

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 3, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on October 3, 2005 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Carrol D. Mitchem, Vice Chairman
James Buddy Funderburk
Marie Moore
Alex E. Patton

Planning Board Members Present:

Dean Lutz, Chairman
Louis McConnell
John Pagel
Darrell Harkey
Ken Hovis
Clyde Brown
Harold Howard, Jr.
Jerry Geymont
Terry Whitener

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Anderson called the October 3, 2005 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Moore gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to adopt the agenda as presented.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS

OCTOBER 3, 2005

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Marie Moore
- 6:32 PM Pledge of Allegiance
1. 6:33 PM Adoption of Agenda
2. 6:35 PM Consent Agenda
- Approval of Minutes
 - September 13, 2005
 - September 19, 2005
 - 2005 International Business Appreciation Week Proclamation
 - Waived fees
 - Coalition Against Domestic Violence
 - Tax Requests for Refunds - More than \$100
 - September 19 – 25, 2005
 - Tax Requests for Releases – More than \$100
 - August 16 – September 15, 2005
 - Budget Adjustment No. 25
3. 6:40 PM Zoning Public Hearings – Randy Hawkins

ZMA #507 Gary Holbrooks, applicant (Parcel ID# 34136) A request to rezone a 0.94-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 3026 N. Hwy. 16 in Catawba Springs Township.

ZMA #508 Denise Miller, applicant (Parcel ID# 28090) A request to rezone a 0.74-acre parcel from Residential Suburban (R-S) to Transitional Residential (R-T). The property is located at 1620 Buck Oak Road in Ironton Township.

ZMA #509 Rivercross Investments LLC, applicant (Parcel ID# 32954) A request to rezone 31 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property, part of a 116-acre parcel, is located on the southern end of Triangle Circle about 300 feet west of Hwy. 16 in Catawba Springs Township.

CUP #264 Robert Manley, applicant (Parcel ID# 29094) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 2.4-acre lot is located on the north side of Hwy. 150 about 175 feet east of Otis Dellinger Road in Ironton Township.

CUP #265 Wayne Mitchem, applicant (Parcel# 12044) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 33.8-acre parcel is located on east and west sides of Peeler Road and on the south side of Reeps Grove Church Road in North Brook Township. The proposed site for the home is on the west side of Peeler Road about 250 feet south of Reeps Grove Church Road in North Brook Township.

CUP #266 New Cingular Wireless PCS, LLC, applicant (Parcel ID# 16244) A request for a conditional use permit to place a 300-foot telecommunications tower in the Rural Residential (R-R) district. The 16.5-acre parcel is located on the north side of Null Road about 1,500 feet west of Finger Mill Road in Lincolnton Township.

PCUR #122 Wal-Mart, applicant (Parcel ID# 50188, 30725 and 34194) A request to rezone 27.7 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy 16 in Catawba Springs Township.

4. 8:20 PM Proposed Comprehensive Land Use Amendments and Synthesis Report – Brad Dyer
5. 8:35 PM Roll-off Truck Piggy Back Purchase – Steve Gilbert
6. 8:45 PM Proposal for Recreation Planning
7. 8:55 PM Other Business
8. 9:00 PM Closed Session

Adjourn

Consent Agenda: UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda as presented.

- Approval of Minutes
 - September 13, 2005
 - September 19, 2005
- Waived fees
 - Coalition Against Domestic Violence
- Budget Adjustment No. 25 to increase expenditure and revenue line items for second allocation received from FEMA for Emergency Food and Shelter program. No county funds involved.
- Proclamation for 2005 International Business Appreciation Week

Proclamation

**2005 International Business Appreciation Week
October 24 – 28, 2005**

WHEREAS, the County of Lincoln is pleased to have a thriving community of international business and industry to support the local economy; and

WHEREAS, these international companies provide essential employment opportunities for the citizens of the County of Lincoln; and

WHEREAS, these international companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, international businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these international businesses;

NOW, THEREFORE, we the Board of Commissioners of Lincoln County, do hereby recognize our existing international businesses and by virtue of this proclamation give notice to our citizens that the week of October 24 - 28, 2005 is International Business Appreciation Week in the County of Lincoln.

ADOPTED this the 3rd day of October 2005.

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk
Board of Commissioners

**LINCOLN COUNTY TAX DEPARTMENT
REQUEST FOR REFUNDS
ANNUALS**

PERIOD COVERED (September 19, 2005-September 25, 2005)

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

NAME			YEAR A/C#	DIST
AMOUNT				
Redneck Trailer Supplies	2003-2005 City	0133237	210.55	
Schappert, Terry L.	2004-2005 DFD/ELSD	0118134	206.26	

TOTAL \$ 416.81

Tax Requests for Releases – More than \$100

August 16 – September 15, 2005

NAME	YEAR	A/C NO	AMOUNT
AJM Metal Framing Inc	2005	0159455	\$ 103.09
Averette, Brandon Young	2005	0186121	\$ 155.64
Ayers, Charles H.	2005	0175918	\$ 154.11
Boger City Baptist Church	2005	0091787	\$ 219.25
Dellinger, Jacquelyn M.	2005	0094955	\$ 102.70
Fell, Richard Otis	2005	0072440	\$ 154.42
Howard, Ollie Presley Jr.	2005	0186476	\$ 228.45
Larkin, William Dewitt III	2005	0160451	\$ 147.64
Lenox, Robert	2005	45506	\$ 206.17
Lute, Russell Glenn Mrs.	2005	10955	\$ 116.82
Mauney, Suzanne Lynn	2005	0168679	\$ 142.42
McKinney, Ellen Earles	2005	0186233	\$ 126.09
Morrison, Rhonda			
Abernathy	2005	0073205	\$ 116.18
Oxford, Jerry G.	2005	0133856	\$ 206.02
Paulino, Luis G.	2005	0185498	\$ 106.53
Segura, Jose Alejandro	2005	0167743	\$ 281.31
Shurer, Ronald Joseph II	2004	0181352	\$ 266.09
Walker, Rodney Ed	2005	0185532	\$ 149.39
Wilkie, Richard Thomas	2005	0143845	\$ 161.72
		TOTAL	\$ 3,144.04

NAME	YEAR	A/C NO	AMOUNT
Arrowood, James Allen	2005	0174292	\$ 479.21
Beal, Rachel L.	2005	0155724	\$ 2,474.87
Benfield, Sheila S.	2005	0150474	\$ 119.76
Bennett, Joshua	2005	0135304	\$ 109.07
Carpenter, Geraldine			
Baxter	2005	45016	\$ 5,847.45
Dagenhart Appraisals	2005	0179135	\$ 257.40
Dawson, Thomas	2005	36219	\$ 120.67
Dean, Floyd	2005	0109627	\$ 202.03
	2001-		
Egger, Thomas D.	05	0123155	\$ 111.41
Farrow, David Michael	2005	0100634	\$ 153.04
Hager, H Dean	2005	0182697	\$ 2,230.11
Hedrick, Robert Allen Jr.	2005	0135747	\$ 139.29
J & V Roofing	2005	0184407	\$ 114.80
Jeranek, Edward A.	2005	0069859	\$ 3,676.16
Jordan, Joseph W.	2005	0115503	\$ 426.55

Kinney, David Lee	2005	48498	\$ 154.51
Ligon, Linda B.	2005	0119816	\$ 147.70
Love, Edgar III	2005	0168275	\$ 560.87
Male, Dana Crocker	2005	0140439	\$ 843.18
Ray Ann Farms	2005	0146828	\$ 363.00
Sullivan, Carla E.	2005	0187268	\$ 609.92
Sutton, Rachel Payne	2005	0127667	\$ 120.50
Terrell Piping & Fabrications	2004/05	37152	\$ 223.58
Tree & Shruberry Resale	2005	0171575	\$ 169.40
Walters, Lois R.	2005	0144157	\$ 2,131.29
TOTAL			\$ 21,785.77

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, October 3, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on September 23 and 30, 2005.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, October 3, 2005, at 6:30 p.m. to consider the following matters:

ZMA # 507 Gary Holbrooks, applicant (Parcel ID# 34136) A request to rezone a 0.94-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 3026 N. Hwy. 16 in Catawba Springs Township.

ZMA # 508 Denise Miller, applicant (Parcel ID# 28090) A request to rezone a 0.74-acre parcel from Residential Suburban (R-S) to Transitional Residential (R-T). The property is located at 1620 Buck Oak Road in Ironton Township.

ZMA # 509 Rivercross Investments LLC, applicant (Parcel ID# 32954) A request to rezone 31 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property, part of a 116-acre parcel, is located on the southern end of Triangle Circle about 300 feet west of Hwy. 16 in Catawba Springs Township.

CUP # 264 Robert Manley, applicant (Parcel ID# 29094) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 2.4-acre lot is located on the north side of Hwy. 150 about 175 feet east of Otis Dellinger Road in Ironton Township.

CUP # 265 Wayne Mitchem, applicant (Parcel# 12044) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 33.8-acre parcel is located on east and west sides of Peeler Road and on the south side of Reeps Grove Church Road in North Brook Township. The proposed site for the home is on the west side of Peeler Road about 250 feet south of Reeps Grove Church Road in North Brook Township.

CUP # 266 New Cingular Wireless PCS, LLC, applicant (Parcel ID# 16244) A request for a conditional use permit to place a 300-foot telecommunications tower in the Rural Residential (R-

R) district. The 16.5-acre parcel is located on the north side of Null Road about 1,500 feet west of Finger Mill Road in Lincolnton Township.

PCUR # 122 Wal-Mart, applicant (Parcel ID# 50188, 30725 and 34194) A request to rezone 27.7 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy 16 in Catawba Springs Township.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

2T: Sept. 23, Sept. 30, 2005

Zoning Map Amendment No. 507 – Gary Holbrooks, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 507 – Gary Holbrooks, applicant.

The applicant is requesting the rezoning of a 0.94-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N).

The property is located at 3026 N. Hwy. 16 in the Catawba Springs Township. It is adjoined by property zoned Neighborhood Business, General Industrial (I-G) and Residential Single-Family. The property lies in the East Lincoln Sewer District. County water is also available.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 507 – Gary Holbrooks, applicant.

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

Zoning Map Amendment No. 508 – Denise Miller, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 508 – Denise Miller, applicant.

The applicant is requesting the rezoning of a 0.74-acre parcel from Residential Suburban (R-S) to Transitional Residential (R-T).

The property is located at 1620 Buck Oak Road in the Ironton Township. It is adjoined on the east by property zoned Transitional Residential and on the other sides by property zoned Residential Suburban. This area includes a mixture of mobile homes and site-built homes.

Randy Hawkins presented letters from Yvonne Finger and Nikki Finger against the rezoning.

Mr. Hawkins stated that the request is for a 1988 singlewide that is already located in Lincoln County.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 508 – Denise Miller, applicant.

Deborah Smith asked why the applicant would like to rezone the property.

Mr. Hawkins stated that the request is to place a 1988 singlewide mobile home on the property.

Bernice Friday asked if she can put a mobile home on her property if the rezoning is approved.

Randy Hawkins stated that Ms. Friday would have to apply to have her property rezoned. This would not change her property at all.

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

Zoning Map Amendment No. 509 – Rivercross Investments, LLC, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 509 – Rivercross Investments, LLC, applicant.

The applicant is requesting the rezoning of 31 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is part of a 116-acre tract, about 17 acres of which is already zoned Neighborhood Business.

The property requested to be rezoned is located on the southern end of Triangle Circle about 300 feet west of Hwy. 16 in the Catawba Springs Township. It is adjoined by property zoned Neighborhood Business, Residential Single-Family and Transitional Residential (R-T). A portion of this property lies in the East Lincoln Sewer District. County water is also available in this area.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 509 – Rivercross Investments, LLC.

James M. Moore, Jr. stated that he would like to have the property rezoned so the road frontage would have the same zoning classification as the rest of the property. He stated that for the past 2 years, Denver Days has used the property.

Gayle D. Green asked the Board to keep in mind the surrounding area with safety and traffic. She asked the Board to keep a handle on growth and make sure it stays in reason.

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

Conditional Use Permit No. 264 – Robert Manley, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 264 – Robert Manley, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 264 – Robert Manley, applicant.

The applicant is requesting a Conditional Use Permit to place a Class E mobile home in the Residential Suburban (R-S) district. A Class E mobile home is a singlewide with a metal roof and/or metal siding that was located in Lincoln County as of September 23, 2002, when new mobile home regulations were adopted.

This 2.4-acre lot is located on the north side of Hwy. 150 about 175 feet east of Otis Dellinger Road in Ironton Township. It has been subdivided from a 6.8-acre parcel. It is surrounded by property zoned Residential Suburban. County water is available in this area. The area includes a mixture of mobile homes and site-built homes.

Randy Hawkins stated that the mobile home is for the applicant's son to live in.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 264 – Robert Manley, applicant.

Robert Manley stated that he would like to put this mobile home there for his son to live in temporarily.

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

Conditional Use Permit No. 265 – Wayne Mitchem, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 265 – Wayne Mitchem, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 265 – Wayne Mitchem, applicant.

The applicant is requesting a Conditional Use Permit to place a Class E mobile home in the Residential Suburban (R-S) district. A Class E mobile home is a singlewide with a metal roof and/or metal siding that was located in Lincoln County as of September 23, 2002, when new mobile home regulations were adopted.

This 33.8-acre parcel is located on the east and west sides of Peeler Road and on the south side of Reeps Grove Church Road in North Brook Township. The proposed site for the mobile home is on the west side of Peeler Road about 250 feet south of Reeps Grove Church Road. This parcel is surrounded by property zoned Residential Suburban (R-S). The area includes a mixture of mobile homes and site-built homes.

Chairman Anderson asked if any Commissioner received any ex parte information concerning this case.

Carrol Mitchem stated that he received some ex parte information prior to tonight's meeting.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 265 – Wayne Mitchem, applicant.

Wayne Mitchem stated that he would like to have the property rezoned to put a mobile home there. He stated that there is an adjacent mobile home to the property.

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

Conditional Use Permit No. 266 – New Cingular Wireless PCS, LLC, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 266 – New Cingular Wireless PCS, LLC, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 266 – New Cingular Wireless PCS, LLC, applicant.

The applicant is requesting a Conditional Use Permit to place a 300-foot telecommunications tower in the Rural Residential (R-R) district.

The 16.5-acre parcel is located on the north side of Null Road about 1,500 feet west of Finger Mill Road in the Lincolnton Township near the Catawba County line. It is adjoined by property zoned Rural Residential. The Lincoln County Industrial Park is located about a half-mile to the south.

Chairman Anderson opened the public hearing for Conditional Use Permit No. 266 – New Cingular Wireless PCS, LLC, applicant.

Greg Styers, with New Cingular Wireless, LLC, presented an Engineer's Certification of RF Need, area photos, coverage maps, and findings of fact for the application. He also presented site plans.

Commissioner Mitchem asked if emergency equipment could be put on this tower to improve communications.

Mr. Styers stated that the tower can have at least 4 commercial carriers and they will be happy to provide space to the county free of charge.

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

Parallel Conditional Use Rezoning No. 122 – Wal-Mart, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 122 – Wal-Mart, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 122 – Wal-Mart, applicant.

The applicant is requesting the rezoning of 27.7 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square foot retail facility. Under the Zoning Ordinance, a Conditional Use Permit is required for a store with a gross floor area in excess of 50,000 square feet.

The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in the Catawba Springs Township. It is adjoined on the east and west by property zoned Transitional Residential, on the north by property zoned Residential Single-Family (R-SF), and on the south by property zoned General Business and Transitional Residential. The front portion of this property lies in the East Lincoln Sewer District. County water is also available. This site is in an area that's designated by the Lincoln County Land Use Plan as an employment and commercial center.

Chairman Anderson asked the Board to disclose any ex parte information received on this case.

All Board members stated that they have received a number of emails and telephone calls on this. Chairman Anderson stated that he and Commissioner Moore have had meetings with staff, DOT, and Wal-Mart representatives.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 122 – Wal-Mart, applicant.

The following individuals from Wal-Mart presented information from a Powerpoint Presentation, which is incorporated by reference and attached as Attachment No. 1:

Attorney Ashley Story with Troutman Sanders LLP
Jay Clapp with Ramey, Kemp, and Associates
Tim Campbell with ACS Engineering
James Kilman with Scott Goble
Glen Wilkins with Wal-Mart

Attorney Ashley Story stated that Wal-Mart has worked hard with residents and has met 61 of the 67 items recommended by residents. He stated that the others they are working with DOT to meet.

Mr. Jay Clapp with Ramey, Kemp, and Associates presented information and drawings which is included in Attachment 1. He stated that they are proposing to construct left turn lanes into Prospect Hills Development and Hunters Bluff Development and a right turn lane onto Little Egypt Road. Highway 73 will be widened to 5 lanes from the old Highway 16 to the new NC 16. There will be right turn lanes at the entrances to Wal-Mart. DOT is proposing additional improvements through Moving Ahead funds.

Mr. Clapp stated that per his conversations with Jackie McSwain, their improvements should be completed before Wal-Mart goes in. There are not set deadlines for these improvements.

Mr. Tim Campbell with ACS Engineering presented information included in Attachment 1. He stated that the outparcels at the site will have no direct access to Hwy. 73. Landscaped islands will be provided throughout the parking lot and sidewalks and curb cuts will be provided to outparcels and to adjacent properties in order to provide for future connectivity. Wal-Mart is currently working with CATS in order to provide bus transportation. RV parking will not be allowed. Screening and landscaping goes beyond what the Ordinance requires. In addition to providing the required screening per Lincoln County Zoning, Wal-Mart will provide: Internal landscaping to break up the parking lot; landscaping along both entrance drives with landscaped medians and landscaping along Hwy 73 on the front and rear of the outparcels. Wal-Mart will be lit with dark sky lighting with flat lenses and shielding to direct all lighting internal to the site. Only the Wal-Mart will be illuminated, not the surrounding area. Stormwater will be controlled with a combination of sheet flow, underground piping, and detention ponds per the NCDENR requirements. Some level of Water Quality Control, although not required by NCDENR for this location will be provided. Erosion and Sediment Control measures that will be taken include: stone construction entrance, silt fencing, diversion ditches, sediment traps, sediment basins, temporary and permanent seed of disturbed areas, and inlet protection. Hazardous wastes are disposed of in compliance with Federal and State Requirements. All stores have a Spill Control and Cleanup program to handle spills of hazardous materials and, if necessary, contract with a third party to clean up spill. Corporate compliance has national contracts with companies to inspect and maintain storm water facilities at the store. Mr. Campbell stated that the proposed development conforms with all applicable Lincoln County, State and/or Federal requirements.

John Pagel asked about detention ponds.

Mr. Campbell stated that they are designing a pond that will accommodate the entire parcel and handle all stormwater from the sites.

Commissioner Mitchem asked about signage at the site.

Mr. Campbell stated that they are proposing a sign at the western drive and directional signs on the site.

Mr. James Killman, with Scott Goble Architects, stated that their initial elevation was the standard Wal-Mart and went beyond the requirements of the Lincoln County Ordinance. Residents expressed concern over the appearance. Using this information, new elevations were created. Mr. Killman presented pictures of the new elevations, which is similar to the Sardis Road Wal-Mart store. He stated that materials and architectural detailing were upgraded. There will be ornamental fencing as opposed to chain link and substantial landscaping.

Glen Wilkins with Wal-Mart stated that Wal-Mart will create 450 new jobs, over 50% will be full-time. The Lincolnton Wal-Mart store has 81% full-time employees. All full-time and part-time associates are eligible for a comprehensive benefits package. Each individual store has an annual budget to redistribute contributions back into the community. The store associates decide where the money goes, not the corporate office. Over 2/3 of the Wal-Mart managers were once hourly associates. In 2004, Wal-Mart paid more than \$34.4 million in state and local taxes in the state of North Carolina. Wal-Mart collected on behalf of the state of North Carolina more than \$409.7 million in sales taxes in 2004. In 2004, Wal-Mart stores and Sam's Club gave \$5,188,558 to local causes and organizations in the communities they serve in the state of North Carolina. In addition, many charities and organizations received in-kind donations and additional funds raised through stores, CLUBS and distribution centers in the amount of \$3,004,951, for a grand total of \$8,193.509 contributed through Wal-Mart's presence across the state.

Connie Zmijewski spoke in opposition of Wal-Mart saying that they were directly responsible for the closing of Fieldcrest Cannon. She stated that Wal-Mart may offer benefits such as health insurance to employees, but many cannot afford them. She stated that a lot of the things that were in ELBA's plan are not in Wal-Mart's current plan. Ms. Zmijewski said that she the store still has the big box appearance and she is not pleased with it. She said that the building does not have overhangs. She presented a letter written by Bob Hecht, one of the property owners. She stated that the green and red looks like Christmas and is almost comical. Ms. Zmijewski presented a picture of the Sardis Road Wal-Mart.

Greg Coffey stated that stated that ELBA facilitated 2 public meetings. He stated that they do support the development of retail if developed properly. He stated that Wal-Mart has come a long way, but they are not there yet. He stated that they support this as long as all the conditions they provided are met. He asked the Board to assure them that all conditions be met.

Mark Cotter stated that it troubles him that Wal-Mart is telling the county what DOT will do. He stated that his business was shut down completely due to NCDOT improvements. He went over the findings of fact and spoke concerns about the garden center with spills and fertilizer run-off. He also commented on the mice and rat problems that will be present. Mr. Cotter stated that police reports show that in towns with new Wal-Marts crime rates go up after the stores open. He stated that this would only be taking sales from local business and giving them to Wal-Mart. He stated that the county will be losing, not gaining from this.

Brian Moates stated that he lives one mile from the proposed Wal-Mart site. He stated that he does not shop at Wal-Mart. He stated that Wal-Mart has stepped up the request each time they've been asked. Mr. Moates said that he argues that the demographics support a nicer Wal-Mart such as Sardis Road. He spoke concerning the nice homes in the area and maintaining property values.

Robert Bernot asked the members of the Planning Board to recommend against proposal #122 and that the Board of Commissioners subsequently deny the petition. He stated that if the project is developed according to the plan as submitted and approved, it will not be in harmony with the area in which it is to be located and will not be in general conformity with the Lincoln County Land Use Plan. He stated that additionally, the proposed development will materially endanger the public health and safety if located where proposed and developed according to plan. Mr. Bernot presented a photograph of his Chevrolet van, which was rear-ended on Highway 73.

Cheryl Burgess stated her spouse works for Wal-Mart and their insurance is good. She stated that they have taken good care of her family this year. She stated that Wal-Mart gives back to the community.

Jim Klein stated that the new standard design is not good enough, they aren't interested in a standard design. He stated that they would like a unique design and special store like the Sardis Road Wal-Mart. He asked for clarification about the drawing from the traffic engineer where the improvements said "improvements by others". He asked about the quick brick that the Wal-Mart will be made of.

Robert Bernot asked if this information from Wal-Mart could be posted on the county website.

Chairman Anderson asked if the Powerpoint Presentation could be part of the submittal by Wal-Mart.

Randy Hawkins stated that he has talked to Jackie McSwain on a number of occasions about 16 and 73. The traffic improvements being considered are turn lane extensions and a traffic signal. These projects are in the Moving Ahead program, which are on hold waiting spending authority. He read a memo from Ms. McSwain concerning this issue.

Chairman Anderson called for a ten minute recess.
Chairman Anderson called the meeting back to order.

Proposed Comprehensive Land Use Amendments and Synthesis Report: Brad Dyer presented the following information.

Lincoln County is in the process of evaluating the adoption of an adequate public facilities ordinance (APFO) to address the adequacy of schools, wastewater systems, and water systems, throughout the County.

The requirements for adequate public facilities are a key element of effective growth management. An APFO ensures that necessary public facilities and services to support new developments are available and adequate, based on adopted level of service (LOS) standards, at the time that the impacts of new development occur.

The synthesis report summarizes the findings and recommendations of the consultants and sets the stage for preparing the APFO. The Comprehensive Land Use Plan Amendments are meant to incorporate County policies related to adequacy and timing of development.

Chairman Anderson opened the public hearing concerning the Comprehensive Land Use Amendments and Synthesis Report.

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

Chairman Anderson called for a brief recess

Chairman Anderson called the meeting back to order in the Commissioners Room.

Roll-off Truck Piggy Back Purchase: Steve Gilbert stated that Solid Waste has received a price quote for a roll-off truck for Solid Waste from the Volvo GMC Truck Center of Charlotte. Similar trucks have been purchased in the past from the same dealer. By piggybacking this purchase to a bid already received by Iredell County, NC, the truck can be purchased for \$115,493.83. The bid price is higher than the budgeted amount of \$105,000.00, but the manufacturers have instituted a significant price increase since budget figures were obtained last spring, and the bid will get a newer model than expected. There are significant funds in the department budget to cover the overage. Delivery time is expected to be 90 to 120 days. Mr. Gilbert stated that this is an additional vehicle, not a replacement.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Resolution to Approve Waiver of Bidding Requirements for Purchase of 2006 Roll-off Truck.

**RESOLUTION FOR PURCHASE OF VEHICLE
BY
LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, after notice was duly given, the Lincoln County Board of Commissioners met on October 3, 2005, to consider the purchase of a Roll-off Truck from the Volvo/GMC Truck Center of Charlotte, NC; and

WHEREAS, the purchase is intended to be “piggy-backed” on a bid already received by Iredell County, NC; and

WHEREAS, amount of \$105,000.00 was included in the Solid Waste Budget; and

WHEREAS, by utilizing the “piggy-back” purchase method the Roll-off Truck meeting the required specifications can be purchased for \$115,493.83; and

WHEREAS, the Solid Waste budget contains sufficient funds to cover the difference in cost.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Lincoln County Board of Commissioners to authorize the purchase of a Roll-off Truck from the Volvo/GMC Truck Center of Charlotte, NC, utilizing the “piggy-back” purchase method, for the amount of \$115,493.83.

Adopted this 3rd day of October 2005.

Thomas R Anderson, PE, Chairman
Lincoln County Board of

Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Proposal for Recreation Planning: Danny Richard from the Lincoln County Recreation Commission stated that five tasks were sent to three providers for proposals. One said it was not possible to meet the January 1 timeframe. The other two said they could complete it by mid-January, but one did not meet all qualifications. The committee composed of three members of the Lincoln County Recreation Commission (Danny Richard, Sylvia Holmes, and Delaine Davis) and two members of the Lincolnton Recreation Commission (Beth Wise and George Smith) met to review and discuss the proposals and to recommend providers for the Board’s approval.

The tasks requested are:

- Comprehensive System-wide Plan (CSP) – county-wide planning document for recreation
- Master Site Plan (MP) – detailed plan for one site (such as Beattys Ford and West Lincoln Park) now a planning requirement for most governmental grants).
- Capital Improvement Plan (CIP) – a plan identifying recreation projects and funding for the next 3 – 5 years.
- Actual grant application to PARTF and/or LWCF for projects

The committee recommends:

1. Comprehensive System-wide Plan
Recommended provider: Barge, Waggoner, Sumner and Cannon
Target completion date: mid to late January 2006
2. Master Site Plans (one for Beattys Ford and one for West Lincoln Park)
Recommended provider: BWSC (some work could overlap in above process)
Target completion date: January 2006

3. Capital Improvement Plan
Develop in-house by finance and recreation staff, with assistance from above Provider. This document would be presented to the Board of Commissioners at the second meeting in January '06 for action.
4. PARTF Application for Beattys Ford and West Lincoln Park

The price for completion of all of these projects is \$107,000. The portion the City will pay is \$13,345.

The price breakdown is as follows:

Comprehensive System-wide Study	\$ 78,500.00
Park Master Plan for two individual parks	25,000.00
PARTF Grant Application	3,500.00
Total:	\$107,000.00

(less 10 % if all three tasks included)

Commissioner Moore stated that she has been told by Baynard Alkorn, from the Raleigh office, that a team of reviewers found that the plan was not developed with public involvement and did not receive credit in the scoring system evaluation. Our state representative, Owen Daniels, told her that to get public input the county could have North Carolina State University to do a survey for \$4,000 to \$5,000. Once this random survey is completed the Recreation Developer with the committee could put a plan together. They are looking for phases in the parks. Another thing is that the matching funds should be put in the budget over a three year period.

Commissioner Moore stated that if the county gets the grant to Owen Daniels in time, he can review it and send it back with any changes.

Commissioner Moore stated that spending this money is not a guarantee that the county will receive grant funds.

Erma Deen Hoyle reviewed the PARTF Scoring System for Grants.

Commissioner Patton asked if the plan that the committee is recommending gives an opinion about staying with the city or separating.

Danny Richard stated that this is part of the proposal.

Danny Richard stated that time is of the essence. He stated that they have also been in contact with Mr. Daniels and do not feel that they could get this completed by January.

Danny Richard stated that the money is in the Recreation budget to pay for this with in-house funds.

UPON MOTION by Commissioner Patton, the Board voted 4 – 1 (Moore against) to accept the recommendation of the Recreation Commission and retain the services of Barge, Waggoner, Sumner and Cannon for the recreation planning.

Commissioner Moore stated that the Board is spending money when she has been assured that the money is not necessary.

Other Business: Jeff Taylor, County Attorney, stated that a few years ago, there was a swap of land between the City/County and adjacent landowners. An easement was approved, but an issue needs to be cleared up and the Board needs to sign off on this.

Chairman Anderson stated that he was on the Airport Authority when this came up and the easement was for the individual to have a driveway.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to allow the Chairman and Clerk to sign the documents to clear up the easement.

Stan Kiser, County Manager, presented the Board with information concerning how animals are euthanized in Lincoln County. Animal groups are trying to mandate that lethal injections are used for euthanizing animals.

Closed Session: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to go into closed session to discuss a personnel matter that is confidential pursuant to N.C.G.S. 143-318.11.

The Board returned to open session.

Chairman Anderson stated that no decisions were made in closed session and no action was taken. He presented Mr. Kiser with copies of an evaluation that the Board will complete on him. He asked Mr. Kiser to complete the numeric evaluation on himself and be prepared to discuss it when the Board has theirs ready.

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