

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 2, 2005

The Lincoln County Board of County Commissioners met for a non-agenda community meeting on August 2, 2005 at the East Lincoln Recreation Center, Optimist Club Road, Denver, North Carolina, at 7:00 PM.

Commissioners Present:

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

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 August 2, 2005 meeting of the Lincoln County Board of Commissioners to order, which was recessed from August 1, 2005.

Peter Browne presented proposed conditions for approval of Wal-Mart – East Lincoln Site. Copies of the conditions were provided to Wal-Mart. He stated that citizens feel the plans Wal-Mart has provided to-date do not meet what the citizens of this county believe are adequate.

Connie Zmijewski stated that she lived in the Aboretum area when WalMart came in the area. She stated that property values went down and crime went up. She stated that she is very concerned with where WalMart will take us in the future. Ms. Zmijewski stated that she was insulted when WalMart said the demographics in East Lincoln did not meet the criteria for the nicer WalMart store. She spoke concerning the conditions that Charlotte and other areas have placed on WalMart stores.

Mark Cotter stated that there is a lot more at stake than most people realize with WalMart. He presented findings from research he's done on WalMart.

Liz Craig spoke concerning the handout Peter Browne presented. She pointed out the traffic concerns in the document. She stated that unless the Board can insure safe entry and exit into Prospect Hills and Hunters' Bluff with a turn lane, it is a deal-breaker. She stated that the Board has to keep residents safe.

Bob Sarabia asked the Board what incentives have been given to WalMart.

Chairman Anderson stated that incentives only apply to manufacturing firms and not commercial.

Mr. Sarabia stated that in the discussions with WalMart, the fire department and EMT were not allowed to have input.

Chairman Anderson stated that any resident can comment at the public hearings. He stated that no one was denied the opportunity to speak. Chairman Anderson stated that at the ELBA meeting, legal counsel advised that county staff should not attend this meeting.

Commissioner Mitchem stated that the fire departments have not come to the Board with any concerns.

Maeneen Cline stated that she lives in The Gates and has been there 2 ½ years. She stated that as the community develops, she does not see pedestrian-friendly development. She stated that there is no access for any movement except by car.

Chairman Anderson stated that the Lincoln County Land Use Plan is 4 years old and will be redone in the near future. He spoke concerning the Hwy 73 Council of Planning and growth on Hwy. 73. Chairman Anderson discussed the need for small area plans.

Gertha Strand spoke concerning illegal drugs in Lincoln County and illegal immigrants in the county.

Chairman Anderson stated that Congressman Patrick McHenry will be at the Citizens Center on August 18, 2005 at 7:00 p.m. for a town hall meeting. He stated that immigration is a federal issue and encouraged residents to attend. Chairman Anderson advised that the Board approved 8 new deputies for the Sheriff's Department in this year's budget.

Jeff Taylor, County Attorney, spoke concerning the strain illegal aliens place on Lincoln County.

Commissioner Funderburk stated that although Lincoln County is experiencing drug issues, it is not the only county experiencing drug issues.

Sylvia Holmes spoke concerning the article in the Charlotte Observer about Congressman Patrick McHenry securing additional federal funds for Highway 16. She asked where this money will go.

Chairman Anderson stated that DOT controls all road issues and the money will come through DOT. He stated that he does not know how these funds will be used. He encouraged citizens to call Judge Collier, our representative on the Transportation Board.

Sylvia Holmes stated that she serves on the Lincoln County Recreation Commission. She stated that citizens have contacted her concerning the serious lack of good playgrounds in East Lincoln County.

Ray Holmes stated that he is not a big fan of WalMart and there are many other fine stores that may come if WalMart is turned down. Mr. Holmes asked if any consideration

is being given to the roads connecting to the new Highway 16. He asked when the county is going to take over the sewer system and make it like the county water system. He stated that he does not see how the Recreation Tax is going to help the Recreation budget at all.

Commissioner Moore encouraged citizens to contact Judge Collier and let him know their concerns and safety issues in the neighborhood.

Mark Cotter stated that developers should be responsible for recreation in new developments in the county. He said the county should require sidewalks, playgrounds, and bike paths.

Chairman Anderson stated that Water Quality does not want sidewalks or curb and gutter in water front communities. He stated that recreation that is put into communities is private and not part of the county system.

Commissioner Funderburk stated that once common open space is made in a development, it is removed from the tax base.

Jen Nutting asked when the water lines will be replaced in Westport. She stated that these lines frequently break and have to be repaired.

Chairman Anderson stated that the Board has approved the first phase of a 3-year project to replace water lines in Westport and add fire hydrants. He stated that the Westport water system started as a private system and the county took it over. He stated that it is an old, antiquated system.

Cynthia Jones stated that WalMart always has huge parking lots. She asked for the parking lot to be paved in phases, to cut down on impervious surfaces. She stated that traffic is still backed up to Cherry Point on Highway 16, even with the new road improvements. She stated that opening the new 16 will only bring more problems. Ms. Jones stated that the CATS service should have a bus that comes back later. She stated that now is the time to put in walking trails into the new Library on Fairfield Forest Road.

Greg Coffey spoke concerning redistricting. He stated that this should be on the ballot for a county-wide election, because the county turnout probably won't be that high during a city election. He asked for the Board's thoughts on district representation.

Commissioner Patton stated that Lincoln County is a very diverse county. He stated that he is in favor of the plan and for equal representation on the Board. He stated that he does not want 5 Board members coming from one area.

Commissioner Funderburk stated that Lincoln County is a diverse county. He stated that every citizen will be voting on each candidate. He stated that the Board will represent the whole county and will treat each end of the county equal.

Chairman Anderson stated that he stood in opposition of district election. He stated that the date selected concerns him since it is a city election and not county-wide. Chairman

Anderson stated that he has looked at this very carefully and there are both pros and cons. He stated that at this time, it does not seem that there is great benefit to be had by switching to district representation.

Commissioner Mitchem stated that one of the first things he and Chairman Anderson discussed when he came on Board was district elections. He stated that he accepts responsibility for starting this issue, because it eliminates the possibility that all Commissioners will be from the same area. He stated that the map was not drawn up by this Board, but by Raleigh. The map, which was accepted, has all 5 Commissioners in separate districts.

Commissioner Moore stated that she is opposed to district representation as presented. She stated that one of the main reasons is that the vote will be in an off-season, off-year. She stated that the cost factor is also very important to her. She stated that this should have been postponed to a general election year when people are used to voting. Commissioner Moore stated that this is not based on population and once the lines are set, they are set. She stated that one of her biggest concerns is that by district elections, Commissioners will be focused on one area.

Grey Coffey stated that he appreciates the Board having these meetings in different areas of the county.

Commissioner Patton stated that he cannot imagine that citizens wouldn't want a Commissioner from their own area, someone who sits in the same traffic and faces the same struggles.

Commissioner Mitchem stated that another factor of Commissioners from different areas is zoning issues. He stated that Board members rely on Board members from the area the case is in for information such as traffic, etc.

Vicky Ratchford thanked the Board for their willingness to serve. She stated that she is opposed to redistricting as presented. She stated that this decision happened very quickly and she urged the Board to change it's mind on this.

Bob Sarabia asked why the Board picked a date when turn-out will be so low.

Commissioner Mitchem stated that the date was chosen so it can be used for the next election for it to be possible to keep the same Board and same terms. If it's not voted on then, Commissioners could be forced out of office.

Teresa Dearnley stated that redistricting is very important. She stated the East Lincoln residents pay the majority of taxes and will only have 1 vote. She stated that she has to pay a "view tax" because she can see the lake from her house. She stated the county is not ready for WalMart, the roads are not ready for WalMart.

The Board discussed the "view tax" and sewer tax.

Ms. Dearnley asked about the Verdict Ridge sewer.

Chairman Anderson stated that in 1997 – 1998 the East Lincoln Sewer District, an enterprise fund passed by 32 votes. Verdict Ridge negotiated with the Sewer District to put in a sewer main, which they would connect to. This main opens up an entire drainage basin. It was put in to encourage the development of Verdict Ridge and to enable the development of that drainage basin. He stated that the decision was made because the sewer district desperately needed customers to make it a financially viable operation. The County had to loan the sewer district money due to the fact that financial projections for the sewer district did not come true. Chairman Anderson stated that there has been a lot of criticism over the sewer district, but there are some people who would not be living in Westport now if the sewer district had not been put in. Septic tanks had failed, there was no room to expand them, and people were going to have to move from their houses.

Jeff Faucette stated that adding district representation adds barriers. He stated that WalMart has been in litigation over how fertilizers are stored. Mr. Faucette stated that a condition for approval should be that Wal-Mart builds a containment around fertilizers.

Commissioner Mitchem asked if Mr. Faucette felt the Board gets along well.

Citizens in the audience responded that they did not feel the Board gets along well, due to the fact that there are a lot of 3 – 2 votes.

Chairman Anderson stated that although the Board may have some differences, he feels the Board is very committed to working together for the citizens of Lincoln County. He stated that even if the Board disagrees on issues, each person fights hard for his position, and when the issue is decided, it is over and the Board moves onto the next problem.

Commissioner Funderburk stated that he agrees with Chairman Anderson. He stated that the Board works very well together. He stated that he served on the Planning Board, where members had differences and walked out the door with differences. He stated that the Commissioners may have differences, but walk out the door as friends. Commissioner Funderburk stated that the Planning Board works well together and the Commissioners work well together.

Jim Klein spoke concerning WalMart and the community meeting that was held. He stated that the process for public involvement is very difficult for citizens. He stated that there have been 2 public hearings. He stated the citizens do not know what the Planning Board and Commissioners are thinking. He stated that the community has worked very hard on gathering information for this. Mr. Klein stated that they will reluctantly accept the rezoning for WalMart if the list of conditions presented is approved.

Chairman Anderson stated explained the process for zoning cases and the legalities with zoning.

Commissioner Moore stated that she feels WalMart should share their plan with citizens before the next meeting. She stated that she is hearing what the people are saying, even though she may not be able to respond.

Jack LaPointe asked if the Board would consider appointing an ad-hoc citizens committee.

Liz Craig asked what the maximum conditions allowed are.

Jeff Taylor stated that conditions have to be fair and reasonable. Jeff Taylor stated that the Commissioners do not have the authority to regulate the economic impact of WalMart.

Greg Coffey stated that with future appointments, diversity should be added to the Planning Board.

Commissioner Moore stated that there will be 5 vacancies at the end of December.

George Erena thanked the Board for serving and for coming to this meeting. He stated that although he knows they are not legal, an impact fee is needed to handle the phenomenal growth. He stated that he thinks the Adequate Facilities Ordinance will help slow down growth. He stated that redistricting draws a line in the sand in terms of representation.

Andy Strand asked if the Board could hold the meeting at the library next time instead of the Recreation Center. He spoke of concerns on WalMart, Sewer, and traffic. He spoke concerning the fact that there is no industrial or business park in East Lincoln. Mr. Strand stated that the perceptions of the Board are not always positive and they've had Commissioners who only show up at election time. Mr. Strand stated that he would have appreciated the opportunity to vote on incorporation. He stated that all five Commissioners could come from East Lincoln County, since there is enough talent in east Lincoln County, and they have the ability to look at the whole county.

Tim Sellers applauded and thanked the Board for coming to the meeting. He stated that good points were raised concerning Land Use Planning and transportation planning for Walmart. He stated that we should not decide on WalMart based on the fact that it is a bad company that does bad things. He stated that if they are turned down, what comes later is not always better. He stated that there are many dark, closed down Target stores in Charlotte. He stated that he is very encouraged by the talk of the small area plans.

Mr. Sellers stated that he vehemently opposes the plan on redistricting. He stated that he will not support it and will encourage people to vote against it.

Mr. Sellers said he is a private pilot and did his training at the Lincoln County Airport. He stated that there is a tremendous economic generator that we are not leveraging at the Airport. He stated that we have the opportunity to create an economic generator that is unprecedented. He stated that Concord is maxed out and we could turn the facility into something that will draw people here.

Chairman Anderson stated that the Board has appropriated \$250,000 to Economic Development to negotiate with land owners in the East Lincoln area for a business park. He stated that the Board is trying to get sewer to the Airport.

Jack LaPointe stated that he appreciates the Board coming out tonight and thanked them for all they do for Lincoln County.

Dee Harris asked the Board to reconsider the redistricting plan. He stated that it is hard to get people to run and it will be even harder after redistricting.

Chairman Anderson thanked the citizens for coming tonight and for the candor.

Adjourn: Chairman Anderson adjourned the meeting.