

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 6, 2012

The Lincoln County Board of County Commissioners met February 6, 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
Darrell Gettys
Shelly Johnston
Dr. Richard Pence

Call to Order: Chairman Patton called the February 6, 2012 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton gave the Invocation and Boy Scout Troop 76 led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval adding an item under Other Business to discuss the Invocation.

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

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

Call to Order

Invocation

Pledge of Allegiance led by Boy Scout Troop 76

1. Adoption of Agenda
2. Consent Agenda
 - Waived fees
 - Rotary Auction
 - Tax Requests for Refunds
 - January 9 - 22, 2012
 - Resolutions #2012-6, 7, 8
3. Presentation to Eagle Scouts
 - Tyler Heavner
 - Spencer Byers
 - Alex Fox
4. Zoning Public Hearings - Randy Hawkins
 - UDO Proposed Amendments #2012-1 - Lincoln County Planning and Inspections Department
 - CUP #305 - Iron Station Thunder, Inc. applicant
 - CUP #306 - Melissa Lefler, applicant
5. Motion to Adopt Resolution #2012-5: A Resolution Ordering the Advertisement of Delinquent Real Estate Property Tax Liens - George Wood
6. Bids to Replace Cooling Tower at Gaston College - Burns Whittaker
7. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
8. Introduction of Finance Director - George Wood
9. Other Business
 - Annual Report from the Child Protection/Child Fatality Team

Adjourn

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda adding a discussion concerning the Invocation under Other Business.

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

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

1

PERIOD COVERED (JANUARY 9, 2012 – JANUARY 22, 2012)

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
CCR REAL EST. LLC	2011	CITY	0180699	10,486.93	PARCEL VALUE ADJUSTED PER PTC
MCMURRAY FABRICS, INC.	2011	CITY	0060825	3,461.26	PARCEL VALUE ADJUSTED PER PTC
			TOTAL	\$ 13,948.19	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (JANUARY 9, 2012-JANUARY 22, 2012)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
KEENE, CHARLES T.	2011	BCFD	0196728	1,002.26	PRO-RATED BILL
			TOTAL	\$1,002.26	

**RESOLUTION
HONORING EAGLE SCOUT
SPENCER BYERS**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Spencer Byers has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Spencer Byers has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Spencer Byers upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 6th day of February 2012.

Alex E. Patton
Chairman

George Arena
Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

**RESOLUTION
HONORING EAGLE SCOUT
TYLER HEAVNER**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Tyler Heavner has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Tyler Heavner has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Tyler Heavner upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 6th day of February 2012.

Alex E. Patton
Chairman

George Arena
Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

**RESOLUTION
HONORING EAGLE SCOUT
ALEX FOX**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Alex Fox has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Alex Fox has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Alex Fox upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 6th day of February 2012.

Alex E. Patton

George Arena

Chairman

Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

The Board presented the Proclamations to Tyler Heavner, Alex Fox, and Spencer Byers.

Zoning Public Hearings:

UDO Proposed Amendments #2012-1 - Lincoln County Planning and Inspections Department: Randy Hawkins presented the following information:

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.1.4.A to add a purpose statement for the Eastern Lincoln Development District.
- 2) Amend Section 2.1.4 (Overlay Districts) to delete a reference to the establishment of a Little Creek Cove Overlay district, and amend Section 2.5.4 (Overlay District Standards) to delete standards for a Little Creek Cove Overlay district.
- 3) Amend Section 2.2.1 (Use Table), under Commercial Uses, to change “Agriculture (involving livestock)” to simply “Agriculture” and to indicate that it is permitted in all zoning districts; and amend Section 2.3.4 (Commercial Use Groups) to redefine “Agriculture” by referencing the state statute that exempts “bona fide farm purposes” from county zoning regulations.
- 4) Amend Section 2.2.1 (Use Table), under Residential Uses, to change “Two-family house” from a permitted use in the R-14, R-20, R-MR and R-MF districts to not permitted; and Amend Section 2.4.6 (Cluster Subdivision Standards) to reflect this change.
- 5) Amend Section 2.2.1 (Use Table) to make “Retail, general” and Service, general” permitted uses in the B-N district, and amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum gross floor area in the B-N district to 10,000 square feet.
- 6) Amend Section 2.2.1 (Use Table) to move the lines “Storage, private (on <2 ac.)” and “Storage, private (on 2+ ac.)” from Commercial Uses to Residential Uses, delete Section 4.4.19 (Storage, Private) under Commercial Use Standards, and amend Section 12.3.2 (General Terms) to add a definition for “Storage, private.”
- 7) Amend Section 2.5.1 (Eastern Lincoln Development District) to stipulate that any use which has an anticipated peak hour trip generation of 100 trips or greater shall be subject to review as a conditional use, and amend Section 9.8 (Traffic Impact Analysis) to change the threshold for requiring a traffic impact analysis to 100 peak hour trips.
- 8) Amend Section 3.6.3 (Off-Road Parking Requirements) to add minimum requirements for manufacturing, transportation and warehousing, and wholesale trade.
- 9) Amend Section 4.4 (Commercial Use Standards) to stipulate that the standards for a kennel

apply only in a residential district.

10) Amend Section 4.4 to allow vehicle sales in conjunction with vehicle service and vehicle repair.

11) Amend Section 12.3.2 (General Terms) to add a definition for campground.

Chairman Patton opened the public hearing concerning UDO Proposed Amendments #2012-1 – Lincoln County Planning and Inspections Department, applicant.

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

CUP #305 Iron Station Thunder, Inc., applicant: Randy Hawkins presented the following information:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. The proposed site is an existing business that services and repairs vehicles. The sale of vehicles is a conditional use in the I-G district. As part of the request, the applicant is proposing a condition that calls for a maximum of four vehicles to be displayed near the highway (see attachment to application).

The 13.3-acre parcel is located at 123 Major Lane, on the north side of Hwy. 73 about midway between its intersections with Reinhardt Circle, in Ironton Township. It is adjoined by property zoned I-G and R-T (Transitional Residential.) Land uses in this area are primarily residential and agricultural. The Land Use Plan designates this area as Suburban Residential.

Chairman Patton opened the public hearing concerning CUP #305 – Iron Thunder, Inc, applicant.

Bryan McClure, applicant, said he lives at 119 Major Lane. He said he is only proposing to be able to build a few cars and sell them, nobody will ever know anything is different than it is now. He rebuilds old cars and motorcycles now there.

Lisa Menzel said she owns 2 lots on and lives at 276 Walnut Ridge Drive. She said she would love for his business to thrive, but they have several small children on the street and she worries about test drives on their street. She asked about the effect on property values.

Fran Goins, 4723 Rhinehart Circle, said she is not for a junkyard, but is ok with a small business. She said her property value has decreased enough and she does not want it to go down more.

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

CUP #306 – Melissa Lefler, applicant: Randy Hawkins presented the following information:

The applicant is requesting a conditional use permit to operate a kennel in the I-G (General Industrial) district. A kennel is a conditional use in the I-G district. The kennel would be operated in conjunction with a dog grooming service (a permitted use by right in the I-G district), utilizing two units of a multi-tenant building. The kennel would include a 40 x 40-foot, fenced area on the west side of the building.

The 1.5-acre parcel is located at 7804 Commerce Drive, on the south side of Commerce Drive at the end of the cul-de-sac, in Catawba Springs Township. This property is part of Triangle Industrial Park. It is surrounded by property zoned I-G. The Land Use Plan designates this area as industrial.

Chairman Patton opened the public hearing concerning CUP #306 – Melissa Lefler, applicant.

Melissa Lefler, said she is here to answer any questions. She said this is not a huge facility and is just a convenience to her clients in the Denver area. She said she grooms small dogs and her clients felt there was a need for a small dog facility in the area.

Jane Culozinski said she has been a client of Melissa's for 8 years and recently boarded 3 dogs with her. She said Melissa is a very upstanding person and would trust her with anyone or anything.

Carol Sheline said she has taken dogs to Melissa for the last 3 years. She said she is definitely grateful that somebody is going to open someplace to put small dogs without being with large ones. She said they are a part of the family and she wants to keep them safe.

Jane Parker said she is here as client of Melissa's. She said her two small dogs are her children and she trusts Melissa with them. She said she has gone to Melissa for 9 years and she hopes the request is given.

Motion to Adopt Resolution #2012-5: A Resolution Ordering the Advertisement of Delinquent Real Estate Property Tax Liens - George Wood:

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt Resolution #2012-5: A Resolution Ordering the Advertisement of Delinquent Real Estate Property Tax Liens.

RESOLUTION #2012-5: A RESOLUTION ORDERING THE ADVERTISING
OF DELINQUENT REAL ESTATE PROPERTY TAX LIENS

THAT WHEREAS, NCGS 105-369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published on a date established by the Board; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property, and recommended an advertisement date of March 09, 2012 in the Lincoln Times News;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property on March 09, 2012 in the Lincoln Times News.

Passed and adopted this 6th day of February, 2012

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

ATTEST:

Amy S. Atkins
Clerk to the Board

Bids to Replace Cooling Tower at Gaston College - Burns Whittaker

Bids were received on January 24, 2012 for the replacement of the cooling tower at the college. Only two bids were received. Our Purchasing procedure requires three bids but this requirement can be waived by the Assistant County Manager. She has waived the requirement in order to allow this project to be completed before the heat of summer arrives.

The following bids were received:

Environmental Air Corp.(EAC) \$57,500
Lakeside Heating and Air \$59,975

EAC qualified their bid by stating they would not accept liability for damage to the facility from the lifting of the tower into place. Based on this qualification, their bid was determined to be non-responsive.

This project is in the approved CIP for this year in the amount of \$50,000. Additional money is available from the new parking lot installed last year and will be used to fund the difference between the budgeted amount and the successful bid.

It is recommended that award be made to Lakeside in the amount of \$59,975.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the bid of Lakeside in the amount of \$59,975 to replace the cooling tower at Gaston College.

Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person): Chairman Patton opened public comments.

Robert Avery, 843 Newton Lane, asked about a county taxpayers survey.

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

Introduction of Finance Director - George Wood: Mr. Wood introduced Deanna Rios, the County's new Finance Director.

Other Business:

Invocation Discussion: Wesley Deaton, County Attorney, said the Fourth Circuit made a ruling with regard to Forsyth County that was appealed by Forsyth County and the Supreme Court refused to review it, which basically means it stands in all the Fourth Circuit states, which includes North Carolina. The end result of it is that the Court has ruled that sectarian prayers in the actual meeting would be violating the Constitution. The end result is the County Commissioner could choose to stop invocations, do non-sectarian prayers, or do the invocation outside the Commissioner meeting – not on the agenda, not in the Commissioner's Room.

It was the consensus to continue with non-sectarian invocations to start the meeting.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners