

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, OCTOBER 15, 2007**

The Lincoln County Board of County Commissioners met in regular session on October 15, 2007 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

**Commissioners Present:**

Thomas R. Anderson, PE, Chairman  
Alex E. Patton, Vice Chairman  
Bruce Carlton  
James A. Klein  
Marie Moore

**Others Present:**

Michael S. Talbert, Interim County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building & Land Development  
Randy Williams, Principal Planner  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Associate Planner  
Stacy Yates, Associate Planner  
Madge Huffman, Tax Administrator  
Jackie McSwain, NCDOT District Engineer  
Rick McSwain, Director of Soil & Water  
Steve Gilbert, Director of Public Works  
Barry McKinnon, Utility Engineer  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the October 15, 2007 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Father Matthew Buettner of St. Dorothy's Catholic Church gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adopt the agenda as presented adding one item under other business and Item 8 – strike waterline construction bids and add consideration of sewer park industrial line.

**AGENDA**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

	6:30 PM	Call to Order
	6:31 PM	Invocation – Father Buettner St. Dorothy's Catholic Church
	6:32 PM	Pledge of Allegiance
1.	6:33 PM	Adoption of Agenda
2.	6:34 PM	Consent Agenda <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- October 1, 2007</li></ul></li><li>- Waived Fees<ul style="list-style-type: none"><li>- City of Lincolnton</li></ul></li><li>- Declaration of Surplus Property – Lincoln County Schools</li><li>- Tax Requests for Refunds<ul style="list-style-type: none"><li>- September 10 – 16, 2007</li></ul></li><li>- Tax Requests for Releases<ul style="list-style-type: none"><li>- August 16 – September 15, 2007</li></ul></li><li>- Budget Adjustments 39 – 40</li></ul>
3.	6:35 PM	Public Comments
4.	6:50 PM	Recommendations from Planning Board  <i>ZMA #556 Joe and Rene Duckworth, applicants</i> PCUR #156 Hoover H LLC and DiPento Properties LLC, applicants
5.	7:10 PM	Public Hearing – Schedule of Values
6.	7:25 PM	NCDOT 2007 – 2008 Secondary Road Construction Program – Jackie McSwain, District Engineer
7.	7:40 PM	Enhanced Agriculture District Program – Rick McSwain
8.	7:50 PM	Water Line Construction Bids – NC 73 and NC 16 – Steve Gilbert
9.	8:00 PM	Resolution Forming Water Management Group – Steve Gilbert
10.	8:10 PM	Drought Update – Steve Gilbert
11.	8:15 PM	Capital Project Reports
12.	8:25 PM	Finance Officer's Report

13. 8:30 PM County Manager's Report

14. 8:35 PM County Commissioners' Report

15. 8:40 PM County Attorney's Report

16. 8:45 PM Vacancies/Appointments

17. 8:50 PM Calendar

18. 8:55 PM Other Business

Adjourn

**Consent Agenda:**

- Approval of Minutes
  - October 1, 2007
- Waived Fees
  - City of Lincolnton
- Declaration of Surplus Property – Lincoln County Schools
- Tax Requests for Refunds
  - September 10 – 16, 2007

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (September 10, 2007-September 16, 2007)

G.S. 105-381(B) ALL REFUNDS MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Athens Heating & Air LTD Tilton, Katy D.	2006 2007	CITY CITY	0175062 0204016	200.00 161.34
			<b>TOTAL</b>	<b>\$361.34</b>

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (September 10, 2007-September 16, 2007)

G.S. 105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Big Dog Holdings Inc. Motz, Troy A.	2007	N321	0192807	5,227.29 258.02

			<b>TOTAL</b>	<b>\$ 5,485.31</b>
- Tax Requests for Releases				
- August 16 – September 15, 2007				
<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>		<b>AMOUNT</b>
Clark, Zachary Justin	2007	0161192		\$ 160.38
Finster, John Jay	2007	0108250		\$ 112.73
Freeman, Antonio R.	2007	0203044		\$ 133.84
Hallman, Daniel Evan	2007	05202		\$ 243.48
Hawkins, Michael R.	2007	0179827		\$ 118.36
Hope, Martha Phillips	2007	0204769		\$ 139.11
Meyers, Ray	2007	0187371		\$ 124.48
Peeler, Danny Lamar	2007	0072498		\$ 190.00
Perrella, Vincent Patrick	2007	0185638		\$ 286.30
Rooney, Brian K.	2007	0191861		\$ 213.95
Schrum, Rosanna G.	2007	0160037		\$ 191.06
Smith, Russell Seth	2007	0190557		\$ 123.06
Sutton, Billy Wade	2007	0203939		\$ 235.17
Turner, Columbus James III	2007	0139795		\$ 138.60
Wulhorst, David Edward	2007	0103387		\$ 108.50
Zesatti, Teresa	2007	0204729		\$ 239.39
		<b>TOTAL</b>		<b>\$ 2,758.41</b>
<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>		<b>AMOUNT</b>
Applewood Properties	2006	0167626		\$ 690.00
Farrar, Ronald H.	2007	0189725		\$ 366.96
GESF Structured Finance	2007	0174361		\$ 2,015.66
Heller Financial Leasing Inc.	2007	0192090		\$ 381.04
Hurst, Floyd Jr.	2007	0144900		\$ 138.56
Jayo, James	2007	0204930		\$ 162.60
Kurtz, John	2007	0196067		\$ 278.04
Lakeside Classics	2007	0199177		\$ 598.13
Palillo, Jacob	2007	0204852		\$ 179.10
Phillips, Matt	2007	0177696		\$ 250.26
Rhyne, Joseph M. III	2007	0119251		\$ 448.93
Ritchie, William E.	2007	0204974		\$ 216.99
Serenius, William A.	2007	024979		\$ 153.96
		<b>TOTAL</b>	<b>\$ 5,880.23</b>	

- Budget Adjustments 39 - 40

No. 39: Budget actual amount of interest that will be due in current fiscal year for State revolving loan  
 No. 40: Personnel, vehicle and office set-up for Engineering Tech position (Construction Observer)

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the consent agenda.

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

Robert Wayne Avery, 843 Newton Lane, Lincolnton, stated that he was wondering when the County was going to get a taxpayer's survey out. He stated that the survey means a lot and he is wondering if we are going to get one out this year.

Martin Oaks asked if Mr. Patton would mind sharing item he's adding under other business.

Commissioner Patton stated that it is concerning the Pumpkin Center Fire Department.

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

**Recommendations from Planning Board:**

**Zoning Map Amendment No. 556 – Joe and Rene Duckworth, applicants:** The Planning Board voted 8-0 to recommend the request be denied.

Zoning Amendment No. 556 – Statement of Consistency and Reasonableness

Case No. ZMA #556

Applicants: Joe and Rene Duckworth

Parcel ID#: 30022, 30026, 57633 and 70078

Location: Corner of Pilot Knob Road and Hagers Ferry Road

Proposed

Amendment: Rezone from R-T to B-N

This proposed amendment is inconsistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: This property is located in an area classified by the Land Use Plan as residential.

This proposed amendment is not reasonable and not in the public interest in that: No property on this side of Pilot Knob Road or on this side of Hagers Ferry Road is zoned business. Pilot Knob Road is a dividing line between a residential area and a commercial area. The proposed amendment would allow businesses to encroach into the residential area.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to accept the Planning Board's recommendation and the Statement of Consistency and Reasonableness and deny Zoning Map Amendment No. 556 – Joe and Rene Duckworth, applicants.

**Parallel Conditional Use Rezoning No. 156 – Hoover H LLC and Dipento Properties LLC, applicants:** The Planning Board voted 8-0 to recommend the request be denied.

Randy Hawkins stated that this request has been officially withdrawn so no action is necessary.

**Public Hearing – Schedule of Values – Madge Huffman:** Chairman Anderson opened the public hearing concerning the Schedule of Values for the 2008 reappraisal.

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

**NCDOT 2007 – 2008 Secondary Road Construction Program – Jackie McSwain, District Engineer:** Jackie McSwain presented the NCDOT 2007-2008 Secondary Road Construction Program.

The total anticipated allocation for 2007 – 2008 is \$1,037,548.17. The following priorities have been set:

#### Rural Paving Priority

Priority number	SR No.	Length (miles)	Road Name and Description	Est. Cost
7F	SR-1203	0.60	Lutz Dairy Road	\$250,000.00

#### Rural Paving Alternates

Priority number	SR No.	Length (miles)	Road Name and Description	Est. Cost
8F	SR-1410	0.29	Cedar Lane Road	\$101,500.00
			From SR-1373 to Dead End	
9F	SR-1206	0.61	Ward Road	\$213,500.00
			From SR-1197 to SR-1208	
10F	SR-1854	0.24	Overland Lane	\$ 84,000.00
			From NC 10 to Dead End	

#### Subdivision Paving Priority

Priority number	SR No.	Length (miles)	Road Name and Description	Est. Cost
5F	1887	0.06	Scenic Drive	\$ 25,000.00
			From SR-1702 to Dead End	

#### Subdivision Paving Alternates

Priority number	SR No.	Length (miles)	Road Name and Description	Est. Cost
6F	SR-2027	0.16	Tiny Trail	\$56,000.00
			From SR-1805 to Dead End	

#### Paved Road Improvements

SR No.	Project Description	Est. Cost
--------	---------------------	-----------

SR – 1511	Widen and Resurface SR-1111 from 20' to 22'	\$722,657.82
Various Spot Stabilization and Secondary Maintenance		\$ 20,000.00
Funds reserved for surveying, right of way acquisition, acquisition, road Additions, contingencies, overdrafts and paving entrances to certified Fire departments, rescue squads, etc.		\$ 19,900.35
For a grand total of		\$1,037,548.17

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the NCDOT 2007-2008 Secondary Road Construction Program.

**Enhanced Agriculture District Program – Rick McSwain:** Rick McSwain presented the Enhanced Agriculture District Program.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Enhanced Agriculture District Program.

**Industrial Park Sewer Line – Steve Gilbert:** Steve Gilbert stated that on the Industrial Park Sewer Line, the crossing of North 321 Bypass has to go through a separate encroachment process in Raleigh. This is a different process than local encroachments on roadway shoulder work. Due to the fact that we are crossing underneath the bypass, the Engineers have proposed to go down the ramps on one side, cross the ramp, cross the bypass, back up the ramp on the other side, and follow the ramp shoulder back to 321. DOT would not allow this layout, they wanted us to cross the bypass much closer to the bridge, which entailed a different boring scenario.

Mr. Gilbert stated that for the revised location, there is an additional cost of \$58,289.10.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the change order in the amount of \$58,289.10.

**Resolution Forming Water Management Group – Steve Gilbert:** Steve Gilbert presented the Resolution Forming Water Management Group.

**RESOLUTION OF THE LINCOLN COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING JOINING THE CATAWBA-WATEREE WATER  
MANAGEMENT GROUP**

**WHEREAS**, various parties entered into the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) bearing the date of December 22, 2006 (“Agreement”). Parties to that Agreement include Duke Energy Carolinas, LLC (“Duke”), who is seeking to renew a license to operate FERC Project No. 2232 (“Project” in proceedings currently pending before the Federal Energy Regulatory Commission (“FERC”), many local governments in North and South Carolina who

operate public water systems and other governmental and private entities who are interested in the Catawba-Wateree River (“River”). The purpose of that Agreement is, in part, to address and manage the many, competing demands placed upon the River; and

**WHEREAS**, the Agreement includes provisions for the formation of the Water Management Group for the purposes identified in the Agreement. The Water Management Group is to be composed of Duke and public water systems that have the installed capacity to withdraw 100,000 gallons per day or more from the Project’s reservoirs and/or regulated river reaches; and

**WHEREAS**, pursuant to the Agreement, the Water Management Group Convening Committee (“Convening Committee”) is responsible for recommending the terms for forming the Water Management Group as set forth in the Agreement; and

**WHEREAS**, the Convening Committee has recommended that the Water Management Group form as a tax-exempt, non-profit corporation in accordance with the provisions of the Agreement on or before December 15, 2007. The Convening Committee has also recommended that the eligible members who form the Water Management Group adopt a standard resolution authorizing the formation of the Water Management Group using the Articles of Incorporation, Bylaws and Conflicts of Interest Policy approved by the Convening Committee, all of which are attached to the Attorney’s Memo dated September 21, 2007 to all eligible members of the Water Management Group as identified in the Agreement (“Organizational Documents”); and

**WHEREAS**, Lincoln County is eligible to join in the formation of the Water Management Group and approves the formation of the Water Management Group as recommended by the Convening Committee.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of Lincoln County, North Carolina that:

1. On behalf of Lincoln County, Stephen A. Gilbert is authorized and directed to take all actions reasonably necessary or convenient to join the Catawba-Wateree Water Management Group in accordance with the terms of the Organizational Documents, including without limitation, authorizing the filing of the Articles of Incorporation (as set forth in the Organizational Documents) listing Lincoln County as an initial member on or before December 15, 2007; and
2. Stephen A. Gilbert is hereby designated as the Member Representative and Barry L. McKinnon is hereby designated as the Alternate for Lincoln County, and the same are hereby authorized and directed to: attend the organizational meeting of the Water Management Group; adopt the Bylaws and Conflicts of Interest Policy (as set forth in the Organizational Documents); elect officers and at-large directors; consider, vote and take action on such other matters as may come before the

Water Management Group at that meeting; and discharge the duties and responsibilities of such positions as set forth in the Organizational Documents so long as each shall hold such position without any requirement for further approval or authorization from Lincoln County. Without limiting the foregoing, said Member Representative and Alternate are authorized to consider, vote and take action on those matters set forth in the agenda for said organizational meeting attached hereto as Exhibit A. The incorporator of the Catawba-Wateree Water Management Group may add one or more items to said agenda, in accordance with applicable law. Said organizational meeting shall be held on December 6, 2007 at 10:00 AM at The Baxter Hood Center, 452 S. Anderson Road, Rock Hill, SC 29730. The Lincoln County Manager is authorized to remove Member Representatives and Alternates and appoint replacement Member Representative and Alternates.

This the 15<sup>th</sup> day of October, 2007.

---

Thomas R. Anderson, PE  
Chairman, Lincoln County Board of  
Commissioners

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Resolution Forming Water Management Group.

**Drought Update – Steve Gilbert:** Steve Gilbert presented the Drought Update.

Commissioner Klein asked for additional information concerning residential usage numbers and the history of purchasing water from the City.

**Capital Projects Reports – Steve Gilbert:** Steve Gilbert presented the Public Works Capital Projects Reports.

Commissioner Carlton spoke concerning the odor at the pump stations on Highway 16 and Blades Trail in Denver. He asked Steve Gilbert to take action to correct this situation. Commissioner Klein asked Mr. Gilbert to bring the Board updates each meeting.

The Board asked Steve Gilbert to give updates at every meeting on the wastewater plant project.

**Enhanced Agriculture District Program:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Enhanced Agriculture District Program.

Chairman Anderson declared a five minute recess and called the meeting back to order.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the Budget Performance Report for September 2007.

**County Commissioners' Report:** Commissioner Klein stated that he attended the event held by the Burnt Churches for Temple Baptist Church.

Commissioner Carlton stated that he appreciates the job that Michael Talbert has done.

Chairman Anderson stated that if any Commissioner is interested in touring the Little Creek Park site, Sylvia Holmes and Cynthia Jones have offered to take Commissioners individually around this site.

**County Attorney's Report:** Jeff Taylor updated the Board in regards to a meeting he had with the Sheriff concerning the Animal Control Ordinance. He stated that the Sheriff and his staff are satisfied with the current ordinance and do not feel any changes are necessary or desired.

Mr. Taylor updated the Board on the Interbasin Transfer.

**Vacancies/Appointments:** Commissioner Klein presented the vacancies/appointments:

**Vacancies:**

Nursing and Adult Care Home Community Advisory Committee  
Recreation Commission  
LNRC

**Appointments:**

**Recreation Commission** – Jonathan Scronce

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the appointment of Jonathan Scronce.

**JCPC** - Recommended by JCPC Board  
Julie Foreman

Commissioner Carlton expressed concerns that Julie Foreman is not a Lincoln County resident.

Commissioner Patton stated that most members of JCPC serve by virtue of their position.

**UPON MOTION** by Commissioner Klein, the Board voted 4 – 1 (Carlton against) to approve the appointment of Julie Foreman to the JCPC Board.

**Calendar:** Chairman Anderson presented the November 2007 calendar.

**Other Business:** Commissioner Patton stated that when the school property was bought on Amity Church Road, space was allocated for a new Pumpkin Center Fire Department, with the condition that they sell their current site. Issues have come up and they could not get what the site should be worth due to gas lines and environmental issues there. They would like to make the site a county or regional training facility. Commissioner Patton stated that there is no expense to the county for this facility.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to allow this plan to move forward.

Chairman Anderson stated that the Board should be receiving a packet of information from Centralina consisting of the applicants so far for the position of Manager. He stated that Mr. Sharp will attend the first meeting in November to answer any questions on these.

**Adjourn:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to recess until October 24, 2007 at 6:00 p.m. for the joint meeting with the School Board at the EMS Base.

---

Amy S. Atkins, Clerk  
Board of Commissioners

---

Thomas R. Anderson, PE, Chairman  
Board of Commissioners