

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 9, 2012

The Lincoln County Board of County Commissioners met January 9, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
James A. Klein
Carl E. Robinson, Jr.
Carrol Mitchem

Commissioners Absent:

George Arena, Vice Chair

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Planning Board Members:

Jeff Frushtick, Chairman
Christine Poinsette, Vice-Chairman
Cathy Davis, Secretary
Tom Campbell
Darrell Gettys
Dr. Richard Pence

Call to Order: Chairman Patton called the January 9, 2012 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 Klein, the Board voted unanimously to adopt the agenda.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 9, 2012
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation - Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Approval of Minutes
 - Tax Requests for Releases - More than \$100
 - November 16 - December 15, 2011
 - Tax Requests for Refunds - More than \$100
 - November 28 - December 11, 2011
 - Ordinance # 2012-01: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina
3. Zoning Public Hearings - Randy Hawkins

ZMA #590 Lincoln County Planning and Inspections Department, applicant (Parcel ID# 87034, 87035, 87036, 87037 and 87038) A proposal to rezone 4.7 acres from CU R-S (Conditional Use Residential Suburban) to R-SF (Residential Single-Family). The property is located on the east side of Pointe West Lane about 800 feet north of Tower Road in North Brook Township.

ZMA #591 Lincoln County Planning and Inspections Department, applicant (Parcel ID# 58288) A proposal to rezone 16 acres from CU R-S (Conditional Use Residential Suburban) to R-SF (Residential Single-Family). The property is located on the south side of Dan Rhyne Road about 2,000 feet east of Reeps Grove Church Road in North Brook Township.

ZMA #592 Renee Reel, applicant (Parcel ID# 90408) A request to rezone 1.5 acres from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is located on the northwest corner of Hwy. 73 and Amity Church Road in Ironton Township.

4. Public Comments (15 minutes allowed per Rules of Procedure)
5. Presentation of Schematic Design at Gamble Drive Facility (Old Hospital) - Jim Stewart with Stewart, Cooper, Newell
6. Contract and Design Documents for Rock Springs Park - Erma Deen Hoyle
7. Parks and Recreation Trust Fund (PARTF) Application - East Lincoln Rescue Park - Erma Deen Hoyle
8. Waterline Extension for Planter's Ridge Subdivision - Burns Whittaker
9. Request to Erect Sign for Lovable Lincolnton Possibility Tour - George Wood
10. Audit Services - Leon Harmon
11. Vacancies/Appointments
12. Other Business

Adjourn

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

- Approval of Minutes - December 19, 2011

- Tax Requests for Releases - More than \$100
- November 16 - December 15, 2011

LINCOLN COUNTY
TAX DEPARTMENT

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100

REQUEST FOR RELEASES

PERIOD COVERED

(November 16, 2011 - December 15, 2011)

AND #105-325 INCLUDING (A) (6)

NAME	YEAR	A/C NO	AMOUNT
Beard, Taylor	2011	0224052	\$162.00
Beavers, Harold	2011	0236746	\$188.85
Davis, Nellie Jane	2011	01844	\$2,446.61
Hamilton, Charles Donald II	2011	0119413	\$2,715.64
Lindsay, Jonathan Michael	2011	0171930	\$109.89
Middle Cross Baptist Church	2011	0226684	\$1,014.59
Shryock, James E	2011	0171042	\$119.37
		TOTAL	\$6,756.95

NAME	YEAR	A/C NO	AMOUNT
Cloer, Terry Wayne	2011	0159707	\$284.29
Dugan, Michael Joseph III	2011	0208481	\$130.89
Franklin, Samuel Keith	2011	0206430	\$162.01
Fulbright, Charles Henry	2011	0076926	\$137.54
Hartley, Kenneth Jerome	2011	0067557	\$171.42
Helms, Alice Bright	2011	0106065	\$113.66
Hensley, Danny Carl	2011	0228152	\$128.08
Jackson, Cameron Llynvi	2011	0236647	\$610.05

Jurney, Robert Patrick	2011	0233305	\$191.70
Koe, Alex S	2011	0195093	\$194.04
Ledford, Jeremy Shawn	2011	0220182	\$151.12
Matson, Kenneth Richard	2011	0113680	\$132.48
Montemurno, Peter Michael	2011	0236643	\$332.58
Poor, Karen Lee	2011	0235193	\$119.04
Ruff, Charles Henry Jr	2011	0125437	\$190.47
Tallent, Krystle Danielle	2011	0235766	\$190.14
Thornburg, Geraldine Easler	2011	0235774	\$168.95
Wittkamp, Uwe Horst	2011	0160523	\$182.87
		TOTAL	\$3,591.33

- Tax Requests for Refunds - More than \$100
 - November 28 - December 11, 2011

LINCOLN COUNTY TAX DEPARTMENT ANNUALS		REQUEST FOR REFUNDS			
PERIOD COVERED (NOVEMBER 28, 2011-DECEMBER 11, 2011)					
G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00 (and) #105-325 including (A) (6)					
NAME	YEAR	DIST	A/C#	AMOUNT	REASON
ANDERSON, THOMAS R. J.W. AND ELLEN NIXON FAMILY	2011 08,09,10	DFD/ELSD ELFD/ELSD	17556 0112988	151.53 21,591.35	VALUE CHANGE PER PTC VALUE CHANGE PER PTC
			TOTAL	\$ 21,742.88	

- Ordinance # 2012-01: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina

**ORDINANCE #2012-1: AN ORDINANCE AMENDING THE FY 2012 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; 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 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-1, are hereby approved and adopted as amendments to the FY 2012 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 9th day of January, 2012.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-2

Budget Amendments numbered 70 through 72, inclusive.

Zoning Public Hearings:

ZMA #590 – Lincoln County Planning and Inspections Department, applicant:
Randy Hawkins presented the following information:

Staff is proposing the rezoning of 4.7 acres from CU R-S (Conditional Use Residential Suburban) to R-SF (Residential Single-Family). This property was rezoned from R-SF to CU R-S in 2003 in a parallel conditional use rezoning to permit the placement of a doublewide manufactured home, but the conditional use permit was not exercised within the specified time limit and as a result has expired. This property was subdivided in 2007, but the lots are undeveloped. Under this proposal, the property would be rezoned to its previous classification. In the R-SF district, only site-built houses and modular homes are permitted.

This property is located on the east side of Pointe West Lane about 800 feet north of Tower Road in North Brook Township. It consists of four lots and a portion of a fifth lot, part of the Pointe West subdivision. It is adjoined on three sides by property zoned RSF and on one side by property zoned R-S. Land uses in the area are primarily residential and agricultural. This property is part of area designated by the Lincoln County Land Use Plan as Rural Preservation, suitable for low-density residential uses.

The property owner was notified in advance and had no objections.

Chairman Patton opened the public hearing concerning ZMA #590 – Lincoln County Planning and Inspections Department, applicant.

Being no speakers, Chairman Patton declared the public hearing closed.

ZMA #591 – Lincoln County Planning and Inspections Department, applicant:

Randy Hawkins presented the following information:

Staff is proposing the rezoning of 16 acres from CU R-S (Conditional Use Residential Suburban) to R-SF (Residential Single-Family). This property was rezoned from R-SF to CU R-S in 1999 in a parallel conditional use rezoning to permit the placement of a doublewide manufactured home, but the conditional use permit was not exercised within the specified time limit, and as a result has expired. Under this proposal, the property would be rezoned to its previous classification. In the R-SF district, only site-built homes and modular homes are permitted.

This property is located on the south side of Dan Rhyne Road about 2,000 feet east of Reeps Grove Church Road in North Brook Township. It is adjoined on three sides by property zoned R-SF and on one side by property zoned R-S. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Rural Preservation, suitable for low-density residential uses.

Chairman Patton opened the public hearing concerning ZMA #591 – Lincoln County Planning and Inspections Department, applicant.

Being no speakers, Chairman Patton declared the public hearing.

ZMA #592 – Renee Reel, applicant: Randy Hawkins presented the following information:

The applicant is requesting the rezoning of 1.5 acres from R-T (Transitional Residential) to B-N (Neighborhood Business). If this request is approved, any of the uses listed as permitted in the B-N district in the Use Table of the Lincoln County Unified Development Ordinance would be allowed.

This property is located on the northwest corner of Hwy. 73 and Amity Church Road in Ironton Township. It is adjoined by property zoned R-T and B-N. Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan designates the property around this intersection as a Neighborhood Business area, suitable for small-scale retail and service establishments.

Chairman Patton opened the public hearing concerning ZMA #592 – Renee Reel, applicant.

John Lafferty spoke on behalf of the applicant. He said the applicant cannot develop the property as residential, but does not believe this use would increase traffic.

Sheila Getties, 167 Amity Church Road, said she lives within 600 feet of the intersection and has lived there since 1981. She said she does not think the property should be zoned business. She said a business there would increase traffic, which is already congested. She said she does not support neighborhood rezoning.

Larry Getties, 167 Amity Church Road, said there is already a problem with congestion and it is hard to get on and off Amity Church Road. The property sits between 2 curves and there are accidents already. There is a subdivision close to this intersection.

Being no additional speakers, Chairman Patton declared the public hearing.

Public Comments: Chairman Patton opened Public Comments.

Robert Avery, 843 Newton Lane, asked about a county taxpayers survey. Rudy Bauer, spoke concerning Burton Creek.

Being no speakers, Chairman Patton declared the Public Comments section closed.

Presentation of Schematic Design at Gamble Drive Facility (Old Hospital)

Jim Stewart and Phil Pheiler with Stewart, Cooper, Newell gave a Powerpoint presentation concerning the Schematic Design at the Gamble Drive Facility.

Mr. Wood said he would like to have a work session concerning this project in March.

Contract and Design Documents for Rock Springs Park: Erma Deen Hoyle presented the following information:

Ms. Hoyle asked for approval of the proposed agreement from Wirth and Associates to provide architectural design services for the proposed improvements at Rock Springs Park. Wirth and Associates was selected last year to provide the master plan for the park under an Open End Architectural Services Contract with the Parks and Recreation Department.

The proposed design fees (\$76,450) are in line with standard architectural fees for a project of this scope. Additional fees include \$4,250 for assistance with grant application if needed and allowances not to exceed \$13,500. The total fee will not exceed \$94,200

Parks and Recreation Trust Fund (PARTF) Application – East Lincoln Rescue Park: Erma Deen Hoyle presented the following information:

The Lincoln County Parks and Recreation Commission is requesting approval to submit an application for the 2012 cycle of the North Carolina Parks and Recreation Trust Fund (PARTF) grant. PARTF grants are funded with collections from the land transfer tax and are awarded annually to local governments for acquisition and development projects.

The PARTF grants are 50/50 matching grants, with the local government providing at least a one dollar to one dollar match for all funds requested. These grants are reimbursable grants, with the local government expending funds and requesting the reimbursement (during each fiscal quarter or at the completion of the project). Match may be from other grants or donations, but must be actual dollars, not in-kind of labor, etc. The bulk of the local match for Rescue Squad Park will be provided through the sale of the property of the former East Lincoln Rescue Squad. Active fundraising is also underway for the balance.

The PARTF grant applications are scored using criteria ranging from citizen needs and concerns, endangerment of resources (land itself or some feature on the site), number of recreation elements provided, recreation resources of the local government, successful past grant management and geographic distribution in North Carolina. After scoring by regional consultants with North Carolina Recreation Resources Service, the applications are submitted to the Trust Fund Authority for award. Emphasis for selection has varied in past cycles, ranging from active recreation to land acquisition to trail development.

East Lincoln Rescue Park is an active park featuring sports fields, a playground, disc golf, picnic sites and trails. Citizen input, gathered through a series of public meetings, has been used in the development of the site plan for the park project. East Lincoln Rescue Park is to be located on property owned by Lincoln County and leased to the Denver-Lake Norman Rotary Foundation. The park meets needs identified in the System-wide survey conducted in 2006 for Lincoln County, and will provide needed recreational opportunities to residents of Lincoln County.

John Wood presented the master plan for the East Lincoln Rescue Park showing the changes that have been made. He said that they are now asking for a \$352,00 PARTF grant with an equal match that comes closer in line to the funds on hand with the sale of the property and/or fundraising efforts.

Guy Cline said it is their intent to build the park without taxpayer money involved.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Parks and Recreation PARTF application for East Lincoln Rescue Squad Park.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Master Plan for the East Lincoln Rescue Park.

Waterline Extension for Planter's Ridge Subdivision – Burns Whittaker: Burns Whittaker presented the following information:

The residents of Planter's Ridge Subdivision have submitted a petition for a waterline expansion into their neighborhood. We estimate the cost of installing a six inch waterline to serve this community to be approximately \$26,000. The projected revenue generated from the taps and the meter fees is \$13,920.00 (13 taps @ \$1160/tap). That is just over 50% of the construction fee, which makes this a feasible project according to Lincoln County's Water Line Extension policy.

Along with this extension meeting our policy requirements, the usage generated by this waterline would help greatly in moving water through this uncompleted line. We project that it would move about 94,000 gallons/month.

Public Works would request the Board of Commissioners to approve this petition. This will allow us to begin to collect the needed fees that will allow us to begin to design and permit this proposed waterline extension.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the waterline extension for Planter's Ridge Subdivision.

Request to Erect Sign for Lovable Lincolnton Possibility Tour – George Wood:

Mr. Wood presented a request from Brad Guth, Downtown Development Director, to erect a 4'x8' sign on the corner of West Main Street and Court Square, showing a rendering of a possible movie theatre in the downtown area. He recommended that the Board approve the request but with the understanding that the approval to put up the sign does not constitute an approval or agreement to sell or otherwise convey this property to the City or any potential developer. That could only be done at a later date when specifics were known, including how the County would be reimbursed for the cost to provide replacement parking; and how convenient such parking would be. Such a decision would be made by the BOC at that time.

Brad Guth spoke to the Board concerning the request.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the request to erect the sign for Lovable Lincolnton Possibility Tour.

Audit Services – Leon Harmon: Mr. Harmon presented a proposal from Martin Starnes & Associates to extend the relationship with them for an additional three years. He said we are currently paying \$45,400 for this service and as stated in the letter the average increase over the three year period is 2% which is a very reasonable fee.

He said Martin Starnes is an excellent firm that specializes in local government audits and has provided excellent service to Lincoln County. Whenever we have a need for extra work they have always been most accommodating. They have also printed our budget document for the last four years which is a great time saver for staff.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the proposal from Martin Starnes & Associates.

Vacancies/Appointments: Commissioner Robinson presented the following vacancies:

**Lincoln County
Board of Commissioners
Board Vacancies/Appointments
January 9, 2012**

Vacancies:

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
 - o Lincolnton Township
- Lincoln County Community Friends
 - o Ironton
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board
 - o

UPON MOTION by Commissioner Robinson, the Board voted unanimously to make the following appointments:

Community Friends Corp:

Appoint: Mike Owen – Lincolnton Township

Centralina Development:

Appoint: Chuck Boyle

Board of Health:

Appoint: Kirk Gavel

Other Business: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to change the January 23, 2012 meeting to January 30, 2012.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners