

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 16, 2009

The Lincoln County Board of County Commissioners met on November 16, 2009 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman
Bruce Carlton
George Arena
James A. Klein

Commissioners Absent:

Carrol D. Mitchem

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Barry McKinnon, Sr. Utility Engineer

Call to Order: Chairman Patton called the November 16, 2009 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 16, 2009

6:30 PM Call to Order

Invocation - Rev. J.V. Allen, Boger City Wesleyan Church

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda
2. 6:33 PM Consent Agenda
 - Waived Fees
 - The Nutcracker (Lincoln Cultural Center fundraiser)
 - Sponsored Group Status
 - Chamber of Commerce
 - Tax Requests for Refunds -
 - October 5 - 18, 2009
 - Ordinance #2009-07: An Ordinance Amending the FY 2010 Budget for the County of Lincoln, NC
3. 6:35 PM Public Comments
4. 6:50 PM Planning Board Recommendations - Randy Hawkins
 - UDO Proposed Amendments #2009-1: Lincoln County Planning and Inspections Department, application
 - Lincoln County Greenways and Trails Master Plan
 - Resolution #2009-31: A Resolution to Adopt the Carolina Thread Trail Master Plan for Lincoln County Communities.
- 4a. Set Public Hearing for Adequate Public Facilities Memorandum of Understanding
5. 7:10 PM Audit Presentation - Marin Starnes and Associates
- 5a. N321 Class 10 Property - Martha Lide
 - Scan of Class 10 Property
6. 7:40 PM Capital Project Report - Burns Whittaker
7. 7:45 PM Finance Officer's Report - Leon Harmon
8. 7:50 PM County Manager's Report - George Wood
9. 7:55 PM County Commissioners' Report
10. 8:00 PM County Attorney's Report
11. 8:05 PM Vacancies/Appointments
12. 8:10 PM Calendar
13. 8:15 PM Other Business

Adjourn

Consent Agenda: UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Consent Agenda.

- Waived Fees

- The Nutcracker (Lincoln Cultural Center fundraiser)
- Sponsored Group Status
 - Chamber of Commerce
- Tax Requests for Refunds - Over \$100
 - October 5 - 18, 2009

LINCOLN COUNTY TAX DEPARTMENT
REQUEST FOR REFUNDS
ANNUALS

PERIOD COVERED (October 5, 2009-October 18, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Schrum, Ernest B.	2009	N321	0211775	262.35
			TOTAL	\$ 262.35

- Ordinance #2009-07: An Ordinance Amending the FY 2010 Budget for the County of Lincoln , NC

**ORDINANCE #2009-07: AN ORDINANCE AMENDING THE FY 2010 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2010 Budget by approving Ordinance #2009-02 on June 15, 2009; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2010 Budget previously adopted is hereby amended as follows:

Section 1. That the budget adjustments attached hereto, and incorporated herein by reference, are hereby approved and adopted as amendments to the FY 2010 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 16th day of November, 2009.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

- Budget Adjustment #29 for Cooperative Extension to correct expenses and revenue associated with the SHIIP (Seniors Health Insurance Information Program) grant.
- Budget Adjustment #31 for Social Services to reflect amounts approved by Centralina Council of Governments for fiscal year 2009-2010. Additional

administration funds will be used to cover costs of Microsoft Office Enterprise License for agency.

- Budget Adjustment #32 for Social Services to increase expenditure and revenue line items for available funds to be used for Adult Day Care Services. Allocation was received from State office.
- Budget Adjustment #33 for Social Services to increase expenditure and revenue line items for Work First DOT funds.
- Budget Adjustment #34 for Social Services to increase expenditure and revenue line items for available funds to be used for emergency situations in domestic violence cases.
- Budget Adjustment #35 for Social Services to increase expenditure and revenue line items for 2nd allocation of ARRA Administrative Funding. These funds are to be used in the Food and Nutrition Program. Adjusted salary and fringe benefits line items for temporary worker through February 2010. Remainder of funds will be used to assist with county cost for present FNS staff.

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

JC Beaver, 1191 Highland Bluff Court, stated that he would like to be treated fairly.

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

Planning Board Recommendations – Randy Hawkins:

UDO Proposed Amendment #2009-1: Lincoln County Planning and Inspections Department, applicant: PB voted 6 -0 to recommend approval, gas stations Conditional Use in

Randy Hawkins stated that the Planning Board voted 6-0 to recommend approval with revision to c) as shown.

2) Amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to:

- a) change the maximum road yard setback in the B-N district from 30 feet to 90 feet.
- b) change the maximum road yard setback in the C-B, I-L and I-G districts from 150 feet to no maximum.
- c) state that public water and sewer services are required to be used for all nonresidential projects where services are available.

PB voted 6-0 to recommend approval.

3) Amend Section 3.4.6.3 (District Boundary Buffers) to change the required buffer along the boundary of an I-L and I-G district adjacent to a B-N district and along the boundary of an I-G district adjacent to a B-G and C-B district from a Class C buffer to a Class B buffer.

PB voted 6-0 to recommend approval.

4) Amend Section 9.6.10.A (Family Subdivision Review) to delete a requirement that the owner and grantee certify that no consideration shall be paid for any of the lots.

PB voted 6-0 to recommend approval.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to accept the Planning Board's recommendation and approve UDO Proposed Amendment #2009-1.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the Statement of Consistency of Consistency and Reasonableness.

Lincoln County Greenways and Trails Master Plan - Resolution #2009-31: A Resolution to Adopt the Carolina Thread Trail Master Plan for Lincoln County Communities – Lincoln County Planning and Inspections Department, applicant:
The Planning Board voted 8 – 0 to recommend approval.

Mr. Wood presented amendments to the Resolution, which were discussed. Commissioners Arena and Carlton also suggested amendments, which are incorporated into the Resolution:

**RESOLUTION #2009-31: A RESOLUTION TO ADOPT THE
CAROLINA THREAD TRAIL MASTER PLAN FOR
LINCOLN COUNTY COMMUNITIES**

Whereas, the Carolina Thread Trail's mission is to bring resources to the 15-county region in the south-central piedmont of North Carolina and the north-central portion of South Carolina in order to create an interconnected trail system with major regional trails designated as the Carolina Thread Trail, and

Whereas, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

Whereas, this Master Plan outlines a means for long-term coordination of greenway and trail development within the City of Lincolnton and Lincoln County to help promote the preservation and improvement of residents' quality of life; and

Whereas, it presents a regional plan to integrate all existing and proposed municipal and county trails with additional greenway/trail segments that will together create a comprehensive multi-use network for connecting people, places and destinations to each other and the surrounding counties; and

Whereas, it is well understood that building a trail system of this scale is a long-term undertaking, and segments will emerge over time and grow together, and adjustments will be made to the proposed routes as circumstances change and more information becomes available; and

Now, Therefore, Be It Resolved by the Board of Commissioners of Lincoln County, North Carolina as follows:

1. That Lincoln County hereby adopts the Carolina Thread Trail Master Plan for Lincoln County Communities, which is a conceptual plan for a system of trails that will connect our communities, people and special regional points of interest, not including the maps; and
2. That the Carolina Thread Trail does not advocate the use of eminent domain by local jurisdictions, and that Lincoln County will not use this, or any other method to acquire land for the trail network from an unwilling property owner; and
3. That the adoption of this Master Plan means that it will serve as a guideline for developing future proposed connections, and does not imply a commitment of funding by the Lincoln County Board of Commissioners for implementing the trails described therein; and
4. That each proposed segment of the Carolina Thread Trail must obtain approval from the Lincoln County Board of Commissioners.
5. No county money shall be used to develop, construct or maintain any segment of the Carolina Thread Trail.

Adopted this the 16th day of November, 2009.

UPON MOTION by Commissioner Carlton, the Board voted 3 – 1 (Klein against) to adopt the Resolution as amended.

Set Public Hearing for Adequate Public Facilities Memorandum of Understanding:
Mr. Wood asked Andrew Bryant to get numbers at all school levels for five or six years.

The Board set the public hearing for the meeting in December.

Audit Presentation – Martin Starnes and Associates: Amber McGinnis with Martin Starnes and Associates presented a power point on the audit. This is an unqualified opinion, there were no material internal control weaknesses identified, and the staff was cooperative.

N321 Class 10 Property – Martha Lide: Martha Lide presented the following information:

The Inter-local Agreement between the County and each of the Volunteer Fire Departments requires the Departments to eliminate all Class 10 areas and reduce coverage to 6 miles districts before July 2013. Chief Williams, from North 321 Fire Department, has requested a waiver of that provision of the Inter-local Agreement for a specific area in the northwestern most portion of their district. It is their belief that resources would be better utilized by replacing a fire truck at their existing station than building and manning an additional sub station.

The majority of the area is farm land or in the flood plain along the river, and can only be used to raise crops or animals; It is considered undevelopable. There is one mobile home in the area, located at 4320 Ritchie Road. The taxable value of that property is \$26,535. For 2009, the County taxes assessed were \$429.97, and the Fire District taxes assessed were \$20.26. It is estimated that the insurance premium for this type of structure in a Class 10 area would be from \$724-\$824 per year. If this area were to be rated as Class 9, it is estimated that the premium could potentially be reduced to \$524 per year.

The mobile home is just outside the 6 mile distance from the existing North 321, which would be required to achieve a Class 9 rating. We reviewed the location of the neighboring fire service districts, including Union Volunteer Fire Department and Catawba County fire services, to determine if they could cover the area within the 6 mile radius. Due to the geography and existing entry into the area, no other fire department can provide service to the property within the 6 mile radius.

It is important to note if this exemption is granted, this area will still be served by North 321, but it will just be outside of the 6 mile radius stipulated in the Inter-local Agreement. It is not cost effective to build and equip another station for one property. Therefore, we and the EMA staff recommend that you grant this waiver as requested by N321 Fire Department.

The Emergency Services Committee recommended approval of this exemption at their meeting on November 10, 2009.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the N321 Class 10 property.

Capital Project Reports – Barry McKinnon: Barry McKinnon presented the Capital Project Reports.

Finance Officer's Report: Leon Harmon presented the Finance Officer's Report.

County Manager's Report: Mr. Wood reminded the Board of the planning retreat on December 4, 2009 at 8:30 a.m. at the LEDA office.

County Attorney's Report:

Jeff Taylor gave updates on the case concerning the removal of the Sheriff and the disputed City of Lincolnton election.

Vacancies/Appointments:

UPON MOTION by Commissioner Carlton, the Board voted unanimously to appoint Mike Kolosowsky to the Board of Equalization & Review alternate.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to re-appoint Mike Davis to the ABC Board.

Calendar: Chairman Patton presented the December 2009 calendar.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners