

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 15, 2001

The Lincoln County Board of County Commissioners met in regular session on October 15, 2001 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
Beth H. Saine, Vice-Chairman
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Others Present:

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

Call to Order: Chairman Cochrane called the meeting to order.

Invocation: The Invocation was given by Carroll Lindsay of First United Methodist Church.

Pledge of Allegiance

Adoption of Agenda: UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the agenda deferring item 7 – Adoption of Fire Protection Ordinance and item 16 – Hospital Board Recommendations until November 19th.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

OCTOBER 15, 2001

6:30 PM	Call to Order
6:31 PM	Invocation – Rev. Drew Southern First United Methodist Church
6:33 PM	Pledge of Allegiance
1.	6:34 PM Adoption of Agenda

2. 6:35 PM Approval of Minutes
 - October 1, 2001
3. 6:40 PM Consent Agenda
 - Tax Requests for Releases
 - Less than \$100 – August 16 – September 15, 2001
 - More than \$100 – August 16 – September 15, 2001
 - Tax Requests for Refunds
 - Less than \$100 - August 16 – September 15, 2001
 - More than \$100 - August 16 – September 15, 2001
 - Requests for Water Adjustments
 - August 13 – September 10, 2001
 - September 3 – October 8, 2001
 - Budget Adjustments 23, 26, 27, 28, 29, 30
 - Resolution for Review Officer
 - Waived Fees or Sponsored Group Status
 - Green's Christian Concerts
4. 6:45 PM Public Comments
5. 7:00 PM Recommendations from Planning Board from October 10, 2001
 - Zoning Map Amendment No. 388 – Marty Mull, applicant.
 - Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant.
6. 7:15 PM Adoption of Land Use Plan
7. 7:25 PM Adoption of Fire Protection Ordinance
8. 7:35 PM Lincoln County Crisis Pregnancy Center – Sherry Overby
9. 7:50 PM Amendments to Lincoln County Animal Control Ordinance
10. 8:00 PM 2002 Holiday Schedule – Emily Robinson
11. 8:05 PM Modified Light Duty Policy – Emily Robinson
12. 8:15 PM Report on Septic Tank Repairs – Maggie Dollar
13. 8:30 PM Website Status Update – Dante' Patterson
14. 8:40 PM Resolution For New Water Fees
15. 8:50 PM Adoption/Fostering Proclamation

16. 9:00 PM Hospital Board Recommendations

17. 9:10 PM Resolution Concerning Use of Room Occupancy and Tourism Tax

18. 9:20 PM Setting Road Priorities in Lincoln County

19. 9:30 PM Vacancies

20. 9:35 PM Appointments

21. 9:40 PM Calendar

22. 9:45 PM County Commissioners' Report

23. 9:55 PM County Manager's Report

24. 10:05 PM County Finance Officer's Report

25. 10:15 PM Other Business

Adjourn

Approval of Minutes – October 1, 2001: Chairman Cochrane presented the minutes of the October 1, 2001 meeting for the Board's approval.

UPON MOTION by Commissioner Craig, the board voted unanimously to approve the minutes with the following correction;

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He suggested honoring permits issued **prior to** August 21st for the old rate and give refunds to people who paid the higher fee.

Consent Agenda: Chairman Cochrane presented the consent agenda for the Board's approval.

RELEASES FOR AUGUST 16TH THRU SEPTEMBER 15TH, 2001

MORE THAN \$100 – MOTOR VEHICLES

NAME	YEAR	A/C NO	AMOUNT
Blackmon, Floriece Graham	2000	0139651	\$186.14
Central Carolina Sprinkle	2001	35729	\$306.56
Davis, Kenneth E.	2001	03309	\$104.26
Hartman, Robert William Jr.	2001	0129733	\$109.50
Helms, Jean Buff	2001	0152137	\$184.04
Henderson, Hollis Carlton	2000	0097616	\$198.19
Her, Wong Victor	2001	0151980	\$101.55

Jones, Daniel H.	2001	0103793	\$271.60
Ket Transportation Services	2001	0153174	\$116.76
Kirby, Ronnie D.	2001	09417	\$235.59
Leonhardt, Cheryl S.	2001	0150367	\$215.97
McGerrigle, John Ross	2001	0127470	\$121.87
Monk, Teddy Bruce	2001	0102067	\$138.16
Muse, Douglas Ervin	2001	43816	\$786.24
Phillips, Warren Chris	2001	0152051	\$108.46
Richard Jackson Motorsports	2001	0136042	\$110.75
Richard, Deborah Henley	2001	0152038	\$173.23
Rinck, Jewel Beard	2001	0068705	\$102.35
Rudisill, Joshua Caleb	2001	0153287	\$173.23
Valley National Financial Serv	2001	0145084	\$164.89
Wood, Cynthia Hayes	2001	0153383	\$126.47

LESS THAN \$100 – MOTOR
VEHICLES

NAME	YEAR	A/C NO	AMOUNT
Abernethy, Danny Ray	2001	11475	\$91.12
Abernethy, Tamra Keener	2001	0077245	\$8.61
Adams, Howard Lee	2001	0117307	\$7.39
Anthony, Joshua Bryan	2000	0150374	\$65.54
Armstrong, Sammy Joe	2001	0075091	\$14.52
Arndt, Donald Mark III	2001	0115130	\$94.29
Avery, Harry Lee	2001	02182	\$4.68
Barbagli, Ronald	2001	0112301	\$26.40
Barton, William Victor	2001	0144472	\$8.10
Bianucci, Mark	2001	0127660	\$14.48
Binnix, Andrew H.	2001	0133287	\$11.56
Black, Clifton Walker	2001	0103417	\$34.05
Blanton, Susan Jane	2001	0152789	\$6.21
Bolick, Carl Bruce	2000	0106269	\$9.80
Borman, John M.	2001	0146760	\$5.04
Bradley, Gregory Van	2001	0071256	\$81.43
Brooks, William Thomas	2001	0064049	\$51.97
Bucy, Peter A.	2001	0128171	\$40.70
Bunn, Katie Marie	2001	0153233	\$7.26
Burch, Anthony Alfred Coit	2001	0143990	\$17.66
Carpenter Co.	2001	0149749	\$81.12
Carver, Larry	2001	0106558	\$47.38
Cauthen, Betty Faile	2001	0068456	\$6.96
Collins, Jackie	2000	0083404	\$38.85
Conley, Cynthia Ruth	2001	0128877	\$16.66
Cook, Cecil	2001	26872	\$26.42
Dallas Pillow Co.	2000	24719	\$26.80
Davis, Jeffrey Lane	2001	0145059	\$13.47
Dellinger, Aaron S.	2001	41824	\$12.59
Dellinger, Michael Todd	2001	0120315	\$32.56
Dellinger, Troy Shane	2001	0079503	\$9.84

Devine, Judy Hill	2000	0072529	\$9.13
Dickson, Larry W.	2001	43448	\$4.13
Digh, James Jackson Jr.	2001	0098576	\$2.79
Dillon, Thomas Dwight	2000	0148767	\$5.35
Durham, Lorenzo Lionel	2001	0147707	\$6.15
Edwards, Rachel Louise	2001	0151974	\$8.48
Ellis, Beverly Rhyne	2001	0149192	\$2.31
Ellis, Joan Marie	2001	0108776	\$42.58
Ellis, Timothy W.	2001	0086868	\$11.28
Fenske, Jeffrey Dale	2001	0066367	\$84.11
Fletcher, Darryl Lynn	2001	0068793	\$8.91
Ford Motor Credit	2000	0097940	\$23.27
Fowler, Jeffrey Wayne	2001	0086243	\$12.99
Futrell, Charles Michael	2001	0118893	\$61.36
G & W Construction	2000	0141534	\$26.88
Gaddy, Larry A.	2001	0126164	\$38.64
Gidney, Tissy Dondrel	2001	0146986	\$68.27
Giles, John Keith	2001	0094319	\$40.23
Godshall, Ernest Franklin Jr.	2001	0087787	\$94.36
Hamilton, Rosa Lee	2001	0125006	\$26.10
Harkey, Timmy Allen	2001	0072248	\$1.41
Hatcher, James Gregory	2001	0149109	\$47.13
Haynes, Evelyn Schronce	2001	0069134	\$8.45
Hedrick, Susan Poteat	2001	0072431	\$42.11
Hegler, George Robert	2001	0115328	\$20.98
Hines, Donald Charles	2001	0083129	\$10.81
Houck, Lonnie R.	2001	01181	\$56.71
Houser, Sidney Brian	2001	0080509	\$2.43
Howell, Martha W.	2001	0119677	\$6.74
Huckle, Vernon Quinten	2000	0096489	\$82.03
Huggins, Melissa Dawn	2001	0153489	\$72.34
Hughes, Sandra Lee	2001	0112678	\$31.78
Hulslander, Robert E. Jr.	2001	0143090	\$97.12
Ikard, Derek Launt	2000	0124023	\$19.95
International Paper Company	2000/01	0150375	\$72.95
Isaac, Lloyd Donald II	2001	0099003	\$24.60
Johnson, Scott Maurice	2001	0065964	\$68.61
Johnson, Terry Lee	2000	0089393	\$18.00
Jones, Richard Marshall	2001	0091826	\$4.50
Keener, Edward H.	2001	14201	\$5.26
Landers, Richard Duane	2001	0135916	\$9.30
Lawrence, Alfred Lee	2001	0100032	\$8.55
Ledford, Jan Devenney	2001	0066362	\$2.60
Lineberger, Gene Lamar	2001	0073479	\$15.84
Little, Ronald R.	2001	10642	\$2.89
Loeffler, Robert	2000	0112888	\$80.96
Loftis, Jerry J.	2001	0148651	\$40.80
Lumpkin, Arllie L.	2001	0091552	\$10.59
Lutz, Bryan Charles	2001	0114737	\$63.48
Lynch, Lois Reinhardt	2001	0072051	\$9.70
Maroto, Fabio	2001	0132194	\$83.25
Martin, Debbie	2001	28106	\$73.08
McGee, Kristin Ann	2001	0151996	\$32.07
McGinnis, William Franklin Jr.	2001	0075939	\$16.89
McLaughlin, Carole Hallman	2001	0126468	\$4.78

McMurry, Bobby Gene Jr.	2001	0095524	\$43.43
McMurry, Paul Edward	2001	0088245	\$27.53
Mejias, Oscar Mario	2001	0087097	\$25.65
Miracle, Larriene Lawayne	2001	0152702	\$23.75
Moose, Anita Butler	2001	0067194	\$17.26
Morgan, Lawrence Gene	2001	0082422	\$59.63
Morrison, Marian Althia	2000/01	0073645	\$30.11
Moser, Betty Vaughn	2001	39507	\$21.27
Murguia, J-Jesus Salcedo	2001	0139479	\$40.44
Nance, Wyoma Anthony	2001	006976	\$17.17
Nolen, Eric Daniel	1995	0107784	\$5.43
Nolen, Michelle Fagg	1994	0106749	\$7.44
Owens, Jack Adrian	2001	0081193	\$10.03
Parker, Addy Lindsay	2001	0145111	\$16.89
Parlier, James Lee Jr.	2001	0116305	\$3.25
Patel, Rajeshkumar R.	2000	0149372	\$40.73
Phillips, Michael Lee	2001	33003	\$8.15
Poovey, Clarice Heavner	2001	0082236	\$10.60
Pope, Raymond Arnold	2001	0113238	\$32.51
Pries, Christine Mary	2001	0153373	\$35.66
Propst, David Hoke	2001	0110504	\$13.16
Propst, Edward Russell Jr.	2001	0091289	\$11.90
Propst, John Arthur	2001	0141594	\$3.21
Regional Maintenance Inc.	2001	0138017	\$72.00
Reynolds, Patricia Davis	2001	0069188	\$10.39
Rhyne, Carl Crowell	2001	0066945	\$22.06
Richardson, Tommy Franklin	2001	0080609	\$10.44
Ross, James Keith	2001	0104897	\$8.14
Rozzelle, Richard Franklin III	2001	0097002	\$91.20
Rudisill, Calvin C.	2001	02762	\$28.21
Rudisill, Chastity Dawn	2001	0162243	\$27.63
Sanford, Roger Dale	2001	0064902	\$61.09
Schronce, Earnest Andrew	2001	0096985	\$19.76
Sepahrom, Mohammad	2001	0097515	\$28.23
Singletary, Clifton Heath	2001	0152550	\$93.84
Smith, Howard Earl	2001	03336	\$6.55
Smith, Lewis M.	2001	16815	\$6.16
Solera, Douglas Alonso	2000	0136902	\$26.54
Sowers, Nancy Ruth	2001	0153393	\$52.37
Strother, Patricia Miller	2000/01	0151723	\$94.60
Summitt, Richard Carrel	2001	0122610	\$8.40
Suzuki, Takeshi	2001	0131049	\$78.86
Teague, Kenneth Roy	2001	0108769	\$6.86
Tiffany, Cheryle A.	2001	0136168	\$2.96
Whitcomb, Barbara W.	1999	0061514	\$5.51
Williams, Raymond	2001	0071915	\$5.35
Wyatt, Morris Junior	2001	0074065	\$27.18
Yearwood, Herman C.	2001	0138816	\$39.84
Zollo, Robert A.	2001	0124369	\$19.26
LESS THAN \$100			

NAME	YEAR	A/C NO	AMOUNT
Aderholt, Vergie M.	2001	0060289	\$797.97
Corporate Air Fleet	2001	0124981	\$255.19

D & S Dev. Of Lake Norman	2001	0142049	\$179.57
Dellinger, Geneva Aiken	2001	0150838	\$147.40
Evans, Danny Ray	1996-98	0099916	\$216.66
First Federal Savings Bank	2001	0149175	\$621.00
Free, Michael Lee	2001	0086128	\$243.95
Gates, Craig P.	2001	03834	\$134.00
Gilbert, R. B.	2001	03994	\$277.86
J. T. Hale & Associates Inc.	2001	0144811	\$442.15
Leatherman, Angela Joann	2001	0076496	\$3,420.14
Lineberger Bros. Inc.	2000/01	25508	\$723.77
NES Enterprises	2001	0144159	\$196.31
Pate, Terry Lee	2001	0112900	\$145.20
Prather, Larry Torban	1992-01	0146282	\$338.66
Price, Ashely A.	2001	0131892	\$123.42
Resendiz, Alejandro Chavez	2001	0111904	\$107.28
Shull, Kenneth Lee	2001	15772	\$134.00
Stanley, Richard Holmes	2001	0102683	\$147.40
Stonehenge Technoloy GRP	2001	0148149	\$451.00
Suarez, Thomas Andres	2001	0113879	\$140.49
Truck Transfer Service Inc.	2001	0107247	\$785.58
Walker, Johnny Ray	2001	01558	\$345.00
		TOTAL	\$10,374.00

NAME	YEAR	A/C NO	AMOUNT
Adkins, Karen Richard	2001	0098375	\$1.10
Black, Betty Patterson	2001	0067601	\$7.01
Byers, Myrtle Q.	2001	0077218	\$31.72
Canipe, Roy D.	2001	04537	\$69.00
Chilcote, Ray Lewis	2001	0116580	\$2.17
Cornwell, Lillian	2001	0115705	\$10.38
Crane, Henry C.	2001	21812	\$53.06
Crouse, Richard Hall	2001	37876	\$4.65
Davis, Margaret Setzler	2001	0101755	\$38.70
Dedmon, Ronnie Jetton	2001	0080469	\$63.65
Friday, Ersia Garnell	2001	0129637	\$69.00
Iabah LLC	2001	0124935	\$69.68
Ibison, Richard Allen	2001	0123018	\$81.13
Lamberth, Michael L.	2001	29652	\$69.00
Lawing, Margaret W.	2001	43626	\$21.60
Lowman, James Arvin	2001	45419	\$3.69
Nixon, Betty L.	2001	0128641	\$3.30
Reel, Leroy Neal	2001	20759	\$69.00
Rhyne, Billy D.	2001	17421	\$3.61
Sigmon, Kenneth G. Sr.	2001	0144255	\$69.00
Small, Brenda K.	2000/01	01184	\$85.12
Summey, James P.	2001	38121	\$1.71
Wilcox, Maurnagh Flynn	2001	0065779	\$3.10
Wright Wray Electrical Serv. Inc.	2001	26376	\$6.98
		TOTAL	\$837.36

**LINCOLN COUNTY TAX DEPARTMENT
ANNUALS**

REQUEST FOR REFUNDS

PERIOD COVERED (August 16 – September 15, 2001)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Gamble, Dewey P.	2001	BCFD	0134688	\$69.00
Lamberth, Michael L. & Barbara J.	2001	PCFD	29652	69.00
Poteat, Larry Woodrow Jr.	2001	UNFD	0064769	69.00
Summey, James P.	1996-2000	ALFD	38121	6.15
Walker, Johnny & Ruby	01560	NBFD	01560	69.00
TOTAL				\$282.15

**LINCOLN COUNTY TAX DEPARTMENT
ANNUALS**

REQUEST FOR REFUNDS

PERIOD COVERED (August 16 – September 15, 2001)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Byers, Mary Susan	1998-2001	UNFD	02567	\$572.65
Crooks, Frances	2001	DFD	21002	2,099.13
Evans, Danny Ray	1992	NBFD	32585	175.29
Mundy, Vivian	2001	DFD	21002	932.96
Sigmon, Mick	2001	DFD	21002	699.72

TOTAL **\$4,479.75**

**LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES**

REQUEST FOR REFUNDS

PERIOD COVER (August 16 – September 15, 2001)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Abernathy, Linda Lee	2000	ELFD/ELSD	36401	\$60.79
Adams, Lane J.	2000	ELFD	0131315	3.10
Almost Trucking Inc.	2001	DFD	0133703	3.17
Bowman, Victoria T.	2000	PCFD	0142856	18.44
Carlton, Janice Pruett	2000	CITY	0070066	6.97
Clifford, Fiona Jane	2001	DFD	0130279	11.45
Craft, Tony James	2000	NBFD	0146854	15.32
Dalrymple, Susan C.	2000	BCFD	0092925	2.51
Donaldson, Malcolm	2001	DFD	0105375	5.77

Edwards, John David Jr.	2000	BCFD	0077606	6.66
First Union National Bank	2000	N321	0132242	33.19
First Union National Bank	2000	DFD	0132242	45.10
Garro, Jose Oliver Campos	2000	CITY	0149021	2.76
Geer, Thomas C.	2000	ELFD/ELSD	0141083	6.68
Hannon, Fred Jackson Sr.	2000	BCFD	0104358	3.39
Henry, Barbara	2001	BCFD	0130313	23.39
Hoover, Raymond W.	2000	DFD	18133	6.05
List, Jennie Willis	2001	DFD/ELSD	0110771	22.74
Lunceford, Homer Wayne	2000	DFD	0122772	6.05
Matson, Kenneth Richard	2000	BCFD	0113680	7.11
Mull, Donald Wayne	2001	BCFD	0065466	5.41
O'Brien, Timothy M.	2000	BCFD	0141718	44.47
Oxford, Jerry G.	2000	PCFD	0133856	21.47
Rich, Bobby W.	2001	N321	0063879	3.41
Tufino, Gonzalo Fernando	2000	SFFD	0139794	7.25
Zellweger Uster Inc.	2000	HCFD	0072505	40.63
Wright, Jerry Edward Sr.	2000	SFFD	0089489	4.62
Total			\$417.90	

Water Accounts requesting adjustment – August 13 – September 10, 2001

Name	Account #	Adjustment	New Total	Reason
JE Secord Jr.	10223551-00	\$279.11	\$112.63	Leak
Nellie Leatherman	3013031-00	\$31.63	\$33.83	Leak
William Simpson	6113571-00	\$383.96	\$185.79	Leak
Helen Blackburn	9181291-00	\$132.47	\$84.37	Leak
Denise Deal	6143803-06	\$190.55	\$151.65	Leak
Dawn Nichols	10224462-01	\$104.69	\$87.57	Leak
Teresa Stamey	8165151-00	\$62.05	\$53.56	Leak
Monty Camp	6100761-03	\$95.35	\$67.76	Leak
Janet Minton	10226202-01	\$70.84	\$75.44	Leak
Louis Lilienthal Jr.	10226051-07	\$41.54	\$38.49	Leak

Water Accounts requesting adjustment – September 3 – October 8, 2001

Name	Account #	Adjustment	New Total	Reason
Tim Strickland	6148790-00	\$49.63	\$121.73	Left Sprinkler on
Avice Cockerline	4048411-02	\$36.27	\$44.98	Leak
Pamela Irwin	11208031-08	\$40.95	\$34.82	Leak
Stephen Battel	10221831-01	\$42.07	\$38.70	Leak
Sandy Kinney	6100361-01	\$58.29	\$52.45	Leak
Marvis Harris	6147151-00	\$41.21	\$91.02	Leak
Carol Brooks	10224051-01	\$28.09	\$72.11	Leak
Stephen Gibson	10222491-01	\$167.03	\$145.41	Leak

Budget Adjustment No. 23 for MIS - CIP to allocate \$58,461 to MIS Capital Improvement per request approved 9-17-01.

Budget Adjustment No. 26 for Group Home to increase Group Home budget by \$503 and reduce contributions to account for balance of Heafner Tire grant received last year.

Budget Adjustment No.27 for Emergency Management to increase revenues and expenditures for check from insurance on the tanker spill on Hwy. 27 East.

Budget Adjustment No. 28 for Health Department for Grant from Glaxco Smith Kline to be used for Asthma.

Budget Adjustment No. 29 for Health Department for Smart Start Grant to be used for dental care 0-5 years old, non-medicaid.

Budget Adjustment No. 30 for Health Department to refund to Lincoln Dental Health Services, and Smart Start for monies received before 6-30-01.

**NORTH CAROLINA
LINCOLN COUNTY**

RESOLUTION

That **WHEREAS**, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, the Lincoln County Board of Commissioners believes and so find that Barry McKinnon is a person experienced in mapping of land records management in the spirit of the aforesaid statute, and

WHEREAS, to comply with General Statute 47-30.2, the Lincoln County Board of Commissioners enacts this Resolution:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Lincoln County Board of Commissioners and its October 15, 2001 regular meeting as follows:

1. That Barry McKinnon be and is hereby appointed as a **REVIEW OFFICER** to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.

4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincoln County Board of Commissioners and its regular October 15, 2001 meeting.

LINCOLN COUNTY

By: _____
Jerry Cochrane, Chairman

ATTEST:

Clerk to the Board

North Carolina
Lincoln County

I, _____, Clerk to the Board of Lincoln County Board of County Commissioners do hereby certify that the foregoing Resolution is a true and accurate copy of the original Resolution duly passed by the Board of Commissioners at its regular October 15, 2001 meeting, and the original of said Resolution is duly recorded in the minute book for Lincoln County.

This 15th day of October 2001.

Clerk

Sworn to and subscribed before me,
this 15th day of October 2001.

Notary Public

My Commission Expires _____

There was a discussion concerning Greene's Concert's request for sponsored group status or waived fees.

UPON MOTION by Commissioner Craig the Board voted unanimously to defer Greene's Concert's request for waived fees until November 19th so further information can be provided.

UPON MOTION by Commissioner Choate the Board voted unanimously to approve the Consent Agenda with the exception of Greene's Concerts.

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.

David Noles stated that the community has put together a petition and filled out the necessary forms to rezone 62 tracks of land on Bethel Church Road. He stated that what the developer is doing on Bethel Church Road is against state statute.

Dr. William Beutel stated that he is against the nomination of Dr. Gordon Crowell for the Hospital Board. He stated that putting Dr. Gordon Crowell in this position would not represent practicing physicians because he does not practice anymore.

Dr. Richard Ted Mull stated he is against the nomination of Dr. Gordon Crowell for the Hospital Board. He stated he feels it is a conflict of interest for Dr. Gordon Crowell to be on the board because he has had financial ties dealing with the hospital administration.

Dr. David Nachamie he stated it is important that we have a hospital board that is independent of Carolina Health Care System. He stated the physicians are requesting the hospital board be independent of Carolina Health Care System.

Jim Boyles stated he and the scouts from pack 106 were attending the meeting to observe their local government.

JC Beaver stated that he pays taxes like everybody else and he wants to be treated fairly. He stated he was told to fill out paper work and nobody else has to.

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

Recommendations from the Planning Board from October 10, 2001:

Zoning Map Amendment No. 388 –Marty Mull, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted unanimously to approve the request.

Commissioner Craig mentioned why the owner couldn't rezone only one of the parcels.

UPON MOTION by Commissioner Craig, the Board voted unanimously to defer the Zoning Map Amendment No. 388 – Marty Mull to November 19th so further information could be provided about the owner using only one parcel.

Conditional Use Permit No. 194 – Crown Castle South, Inc., Applicant: Randy Hawkins, Zoning Administrator stated that the Planning Board voted unanimously to approve the request.

**RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT**

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #194 Date: October 15, 2001

Applicant's Name: Crown Castle South Inc.
Address: 9105 Monroe Road, #150
 Charlotte, NC 28270

Property Owner's Name: Clara Bell Taylor
Address: 6635 West Highway 27
 Vale, NC 28168

Property Location: Vance Hull Lane (off Jake Seagle Rd.)
 Vale, NC 28168

Existing Zoning: R-T

Proposed Conditional Use: To accommodate a 250-foot telecommunication tower on a 11.8-acre parcel.

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Factual Reasons Cited: Based on testimony at hearing.
2. The use meets all required conditions and specifications.
Factual Reasons Cited: Based on testimony at hearing.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Factual Reasons Cited: Based on executive summary.

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.
Factual Reasons Cited: Meets criteria of land use plan, location shielded by trees.

After having held a Public Hearing on 10/1/01 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve Conditional Use Permit No. 194 – Crown Castle South, Inc., Applicant, based on the Planning Board's recommendation with the condition that a ~~restraint~~ screen be placed around ~~the tower~~ the perimeter in the event the trees were destroyed.

Chairman
Lincoln County Board of Commissioners

Date

Adoption of Land Use Plan: There was a discussion about changes being made after the Land Use Plan is adopted. Kelly Atkins stated the Plan is a changing document and it will be changed several times in the future.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Land Use Plan for Lincoln County.

Lincoln County Crisis Pregnancy Center: Sherry Overby gave a brief presentation about the Lincoln County Crisis Pregnancy Center.

Amendments to Lincoln County Animal Control Ordinance: The Board stated there was a good compromise between the Humane Society and Animal Control.

UPON MOTION by Commissioner Craig, the board voted unanimously to approve the Animal Control Ordinance amendment and add it to the existing ordinance effective October 15, 2001.

2002 Holiday Schedule: Emily Robinson asked the Board to approve the Holiday Schedule.

New Year's Day	January 1, 2002	Tuesday
Good Friday	March 29, 2002	Friday
Memorial Day	May 27, 2002	Monday
Independence Day	July 4, 2002	Thursday
Labor Day	September 2, 2002	Monday
Veteran's Day	November 11, 2002	Monday
Thanksgiving	Nov. 28 & 29, 2002	Thursday & Friday

Christmas

Dec. 24,25,&26, 2002 Tuesday, Wednesday, Thursday

UPON MOTION by Commissioner Saine, the Board voted unanimously to accept the Holiday Schedule as presented.

Modified Light Duty: Emily Robinson presented the board with the Modified Light Duty policy. She stated it was necessary for Lincoln County to have something like this to bring employees back to work on light duty if they're able to.

Modified/Light Duty Policy

Due to either work related or non-work related accidents and or illnesses an employee may be able to perform one or more of the essential duties of his/her job on a temporary basis. The following policy outlines Lincoln County's procedure for allowing employees to perform their job duties temporarily on a modified or light duty basis.

Light or modified duty is defined as a change in an employees job duties, hours of work etc. caused by a medical condition as certified by an authorized health care provider that renders an employee unable to perform one or more of the essential duties of his/her regular position with the County. Only medically authorized and specifically defined duties will be considered by Lincoln County for light or modified duty.

Light or modified duty cannot be guaranteed in every instance and will only be granted when available.

Light or modified duty will not be considered for non-work related accidents or injuries. Only work related accidents and or injuries will be eligible for light or modified duty positions on a temporary basis.

Light or modified duty on a temporary basis will be considered for conditions lasting up to three (3) months. Any light or modified duty in excess of three (3) months duration will not be considered for light or modified duty, thus, the employee will be placed on workers' compensation leave and FMLA should the condition qualify.

In order for an employee to be considered for or modified duty, a written, signed authorization to work with the specific duties the employee can and cannot perform along with anticipation duration of the condition must be furnished to the Lincoln County Personnel Department by an authorized health care provider. Upon receipt of such authorization, the Personnel Department will seek to accommodate the employee's limitations, either by placing the employee in a modified or light duty version of his/her regular job or another position which meets the specific recommendations as specified by the authorized health care

provider. **Under no circumstances will a position be created to accommodate an employee's medical condition on a temporary basis.**

All hours worked while on light or modified duty will be counted as FMLA should the medical condition qualify as such.

Lincoln County reserves the right, at it's expense, to require all employees on light or modified duty to be seen by a physician for medical evaluation at any time during the duration of the modified or light duty period. All employees on light or modified duty must furnish written medical authorization prior to their being allowed to return to regular duty.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the Modified Light Duty plan effective October 16, 2001.

Website Status Update: Dante' Patterson gave the Board a presentation on the Website's update. He stated MIS has acquired the www addresses, hardware work is done, and they are working on the final portions of the software. He noted that a worker would be out of the office because of health issues. Also, some recent security concerns have come about. On a daily basis MIS has had to remediate security issues involving our mail servers and web servers. He mentioned the large workload MIS is having to cover and what little help they have.

Resolution for New Water Fees:

**RESOLUTION CONCERNING APPLICATION OF
NEW WATER AVAILABILITY (CAPACITY DEVELOPMENT) FEES**

WHEREAS, the Lincoln County Board of Commissioners is faced with the responsibility of paying for various improvements to the County's water system over the next few years; and

WHEREAS, the Board of Commissioners recognizes the inequities that would be caused by paying for such improvements out of the County's General Fund; and

WHEREAS, at its meeting on August 20, 2001, the Board voted to implement an increase in the availability (capacity development) fee for water service in Lincoln County; and

WHEREAS, the increased fees were made effective at the beginning of business on August 21, 2001; and

WHEREAS, the Board has recognized that the immediacy of the effective date on the increase has had an adverse impact on residential projects that were already under construction as of the effective date of the fee increase; and

WHEREAS, the Board has determined that the issuance of a building permit for residential construction prior to August 21, 2001, is an appropriate and equitable standard to use to determine which projects would qualify for such relief;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that:

1. Residential construction projects for which building permits were issued on or before the close of business on August 20, 2001, shall be allowed to be completed upon payment of the water availability (capacity development) fees as set in the fee structure that existed prior to August 21, 2001, on the following conditions:
 - A. An appropriate building permit for the project must have been issued on or before the close of business on August 20, 2001, and must have remained in effect at the close of business on said date. (Projects that had permits that lapsed prior to August 20, 2001, will not qualify for that relief granted herein.)
 - B. All such fees must be paid in full by the close of business on November 30, 2001. Any project for which all water availability (capacity development) fees have not been paid in full on or before such date will be subject to the new fee structure that was adopted on August 20, 2001.
 - C. The owners of such projects bear all risk of dishonor or nonpayment of funds; if fees are paid with a check that is dishonored, the owner will thereafter be subject to the new fee structure unless such dishonor is made good by payment in full with cash or certified check on or before the close of business on November 30, 2001.
2. Any party who received a residential building permit after August 20, 2001, and has paid the increased water availability (capacity development) fee shall be refunded the difference between the amount of such payment and the amount that would have been due under the fee structure that applied prior to August 21, 2001.
3. County staff is hereby directed to examine the records of residential building permits issued since the opening of business on August 21, 2001, to determine who has paid the increased water availability (capacity development) fees as of the date of this resolution and to make reasonable efforts to notify the recipients of such permits that they may receive funds pursuant to this resolution.
4. County staff is further directed to examine the records of residential building permits that were issued and in force on the close of business on August 20, 2001, and make reasonable efforts to notify the holders of such permits that

they may qualify to proceed with their projects based on the former fee schedule as long as they meet the conditions set forth in this resolution.

5. This resolution shall be effective immediately.

This 15th day of October, 2001

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Jeff Taylor presented the resolution to the Board.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Resolution Concerning Application of New Water Availability (Capacity Development) Fees.

Adoption/Fostering Proclamation: Stan Kiser presented the proclamation to the Board.

ADOPTION/FOSTERING

By the Lincoln County Board of Commissioners

A Proclamation

WHEREAS, Lincoln County is dedicated to it's children who are in need of foster and adoptive homes; and

WHEREAS, Lincoln County is dedicated to the families who, through their generosity and love, have and will parent these children; and

WHEREAS, Lincoln County has recognized the need to further support efforts toward fostering and adoption by the "Campaign for Kids" celebration; and

WHEREAS, November has been proclaimed National Adoption Awareness Month.

NOW, THEREFORE, I, Jerry Cochrane, Chairman of the Lincoln County Board of Commissioners, do hereby proclaim November as Adoption Awareness month in Lincoln County and urge citizens to recognize and support the families who foster and adopt.

Adopted this the 15th day of October, 2001.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

UPON MOTION by Commissioner Saine, the Board voted unanimously to adopt the Adoption/Fostering Proclamation.

Chairman Cochrane called for a short recess.

Chairman Cochrane called the meeting back to order.

Report on Septic Tank Repair: Maggie Dollar stated the Board may want to consider re-looking at the issue of repairing septic tanks, when the residence can be hooked onto public sewer if available, because it is a state law. The intent is to prevent any health problems that can result from sewage spills. She stated that the Board of Health did look into this issue in 1997 and the plumbing code did state that all systems must connect where sewer is available. The current county ordinance only addresses and allows new construction or non-repairable malfunctioning systems to connect. The ordinance does not require repairable existing systems to connect and this was the question to the Board of Health in 1997, if this was safe to the public health. She stated that the state changed some rules requiring all new systems have 100% repair space in case of the drain fills going bad.

Commissioner Craig asked Ms. Dollar if she had any idea how many repairs are made yearly and what kind of repairs are being made. He stated that some owners go to the extent of replacing the whole system and they have the capability of hooking onto the sewer system. He stated the Board should look into what is to be repaired or replaced.

Ms. Dollar stated she would look into it and find out.

Commissioner Anderson stated it would help the Board to know what the definition of repairing and replacing are to the Health Department.

Ms. Dollar said she would get that information for them.

Ms. Dollar updated the Board about the Septic Pumpers issue. The City of Lincolnton notified the Health Department that they would no longer be accepting septic from pumpers because of an upcoming two-year construction project of the plant. This has caught the Health Department off guard. They have since, talked about taking the septic to other counties where higher fees apply. She stated land application is one means of disposing septic from septic tanks, but in the past they've had problems with land operators not treating the land appropriately.

Resolution Concerning Use of Room Occupancy and Tourism Tax:

**RESOLUTION CONCERNING USE
OF ROOM OCCUPANCY AND TOURISM TAX**

WHEREAS, it has been recognized that additional resources were needed in the promotion of travel and tourism in Lincoln County.

WHEREAS, a growing number of counties in North Carolina are using room occupancy taxes from the rental of rooms, lodging or accommodations, in the promotion of travel and tourism.

WHEREAS, on July 24th 1993 the North Carolina General Assembly approved legislation enabling Lincoln County to begin charging a room occupancy tax.

WHEREAS, after holding the required public hearings, the Lincoln County Board of Commissioners enacted a resolution levying a room occupancy tax on August 23, 1993 to become effective October 1, 1993.

WHEREAS, the enabling legislation of this tax requires that at least two-thirds of the proceeds from this tax be used to promote travel and tourism. The legislation also allows that the remaining revenues be used for tourism related expenditures.

WHEREAS, on September 12, 1994 a resolution was approved designating the use of the proceeds for fiscal years 1993-94 and 1994-95.

WHEREAS, on October 20, 1997 a resolution was approved designating the use of the proceeds for fiscal years 1995-96, 1996-97 and 1997-98.

WHEREAS, on October 4, 1999 a resolution was approved designating the use of the proceeds for fiscal years 1998-99 and 1999-00.

WHEREAS, during fiscal year 2000-01 Lincoln County received \$52,334, and expects to receive during 2001-02 \$55,000 from the tax.

WHEREAS, during fiscal year 2000-01 Lincoln County incurred the following expenses to promote travel and tourism: Chamber of Commerce \$16,000 to advertise print and distribute information on Lincoln County; Main Street Program \$12,000; Historical Properties \$1,418; Historical Association \$26,000; Historical Coordinator \$46,087; and Battle of Ramsour Mill \$4,482; for a total of \$105,987.

WHEREAS, during the current fiscal year Lincoln County has budgeted the following to promote travel and tourism: Chamber of Commerce \$15,600; Main Street Program \$11,700; Historical Properties \$7,221; Historical Association \$25,350; Historical Coordinator \$43,187; and Battle of Ramsour Mill \$4,387 for a total of \$107,445.

THEREFORE BE IT RESOLVED, That the revenues from the Local Occupancy tax be used for the above outlined tourism related expenditures and to promote travel and tourism for fiscal years 2000-01, and 2001-02.

Adopted this _____ day of October , 2001

Jerry W. Cochrane, Chairman
Board of Commissioners

Leon Harmon presented the board with the Resolution. He stated that in 1993 the General Assembly authorized the local occupancy tax for Lincoln County for motels and any other type of lodging facilities. The legislation also required a portion of it, at least 2/3 be used to promote travel and tourism.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Resolution Concerning Use of Room Occupancy and Tourism Tax.

Setting Road Priorities in Lincoln County: Chairman Cochrane stated that the Board needs to have representation at the DOT public hearings and press what Lincoln County's priorities are. The Board discussed the following improvements needed:

The completion of Highway 16 all the way to Highway 150
Continue construction on the 150 Bypass
Three lane of Highway 73
N. Pilot Knob Road

The DOT meeting will be at the Civic Center in Statesville on October 25, 2001 at 2:00 PM.

UPON MOTION by Commissioner Saine, the Board voted unanimously to establish Highways 16, 150, and 73 as priorities to present at the DOT meeting.

Vacancies: Commissioner Craig presented the following vacancies.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 7

The Region F Aging Advisory Committee

Alternate	1
Delegate	1
Regional Library Board	2
Recreation Commission	
Lincolnton Township	1
Howard's Creek Township	1

APPOINTMENTS

Gaston College Board of Trustees-

Wayne C. Lowe

Recreation Commission-

Sylvia Holmes

Library Board – Catawba Springs Township-

Gloria Kernodle

Lincoln Natural Resources Committee

Dale Mosteller

Sylvia Wallace

Betsy Williams

Cynthia Jarvis

John LaPointe

Ronald Bost

Henry Fogle

Jay Bunzey

Steve Gurley

Twyla McDermott

Michael Thomas

Max Abernethy

Kerry Kowaleski

Justin Shaffer

James Austin

Judy Yarbrough
Charles Wallace
Patty Dellinger
Brad Gragg

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the recommendations for appointments.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Commissioner David Choate to the Lincoln Natural Resource Committee.

Calendar: Chairman Cochrane presented the Board's calendar for October, 2001.

County Commissioner Report: Commissioner Anderson stated the pledges and cash donations for the East Lincoln Library were at \$19,601.91

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

Mr. Kiser stated what Emergency Management and McGuire are doing to secure the plant. He stated that the Sheriff's Department's are having training sessions with county employees to help them deal with threats and suspicious packages. He stated that the County has formed a Counter Terrorism Committee to deal with the situation.

County Finance Officer's Report: Leon Harmon, Finance Director, presented the Finance Officer's Report.

Other Business: Commissioner Craig stated there was some confusion with the estimate EMS architect.

Mr. Kiser stated the Board was not supposed to view the estimate. After the interview with the staff, they knew it was a higher estimate than what was anticipated.

Commissioner Anderson stated that EMS has been given a budget and they understand they cannot exceed that budget.

Jeff Taylor stated there was some confusion with the Sailview water problems. It was unclear about what the Board's intentions would be about proceeding with any amendment to the subdivision ordinance. He stated it would be his recommendation to schedule a public hearing on the amendments on November 5th.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to set a public hearing on November 5th to discuss amending the subdivision ordinance.

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

Cheryl A. Baxter, Assistant Clerk to the Board

Jerry W. Cochrane, Chairman