Carroll E.	2003	09504	\$ 18.00
Welch, Vickie Gail	2002	0073660	\$ 87.09
Wentworth, Herbert Grant	2003	0084604	\$ 22.35
Whiteside, Toni Kay	2003	0152265	\$ 28.49
Whitworth, Deborah Mathis	2003	0068042	\$ 3.54
Wilson, Freddie	2002	0137902	\$ 18.08
Zamora, Roy Quiros	2002	0122814	\$ 37.09

TOTAL \$4,628.53

NAME	YEAR	A/C NO	AMOUNT
Allen, Gary Neal	2003	0079745	\$ 1,284.55
Auton, Joan Anthony	2003	02152	\$ 2,917.34

Barber, Harold Thomas Jr.	1999-03	0116067	\$ 193.62
BCS Septic Services Inc.	2002/03	0148117	\$ 999.39
Blanton, Arnold Tyrone	2003	0167015	\$ 237.50
Commercial Maintenance	2003	0166013	\$ 184.25
Davis, Johnnie S.	2003	12644	\$ 134.51
Dellinger, Donald G.	2002/03	12735	\$ 277.02
Dyer, Karen S.	2003	0144123	\$ 163.63
Hedrick Gravel & Sand Co.	2001-03	25112	\$ 4,487.17
Helms, Tammey (Farmer)	2000-03	0100738	\$ 178.00
Holt, Tracy	2000-03	0119109	\$ 547.44
Jones, Rollan Leroy (Heirs of)	2003	0078957	\$ 678.04
Keever, Hillard & Ruby (Heirs)	2003	14377	\$18,300.12
Koone, Mary M.	2003	40471	\$ 138.00
Lail, Jerry Shane	2001-03	0143420	\$ 492.92
Lee, B R Industries Inc.	2003	0060505	\$ 1,804.80
Marks, Ricky	2003	0154592	\$ 195.31
Marshall, Forest J.	1998-03	0119321	\$ 802.31
Miller, Ronald D.	2001-03	0134683	\$ 998.40
Nicks, Lynn	2000-03	0148224	\$ 490.56
Orbaugh, Kenneth David	2003	0154612	\$ 127.62
Parker, Crystal	2002/03	0151776	\$ 204.00
Perkins, Reginald Joel	2002	0074051	\$ 314.56
Rhodes & Beal Oil Co. Inc.	2003	0123196	\$ 652.69
Ritch, Betty Teresa	2003	0109960	\$ 147.40
Ritchie, Jennifer Elizabeth	2003	0146897	\$ 147.40
Robert Bosch Tool Corp.	2003	0165416	\$ 1,105.06
Smallwood, Tina Jean	2003	0132722	\$ 158.54
Sterling International	2003	0138125	\$ 188.94
Utzinger, Eric	1999-01	0130756	\$ 339.93
Warlick, Felicia	2002/03	0151294	\$ 156.80
Williams, James	1999-02	0111030	\$ 627.07
Young, Jeffrey Gerald	2003	31814	\$ 430.47
		TOTAL	\$40,105.36

NAME	YEAR	A/C NO	AMOUNT
Boyd, Hunter Rhyne	2003	0147379	\$ 436.96
Cooke, Sharon	2003	0128240	\$ 232.62
Cooper, Miles Arland	2003	0078846	\$ 410.03
Craig, Harold Lee	2003	0167959	\$ 174.87
Graham, Harry Keith	2003	0113378	\$ 242.49
Gray, Terry Lunquist	2003	0102868	\$ 127.56
Griffin, Lydia Ann	2002	0150540	\$ 151.86
Griffith, Brent L.	2003	0133787	\$ 143.25
Hendricks, Benjamin F. II	2002	0162900	\$ 113.17
Holland, Stephen Gene	2003	0144025	\$ 181.84

Kimrey, Mumford Paul	2002	0166524	\$ 107.26
Lane, Brian Thomas	2003	0167812	\$ 347.70
Ledford, Jan Devenney	2002	0066362	\$ 129.48
Leonard, Timothy Joseph	2003	0121040	\$ 147.00
Lincoln County	2003	0136309	\$ 626.32
Long, Brenda Joyce	2003	0066956	\$ 134.00
Lutz, Kallie Lynn	2002	0162147	\$ 148.21
McGinnis, Bobby Delano	2003	0093886	\$ 204.96
Mele, Anthony Morrow	2003	0142812	\$ 203.62
Moose, Jack W. Jr.	2002	32405	\$ 154.81
Morison, Brad Remington	2003	0168006	\$ 181.44
Murillo, Pablo	2003	0165807	\$ 114.16
Washam, Jerry Thomas	2003	0080277	\$ 398.69
Whisnant, Carroll Eugene	2003	0167784	\$ 109.62
Wright, Bradley J.	2003	0114143	\$ 106.40
		TOTAL	\$ 5,328.32

Budget Adjustment No. 17 by Finance for encumbrances for Register of Deeds.

Budget Adjustment No. 18 by Finance for DSS encumbrances.

Budget Adjustment No. 19 by Finance to carryover funds for Recreation.

Budget Adjustment No. 20 by Finance for encumbrance of automation funds collected in previous fiscal year to be used for automation.

Budget Adjustment No. 21 by Emergency Management for supplemental grant monies from State EM to implement Homeland Security Activities.

Budget Adjustment No. 22 by the Health Department for Child Service Coordination and Maternal Care Coordination to adjust revenues for reallocation of program expenses.

Budget Adjustment No. 23 by the Health Department for Medicaid Max FY 01 to 1- replace computers that have Windows 95 (outdated) upon recommendation of Dante Patterson, MIS; 2 – Furniture needed during renovations (Lobby seating, tables for conference room, etc); 3- Computer data system encounter charges .55 per encounter (Medicaid, Medicare, Private Insurance billing); 4 – Data Line (DSS moving out); 5 – Cover cost of charts since adding Dr. Smith’s practice.

Waived Fees for Auditorium

- National Guard Farewell

Sponsored Group Status for Auditorium

- United Way
- Oak Grove Baptist Church

Release of Cash Bond for Paradise Cove, LOC #27

Letter of Credit #30 and #31

2003 Holiday Schedule

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.

Being no one wishing to speak, Chairman Cochrane declared the public comments section closed.

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

Zoning Map Amendment No. 463 –Ronald Best, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 4 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the recommendation of the Planning Board and approve Zoning Map Amendment No. 463 – Ronald Best, applicant.

Zoning Map Amendment No. 464 – Lake Norman Dredging & Marine

Construction, Inc., applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 3 – 1 to recommend approval.

Randy Hawkins stated that the applicant has agreed to move the zoning boundary 40' off the entire side of the property that abuts Woodbeach Lane.

A MOTION by Commissioner Craig to approve the rezoning with the stipulation that Randy Hawkins pointed out, with the 40' buffer strip on the east side.

Commissioner Anderson stated that he understands the Board can make this kind of change, but he feels the people who have spoken at the previous public hearings should be allowed to comment on this change.

Commissioner Craig stated that most of the residents that spoke were concerned with the development on the road and this assures that this will not happen.

Commissioner Mitchem stated that he does not believe that the 40' buffer would make a whole lot of difference to the people who spoke against it. He stated that the request keeps changing and he feels the residents should have another chance to speak.

Chairman Cochrane asked if anyone present would like to speak regarding this request.

Jeanne Nuhfer stated that her land adjoins this property. She suggested a compromise to the Board, which would allow Mr. Miller use of his property, but still leave enough land where it would not bother the residents.

Ron Fryer stated that his concern is the slope of this property. He commented that he was not sure where the 40' buffer would be.

A MOTION by Commissioner Mitchem to table the original motion.

Vote: 3 – 2 AYES: Mitchem, Cochrane, Anderson

NOES: Craig, Funderburk

Subdivision Ordinance Amendment No. 18 – Lincoln County, applicant: Barry McKinnon stated that the Planning Board voted 4 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve SOA #18.

Resolution of the Lincoln County Board of Commissioners in Support of Clean Air:

Twylla McDermott presented the following Resolution for the Board's approval. The resolution directs the formation of a stakeholder committee who will be charged with developing principals and local actions to improve the quality of our air. Names for appointment to this committee will be presented to the Board within 60 days.

**RESOLUTION OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
IN SUPPORT OF CLEAN AIR**

WHEREAS The National Ambient Air Quality Standards (NAAQS) were established to be protective of human health and environment; and

WHEREAS Lincoln County considers clean air to be a vital component of a good quality of life both for a vital community and strong economy; and

WHEREAS much of the region has had difficulties meeting the NAAQS for ground-level ozone, with parts of the region being designated non-attainment, and anticipating expansion of that area under the eight-hour NAAQS standard; and

WHEREAS ground-level ozone is only one of several air pollutants facing the region, others being fine particle matter and air toxics, all of which have negative health impacts; and

WHEREAS failure to achieve cleaner air in the region will have detrimental affects on citizens of Lincoln County, increased health care costs, difficulty in achieving "conformity" which adversely affects transportation projects, difficulty in attracting industry and citizens to the region, flight of industry and citizens to a cleaner environment, heavier and more costly regulation of small business and individuals; and

WHEREAS the federal and state governments have adopted and implemented rules to reduce ozone levels; and

WHEREAS the federal and state governments have also adopted other air quality standards for additional emissions produced by sources in this region such as sulfur dioxide, particulate matter and air toxics; and

WHEREAS Lincoln County believes that it would be appropriate to consider local measures as an integral part of a federal, state and regional ambient air quality attainment strategy;

WHEREAS the Lincoln County Board of Commissioners has demonstrated support of clean air through the adoption of a Clean Air Policy;

BE IT RESOLVED, that the Lincoln County Board of Commissioners hereby creates a stakeholder group to develop specific actions to be taken as part of local and regional strategies including,

- (i) identify and prioritize specific issues relative to improvement of air quality in Lincoln County,
- (ii) develop a consensus set of principles and emission reduction measures to be considered by the Board, and
- (iii) present recommendations for action on these matters to the Board of Commissioners within 180 days from the date of appointment.

BE IT FURTHER RESOLVED, that the Lincoln County Board of Commissioners directs the County Manager to bring to the Board within sixty (60) days, a list of recommended membership for a representative stakeholder group.

ADOPTED the _____ day of _____, 2003

Jerry Cochrane
Chairman

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution in Support of Clean Air.

Proclamation Honoring Admiral Rufus Zenas Johnston: Dale Punch presented the following Proclamation for the Board's approval.

PROCLAMATION HONORING ADMIRAL RUFUS ZENAS JOHNSTON

Whereas, Lincoln County was born amid the throes of the American Revolution.....

Whereas, Lincoln County has produced thousands of men and women who have participated in conflicts and wars, around the world, from the American Revolution to the War in Iraq, all in the interest of freedom and democracy...

Whereas, Lincoln County is the birthplace of some twenty-four generals and one admiral.....

Whereas, Rufus Zenas Johnston was born in Lincoln County on June 7, 1874, and was educated in Lincoln County Schools.....

Whereas, Rufus Zenas Johnston graduated from the United States Naval Academy at Annapolis, Maryland on his twenty-first birthday.....

Whereas, Rufus Zenas Johnston saw action in the Spanish American War at the Battle of Santiago, participated in the liberation of the Philippines, and the Boxer uprising in China....

Whereas, Rufus Zenas Johnston served as Executive Officer aboard the U.S. Ship New Hampshire and distinguished himself by leading his men in battle in the final occupation of Vera Cruz, Mexico.....

Whereas, by his courage and conspicuous bravery on April 22nd, 1914, Rufus Zenas Johnston was awarded this nation's highest honor, the Congressional Medal of Honor....

Whereas, Rufus Zenas Johnston retired from the United States Navy in 1932 with the rank of Captain...

Whereas, Rufus Zenas Johnston passed away on July 4, 1959, on the 183rd anniversary of this nation's independence...

Therefore, be it resolved that the Lincoln County Commissioners honor Admiral Rufus Zenas Johnston by proclaiming December 6, 2003, Rufus Zenas Johnston Day and in conjunction with the American Legion Post 30 of Lincolnton, NC, placing a monument in the Veteran's Plaza on the grounds of the Lincoln County Courthouse.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Proclamation.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to give permission for a monument to be placed on the grounds of the Courthouse, as approved by the Historic Properties Commission.

International Business Appreciation Week Proclamation: **UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the 2003 International Business Appreciation Week Proclamation.

**Proclamation
2003 International Business Appreciation Week
October 6 – 10, 2003**

WHEREAS, the County of Lincoln is pleased to have a thriving community of international business and industry to support the local economy; and

WHEREAS, these international companies provide essential employment opportunities for the citizens of the County of Lincoln; and

WHEREAS, these international companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, international businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these international businesses;

NOW, THEREFORE, we the Board of Commissioners of Lincoln County, do hereby recognize our existing international businesses and by virtue of this proclamation give notice to our citizens that the week of October 6 - 10, 2003 is International Business Appreciation Week in the County of Lincoln.

ADOPTED this the 22nd day of September 2003.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk
Board of Commissioners

Fall Litter Sweep 2003: Erma Deen Hoyle presented the following Litter Sweep 2003 Proclamation for the Board's approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Litter Sweep 2003 Proclamation.

LITTER SWEEP
2003

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes a Fall roadside cleanup campaign to ensure clean roadsides throughout the State; and

WHEREAS, a Fall LITTER SWEEP campaign has been planned for September 13-28, 2003, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2003 fall cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim September 13 – 28, 2003 as “**FALL LITTER SWEEP**” in Lincoln County and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

Public Hearing – 2003 Local Law Enforcement Block Grant: Chairman Cochran opened the Public Hearing on the 2003 Local Law Enforcement Block Grant.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the 2003 Local Law Enforcement Block Grant.

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

Adoption of Land Use Assessment Values: Chairman Cochran stated that the public hearing was held for the Land Use Assessment Values at the last meeting and no one spoke. He stated that at this time, the Board needs to adopt the Values.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Land Use Assessment Values as presented.

Resolution to Declare Certain Real Property Owned by Lincoln County to be Surplus Property and Authorize Sale of Such Property: Jeff Taylor presented the following Resolutions for the Board’s approval.

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

**RESOLUTION TO DECLARE CERTAIN REAL PROPERTY
OWNED BY LINCOLN COUNTY TO BE SURPLUS
PROPERTY AND AUTHORIZE SALE OF SUCH PROPERTY**

WHEREAS, Lincoln County is the owner in fee simple of a certain tract of real property consisting of approximately 22.48 acres, such tract being a portion of the tract designated as Parcel 6 on the Master Plan for the Lincoln County Industrial Park; and

WHEREAS, the said tract is generally located along Lincoln County Parkway in the Lincoln County Industrial Park; and

WHEREAS, the Lincoln County Board of Commissioners believes that the said tract should be declared surplus property and sold; and

WHEREAS, the said tract has been previously offered for sale by Lincoln County through the Lincoln Economic Development Association for \$15,000.00 per acre; and

WHEREAS, Lincoln County has received an offer to purchase the said tract for the sum of \$449,600.00, or \$20,000.00 per acre, which offer has been secured by a deposit with the County of the sum of \$22,480.00, representing five percent of the bid as required by the provisions of N. C. G. S. Chapter 160A; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of Lincoln County and its citizens to sell the said tract, and the Board proposes to accept the said bid of \$449,600.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey and compliance with the procedures of N. C. G. S. Chapter 160A;

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

1. The Lincoln County Board of Commissioners declares the tract of real property consisting of approximately 22.48 acres consisting of a portion of Parcel 6 as described on the Master Plan for the Lincoln County Industrial Park, to be surplus property and authorizes and directs the sale of said tract as hereinafter resolved.
2. The Board of Commissioners acknowledges receipt of a bid to purchase said tract for the sum of \$449,600.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey, and further acknowledges receipt of the deposit from the bidder of the sum of \$22,480.00, representing five percent of its bid as required by the procedures of N. C. G. S. Chapter 160A.
3. The said deposit shall be forfeited and withheld by Lincoln County in the event that the bidder prematurely withdraws its bid.
4. The County Manager and Clerk to the Board are hereby directed to place an appropriate newspaper advertisement in accordance with the requirements of N. C. G. S. Chapter 160A to inform the public of the Board's action in declaring this property to be surplus and the Board's receipt of this bid and intention to sell the said property to the bidder on these terms unless its bid is upset as provided by law.

5. Any party, person, firm, or other entity wishing to place an upset bid shall file such upset bid with the Lincoln County Finance Department before the close of business on the 10th day following publication of the newspaper advertisement herein specified.

6. Any such upset bid must comply with the following conditions:

a. The upset bid must raise the original bid by an amount equal to at least ten percent of the first \$1,000.00 of that bid plus five percent of the remainder.

b. The upset bid must be made in writing and be sealed.

c. The purported upset bidder must deposit cash or certified funds with the Lincoln County Finance Department in an amount equal to at least five percent of its bid.

d. The deposits of any unsuccessful upset bidders shall be returned within five days after completion of the upset bid process. The deposit of a successful upset bidder who withdraws without completion of its purchase shall be forfeited and withheld by Lincoln County.

7. No upset bids shall be opened until after the close of business on the 10th day following publication of the newspaper advertisement herein specified. Upon opening of any upset bids and verifying receipt of a qualifying upset bid, the County Manager shall arrange for publication of a further advertisement of the receipt of such qualifying upset bid and providing for a further upset bid procedure as set forth herein.

8. Upon the passing of the ten-day upset bid period without a qualifying upset bid having been received, the highest qualifying bid received shall be deemed accepted, and the Chairman of the Board of Commissioners and the Clerk to the Board shall be authorized to execute all documents necessary to consummate the sale and conveyance of the property to the highest qualifying bidder.

9. The conveyance of the property shall occur at such reasonable time as the parties shall agree after receipt of the highest qualifying bid and shall be made contemporaneously with receiving cash or certified funds in the full amount of the purchase price.

10. In the event that no qualifying upset bid is received by the close of business on the 10th day following publication of the aforesaid notice, the offer of \$449,600.00, or \$20,000.00 per acre, referred to hereinabove shall be accepted and the said property sold and conveyed to the bidder on the terms stated herein.

11. This resolution shall be effective upon adoption.

This 22nd day of September, 2003.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

**RESOLUTION TO DECLARE CERTAIN REAL PROPERTY
OWNED BY LINCOLN COUNTY TO BE SURPLUS
PROPERTY AND AUTHORIZE SALE OF SUCH PROPERTY**

WHEREAS, Lincoln County is the owner in fee simple of a certain tract of real property consisting of approximately 11 acres, such tract being described as _____ on the Master Plan for the Lincoln County Industrial Park; and

WHEREAS, the said tract is generally located along Lincoln County Parkway in the Lincoln County Industrial Park; and

WHEREAS, the Lincoln County Board of Commissioners believes that the said tract should be declared surplus property and sold; and

WHEREAS, the said tract has been previously offered for sale by Lincoln County through the Lincoln Economic Development Association for \$15,000.00 per acre; and

WHEREAS, Lincoln County has received an offer to purchase the said tract for the sum of \$220,000.00, or \$20,000.00 per acre, which offer has been secured by a deposit with the County of the sum of \$11,000.00, representing five percent of the bid as required by the provisions of N. C. G. S. Chapter 160A; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of Lincoln County and its citizens to sell the said tract, and the Board proposes to accept the said bid of \$220,000.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey and compliance with the procedures of N. C. G. S. Chapter 160A;

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

1. The Lincoln County Board of Commissioners declares the tract of real property consisting of approximately 11 acres consisting of _____ as described on the Master Plan for the Lincoln County Industrial Park, to be surplus property and authorizes and directs the sale of said tract as hereinafter resolved.

2. The Board of Commissioners acknowledges receipt of a bid to purchase said tract for the sum of \$220,000.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey, and further acknowledges receipt of the deposit from the bidder of the sum of \$11,000.00, representing five percent of its bid as required by the procedures of N. C. G. S. Chapter 160A.

3. The said deposit shall be forfeited and withheld by Lincoln County in the event that the bidder prematurely withdraws its bid.

4. The County Manager and Clerk to the Board are hereby directed to place an appropriate newspaper advertisement in accordance with the requirements of N. C. G. S. Chapter 160A to inform the public of the Board's action in declaring this property to be surplus and the Board's receipt of this bid and intention to sell the said property to the bidder on these terms unless its bid is upset as provided by law.

5. Any party, person, firm, or other entity wishing to place an upset bid shall file such upset bid with the Lincoln County Finance Department before the close of business on the 10th day following publication of the newspaper advertisement herein specified.

6. Any such upset bid must comply with the following conditions:

a. The upset bid must raise the original bid by an amount equal to at least ten percent of the first \$1,000.00 of that bid plus five percent of the remainder.

b. The upset bid must be made in writing and be sealed.

c. The purported upset bidder must deposit cash or certified funds with the Lincoln County Finance Department in an amount equal to at least five percent of its bid.

d. The deposits of any unsuccessful upset bidders shall be returned within five days after completion of the upset bid process. The deposit of a successful upset bidder who withdraws without completion of its purchase shall be forfeited and withheld by Lincoln County.

7. No upset bids shall be opened until after the close of business on the 10th day following publication of the newspaper advertisement herein specified. Upon opening of any upset bids and verifying receipt of a qualifying upset bid, the County Manager shall arrange for publication of a further advertisement of the receipt of such qualifying upset bid and providing for a further upset bid procedure as set forth herein.

8. Upon the passing of the ten-day upset bid period without a qualifying upset bid having been received, the highest qualifying bid received shall be deemed accepted, and the Chairman of the Board of Commissioners and the Clerk to the Board shall be authorized to execute all documents necessary to consummate the sale and conveyance of the property to the highest qualifying bidder.

9. The conveyance of the property shall occur at such reasonable time as the parties shall agree after receipt of the highest qualifying bid and shall be made contemporaneously with receiving cash or certified funds in the full amount of the purchase price.

10. In the event that no qualifying upset bid is received by the close of business on the 10th day following publication of the aforesaid notice, the offer of \$449,600.00, or \$20,000.00 per acre, referred to hereinabove shall be accepted and the said property sold and conveyed to the bidder on the terms stated herein.

11. This resolution shall be effective upon adoption.

This 22nd day of September, 2003.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

Resolution Concerning Removal of the South Aspen Street Bridge: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution.

RESOLUTION

WHEREAS, North Carolina Department of Transportation Project R-617 calls for the removal of the South Aspen Street bridge over existing NC 150 on the south side of the corporate limits of Lincolnton, the county seat of Lincoln County; and

WHEREAS, South Aspen Street (Old US Highway 321) is and has long been a major artery for traffic into and out of the center of Lincolnton; and

WHEREAS, the removal of the South Aspen Street bridge will create, for all intents and purposes, a dead end to that major street and will result in an indirect route for many motorists seeking access to US 321 South; and

WHEREAS, the removal of the South Aspen Street bridge will be harmful to the economic well-being of the businesses in downtown Lincolnton; and

WHEREAS, the removal of the South Aspen Street bridge will close one end of a long-established, historic street (along which extends a National Register Historic District) in the second-oldest city in the state west of the Catawba River; and

Kari Lanning

Gaston Community Action Board of Directors

Rev. Michael Fegueroa

LHS Board

Dr. Deborah Perry

Library Board

Kaye Hollifield

Gloria Kernoodle

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

Changing Coordination Services Program Status: Joanie Belk, Tracy Pyant, Lou Burgess, and Linda Brooks presented information concerning changing Coordination Services. Joanie Belk stated that there is a budget adjustment for Child Service and MCC Coordination to reduce one budget and increase another. Tracy Pyant and Lou Burgess spoke concerning services they provide to citizens.

Ordinance Regulating Pre-hospital and Emergency Medical Services: Ron Rombs presented the Ordinance Regulating Pre-hospital and Emergency Medical Services to the Board.

UPON MOTION by Commissioner Craig, the Board voted unanimously to advertise for a public hearing for the October 6, 2003 meeting at 8:00 p.m.

Calendar: Chairman Cochrane presented the calendar for the month of October, 2003. He pointed out the meeting on October 15, 2003 at Verdict Ridge Country Club for counties contiguous to Mecklenburg County. This meeting is for Chairman's and County Manager's to attend.

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

County Commissioners' Report: Commissioner Craig reported on a meeting he had with staff and BFI pertaining to the Franchise Ordinance and host fees. Linda Ashendorf would like to meet with each Commissioner individually concerning the Franchise Ordinance.

UPON MOTION by Commissioner Craig, the Board voted unanimously to suspend the rules to allow reconsideration of the Landfill Franchise Ordinance.

UPON MOTION by Commissioner Craig, the Board voted unanimously to reconsider the Landfill Franchise Ordinance and suspend the applicability of it until it is further studied.

Commissioner Craig mentioned two complaints that he has received. One was concerning the Tax Department. The gentleman complained because a notice to garnish his wages was sent to his work. His wages were garnished, he went to the office complaining, and was almost fired for this. The gentleman was not the correct person, but the money was taken from his check. Over \$180 was taken from this his check and he still has not gotten his money back. The Tax Department sent letters of apology to the gentleman and to his place of work. Commissioner Craig stated that this is not the first time this has happened and he feels something should be done to make sure it does not happen again.

Commissioner Craig stated that a lady that works for Worldwide Imports received a bill from a collections agency for an ambulance bill that is over 2 years old. She had not even received a bill for this prior to the collection agency getting it.

Ron Rombs explained how situations such as this happen.

County Attorney's Report: Jeff Taylor stated that he continues to meet with the ABC Board. The construction process is moving forward for the new store.

Mr. Taylor stated that he has received a proposal to amend the lease on a Pathways facility. These changes are needed according to the Mental Health Reform Act.

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

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman