

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 1, 2004

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 1, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Thomas R. Anderson, PE, Chairman
Larry S. Craig
Carrol Mitchem
Buddy Funderburk

Planning Board Members Present:

Dean Lutz
John Pagel
Terry Whitener
Harold Howard Jr.
Ken Hovis
Clyde Brown
Darrell Harkey
Jerry Geymont
Dan Tritt

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the March 1, 2004 meeting of the Lincoln County Board of Commissioners to order. Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the agenda adding Item 14a – Update from the Public Works Department.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MARCH 1, 2004

- 6:30 PM Call to Order
1. 6:31 PM Adoption of Agenda
2. 6:32 PM Approval of Minutes
- February 2, 2004
- February 16, 2004
3. 6:34 PM Consent Agenda
- Tax Requests for Releases
More than \$100 – January 16 – February 15, 2004
- Tax Requests for Refunds
More than \$100 – February 2 –February 15, 2004
- Sponsored Group Status
- T & T Investments
4. 6:35 PM Public Comments
5. 6:50 PM New Business/Advertised Public Hearings

ZMA #469 David Heafner, applicant (Parcel ID# 79535, 53051 and 58172) A request to rezone 3.4 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on Hwy. 27 West and Hauss Road in Howards Creek Township.

ZMA #470 Paul Rhodes, applicant (Parcel ID# 26895) A request to rezone a 3.5-acre parcel from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is located on the south side of Hwy. 73 at Amity Church Road in Ironton Township.

ZMA #471 Mark Cotter, applicant (Parcel ID# 58758) A request to rezone a 0.67-acre parcel from I-G (General Industrial) to B-G (General Business). The property is located on the southwest corner of Hwy. 16 and Townsend Drive in Catawba Springs Township.

CUP #129 Virginia Dellinger, applicant (Parcel ID# 33997) A request to change a conditional use permit that was approved on March 16, 1998, to allow a multi-family development to be located in the R-S (Residential Suburban) district. The applicant is

requesting the removal of the following condition that was placed on the permit: that the development be surrounded by a chain link fence at least four feet in height. The 3.4-acre parcel is located on Sienna Lane off Will Proctor Street in Catawba Springs Township.

PCUR #101 Robert Hecht, applicant (Parcel ID# 56255) A request for a parallel conditional use rezoning to rezone a 73-acre parcel from R-SF (Residential Single-Family) to CU P-R (Conditional Use Planned Residential) to permit the development of a major subdivision with 90 lots for single-family homes. The property is located on Burton Lane and Dellinger Road in Catawba Springs Township.

6. 7:50 PM Public Hearing – Order Authorizing \$13,000,000 Refunding Bonds
7. 8:00 PM Public Hearing – Order Authorizing \$47,000,000 School Bonds
8. 8:10 PM Public Hearing – R.W. Garcia Co., Inc. Incentive Grants
9. 8:20 PM Public Hearing – Road Renaming Petition for Prison Camp Road
10. 8:30 PM Resolution Supporting the Certified Industrial Site Designation for the Corporate Center at Denver Business Park
11. 8:40 PM CATS Presentation – Larry Kopf
12. 8:55 PM Regional Travel Model – Rebecca Yarbrough
13. 9:05 PM Precinct Accessibility Update – Judy Caudill
14. 9:15 PM Request from Historic Properties Commission
15. 9:25 PM Nursing and Adult Care Home Ordinance
16. 9:30 PM Appointments
17. 9:30 PM Other Business

Adjourn

Approval of Minutes –February 2, 2004 and February 16, 2004: UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the minutes of the February 2, 2004 and February 16, 2004 meetings as presented.

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

Sponsored Group Status

- T & T Investments

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (February 2, 2004 - February 15, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
E & L Grigg Properties In.	2002-2003	SFFD	42356	276.00
Davis, Michael E & Pamela D.	2003	NBFD	01840	131.79
TOTAL				\$ 407.79

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (February 2, 2004-February 15, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
GMAC	2002	CITY	0154329	113.11

TOTAL \$113.11

TAX REQUESTS FOR RELEASES

January 16 – February 15, 2004

NAME	YEAR	A/C NO	AMOUNT
Finster, John Jay	2003	0108250	\$ 100.30
Harkey, James Springs	2003	0165869	\$ 100.63
Kopka, Eric J.	2003	0161347	\$ 154.58
Lutz, Harry Wayne	2003	0107740	\$ 122.13
Odom, April Nicole	2003	0171908	\$ 114.58
Schronce, Jacqueline	2002	0166544	\$ 108.57
Sims, Shanda Campbell	2003	0161458	\$ 152.34
Stuck, Daniel Wier	2003	0171215	\$ 121.77
Szyslowski, Parick	2003	0171959	\$ 111.25

Woodbury, Wesley Howard	2003	0168401	\$ 118.47
		TOTAL	\$ 1,204.62

NAME	YEAR	A/C NO	AMOUNT
Allied Manufacturing Tech Inc.	2001/02	0151095	\$ 575.44
Beheler, C. J.	2000-02	0088543	\$ 183.82
Boles, Mark K.	2003	0126756	\$ 131.69
Brooks, Steven	2003	0170886	\$ 341.86
Bumgardner, Todd	2003	0143240	\$ 272.69
Charlotte Metal Finishing Inc.	1999	0135982	\$ 212.36
Clifton Technical Co. Inc.	2000	0144040	\$ 136.62
Delgran, Jeff Lewis	2002/03	0162464	\$ 377.22
Elkins, Polly C.	2003	0128285	\$ 9,824.48
Eugene Tucker Enterprises	2003	0152976	\$12,190.95
Hall, Fred	1999-03	0130194	\$ 547.01
Heavner, Johnny A.	2003	02154	\$ 159.90
Kiser, Charlene	2000/01	0130746	\$ 342.20
Linde, Carl Ivar	2003	0139626	\$ 144.10
Lutz, Dean	2003	0123249	\$ 437.28
Marco's Floor Covering	2003	0159053	\$ 123.00
Marsh, Billy Gene	2003	07375	\$ 134.00
Mitchell, Guy V.	2002/03	0061790	\$ 500.79
Rutledge, Elizabeth Irene	2003	0067510	\$ 254.40
Santerre, Lou Ann	2003	0170711	\$ 260.68
Schisler, Rob	2001-03	0154653	\$ 316.59
Wright, Gary	2003	0170935	\$ 156.95
		TOTAL	\$27,624.03

Public Comments: Chairman Cochrane opened Public Comments.

Being no one wishing to speak, Chairman Cochrane declared the Public Comments section closed.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, March 1, 2004 and the time, which was advertised in the *Lincoln Times-News* on Friday, February 20 and 27, 2004.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, March 1, 2004, at 6:30 p.m. to consider the following zoning matters:

ZMA #469 David Heafner, applicant (Parcel ID# 79535, 53051 and 58172) A request to rezone 3.4 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on Hwy. 27 West and Hauss Road in Howards Creek Township.

ZMA #470 Paul Rhodes, applicant (Parcel ID# 26895) A request to rezone a 3.5-acre parcel from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is located on the south side of Hwy. 73 at Amity Church Road in Ironton Township.

ZMA #471 Mark Cotter, applicant (Parcel ID# 58758) A request to rezone a 0.67-acre parcel from I-G (General Industrial) to B-G (General Business). The property is located on the southwest corner of Hwy. 16 and Townsend Drive in Catawba Springs Township.

CUP #129 Virginia Dellinger, applicant (Parcel ID# 33997) A request to change a conditional use permit that was approved on March 16, 1998, to allow a multi-family development to be located in the R-S (Residential Suburban) district. The applicant is requesting the removal of the following condition that was placed on the permit: that the development be surrounded by a chain link fence at least four feet in height. The 3.4-acre parcel is located on Sienna Lane off Will Proctor Street in Catawba Springs Township.

PCUR #101 Robert Hecht, applicant (Parcel ID# 56255) A request for a parallel conditional use rezoning to rezone a 73-acre parcel from R-SF (Residential Single-Family) to CU P-R (Conditional Use Planned Residential) to permit the development of a major subdivision with 90 lots for single-family homes. The property is located on Burton Lane and Dellinger Road 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 Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Zoning Map Amendment No. 469 – David Heafner, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 469 – David Heafner, applicant.

The applicant is requesting to rezone 3.4 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The applicant operates a restaurant on an adjoining parcel that is already zoned B-N.

The property is located on Hwy. 27 West and Hauss Road in Howards Creek Township. It is adjoined by property zoned R-SF and B-N. Other properties zoned B-N are located in this area. County water is available at this location. This area is part of a larger area that's designated in the Lincoln County Land Use Plan as a commercial and employment center.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 469 – David Heafner, applicant.

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

Commissioner Craig stated that he received a call from Ronnie Leonhardt, who is in favor of the rezoning and thinks it is a good move for the area.

Zoning Map Amendment No. 470 – Paul Rhodes, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 470 – Paul Rhodes, applicant.

The applicant is requesting to rezone a 3.5-acre parcel from R-T (Transitional Residential) to B-N (Neighborhood Business). Retail stores and offices are among the permitted uses in the B-N district.

The property is located on the south side of Hwy. 73 at Amity Church Road in Ironton Township. It is adjoined on the east by property zoned B-N and on the other sides by property zoned R-T. The parcel on the east side was rezoned to B-N in 2001.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 470 – Paul Rhodes, applicant.

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

Zoning Map Amendment No. 471 – Mark Cotter, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 471 – Mark Cotter, applicant.

The applicant is requesting to rezone a 0.67-acre parcel from I-G (General Industrial) to B-G (General Business). The rezoning would allow retail sales, which is not a permitted use in the I-G district. The owner of the property has authorized the rezoning request.

The property is located at the corner of Hwy. 16 and Townsend Drive in the Triangle Business Park. It is adjoined by property zoned I-G and B-N (Neighborhood Business).

Dan Tritt, Planning Board member, asked questions concerning parking spaces, curbing and screening.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 471- Mark Cotter, applicant.

Mark Cotter stated that the church in the building has a 2-year lease on the property. He stated that the parking will be ample for what he plans for the building.

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

Conditional Use Permit No. 129 – Virginia Dellinger, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 129 – Virginia Dellinger, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 129 – Virginia Dellinger, applicant.

The applicant is requesting to change a conditional use permit that was approved on March 16, 1998, to allow a multi-family development to be located in the R-S (Residential Suburban) district. The applicant is requesting the removal of the following condition that was placed on the permit: that the development be surrounded by a chain link fence at least four feet in height. Another condition placed on the permit – that the development be surrounded by a landscape screen – has been met.

The 24-unit apartment is located on a 3.4-acre parcel on Sienna Lane off Will Proctor Street in Denver. The property is adjoined on the sides and rear by property zoned R-S. Property zoned R-SF (Residential Single-Family) lies on the opposite side of Will Proctor Street. The apartment complex is screened from adjoining properties by a row of Leyland Cypressess.

Randy Hawkins, Zoning Administrator, presented a letter from Dorothy Beatty Maiers, who was against the change in the original Conditional Use Permit and had complaints about dogs from the apartments.

Dan Tritt, Planning Board member, questioned why this fence would be required on residential property and asked about the screening.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 129.

Jason Dill stated that he lives in one of the townhomes and is opposed to the chain link fence.

Rob McAlver, 6482 Sienna Lane, stated that he and his wife looked at several complexes before choosing this one. He spoke in opposition to the requirement for a chain link fence.

Virginia Dellinger stated that prior to completion of the project, they had spoken to Karen Byrd about not putting this fence up. She stated that out of 24 units, only 3 units have dogs and they encourage the tenants to use leashes.

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

Public Hearing – Order Authorizing \$13,000,000 Refunding Bonds: At 6:30 P.M. the Chairman announced that this was the date and hour fixed by the Board of Commissioners for the public hearing upon the order entitled: “ORDER

AUTHORIZING \$13,000,000 REFUNDING BONDS” and that the Board would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Commissioner Craig seconded by Commissioner Anderson, the order introduced on February 16, 2004 entitled: “ORDER AUTHORIZING \$13,000,000 REFUNDING BONDS”, was placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Commissioners Cochrane, Anderson, Mitchem, Funderburk, Craig.

The Chairman then announced that the order entitled: “ORDER AUTHORIZING \$13,000,000 REFUNDING BONDS” had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Lincoln Times-News.

Public Hearing – Order Authorizing \$47,000,000 School Bonds: The Chairman announced that this was the date and hour fixed by the Board of Commissioners for the public hearing upon the order entitled: “ORDER AUTHORIZING \$47,000,000 SCHOOL BONDS” and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Commissioner Larry Craig seconded by Commissioner Tom Anderson, the order introduced on February 16, 2004 entitled: “ORDER AUTHORIZING \$47,000,000 SCHOOL BONDS” was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Commissioners Cochrane, Anderson, Craig, Mitchem, Funderburk

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Lincoln Times-News.

Thereupon Commissioner Jerry Cochrane introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln:

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M., on Tuesday, May 4, 2004, at which there shall be submitted to the qualified voters of the County of Lincoln the question contained in the notice of special bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Lincoln County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the judges and other officers of election appointed by the Lincoln County Board of Elections for the several precincts and voting places in said County shall be the election officers for such precincts and voting places and (iii) the precincts and voting places shall be those fixed by the Lincoln County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The Lincoln County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The Clerk to the Board of Commissioners shall cause a notice to be published in The Lincoln Times-News once at least fourteen days before April 9, 2004 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
IN THE
COUNTY OF LINCOLN, NORTH CAROLINA

A special bond referendum will be held throughout the County of Lincoln, North Carolina, between 6:30 A.M. and 7:30 P.M., on Tuesday, May 4, 2004, at which there will be submitted to the qualified voters of said County the following question:

Shall the order adopted on March 1, 2004, authorizing not exceeding \$47,000,000 School Bonds of the County of Lincoln, North Carolina, for the purpose of providing funds, together with any other available funds, for erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities, providing necessary utilities and acquiring necessary land and equipment therefor in order to provide additional school facilities in the County of Lincoln, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the County of Lincoln.

For said referendum the regular registration books for elections in the County of Lincoln will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified

persons from 8:00 A.M. until 5:00 P.M., Monday through Friday of each week, at the office of the Lincoln County Board of Elections, 2nd Floor, Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina 28092, Telephone (704) 736-8480.

In addition, registration applications may be obtained and qualified persons may register (i) at any branch of the Lincoln County Library during regular library hours and (ii) with any high school registration commissioner at any public high school in Lincoln County during regular school hours. For information concerning the address of any of the above locations as well as information concerning any other locations at which registration applications may be obtained, please contact the Lincoln County Board of Elections at its address or telephone number set forth above.

Registration applications may also be obtained and qualified persons may also register at any Drivers License Examining Station located in the State of North Carolina (the "State") during normal business hours when applying for, renewing or correcting their drivers licenses.

Moreover, registration applications will be accepted and qualified persons may register at every office in the State which accepts claims for benefits under the Employment Security Law or applications for a program of public assistance under Article 2 of Chapter 108A or Article 13 of Chapter 130A of the General Statutes of North Carolina and at every office in the State designated by the State Board of Elections which accepts applications for State-funded or local government programs primarily engaged in providing services to persons with disabilities. Such programs include Medical Assistance, Aid to Families with Dependent Children, Food Stamps, Women, Infants and Children and programs of the Division of Mental Health and the Division of Services for the Blind.

Qualified persons may also register by mail on forms to be available at the above-mentioned places and otherwise as provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Except as otherwise provided in Article 7A of Chapter 163 of the General Statutes of North Carolina, the last day for new registration of those not now registered under Lincoln County's permanent registration system and who wish to register for said referendum is Friday, April 9, 2004.

Except as provided above, the last day on which registered voters who have changed residence from one precinct to another may transfer registration for such referendum is Friday, April 9, 2004.

Voter registration forms must either be delivered to the office of the Lincoln County Board of Elections by 5:00 P.M., Friday, April 9, 2004, or be mailed to such office in an envelope postmarked by Friday, April 9, 2004.

Any qualified voter of the County who is qualified to vote by absentee ballot in said special bond referendum may apply to the Lincoln County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot

pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina. Applications for absentee ballots must either be delivered to the office of the Lincoln County Board of Elections by 5:00 P.M., Tuesday, April 27, 2004, or be mailed to such office in an envelope postmarked by Tuesday, April 27, 2004.

Absentee ballots (other than absentee ballots cast using the “one-stop” voting procedure) must be received by the Lincoln County Board of Elections by 5:00 P.M. on Monday, May 3, 2004.

Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for an absentee ballot, complete the application and vote under North Carolina’s “one-stop” voting procedure. Such ballot may be cast only at the office of the Lincoln County Board of Elections not earlier than Thursday, April 15, 2004 and not later than 1:00 P.M., Saturday, May 1, 2004.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot or who desire information concerning the registration process for said referendum should contact the Lincoln County Board of Elections at the office of said Board mentioned above.

The registration books for elections in Lincoln County will be open to inspection by any registered voter of the County during the normal business hours of the Lincoln County Board of Elections on the days when the office of said Board is open, and such days are challenge days.

The judges and other officers of elections appointed by the Lincoln County Board of Elections will serve as the election officers for said referendum.

The Lincoln County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Asbury	Boger City Fire Department 410 McAlister Road, Lincolnton
Boger City	Lincoln County School of Technology 1 Timken Drive, Lincolnton
Buffalo Shoals	Buffalo Shoals Community Building 1834 Buffalo Shoals Road, Lincolnton
Cowans Ford	Salem United Methodist Church Fellowship Hall 378 N Pilot Knob Road, Denver
Crouse	Crouse United Methodist Church Fellowship Hall 2376 Pleasant Grove Church Road, Crouse
Daniels/Vale	Union School-Gym 4875 Reepsville Road, Vale
Denver	Denver United Methodist Church Fellowship Hall 3910 N Highway 16, Denver

Denver/West	Saint James Elementary School – Music Room 1774 Saint James Church Road, Denver
Heavners	Howards Creek Community Center 494 Howards Creek School Road, Lincolnton
Hickory Grove	North 321 VFD 3769 Maiden Highway, Lincolnton
Iron Station	Pearl Baptist Church Fellowship Hall 4657 E Highway 27, Iron Station
Iron Station/South	Fellowship Baptist Church Fellowship Hall 2891 Long Circle, Iron Station
Lincolnton/North	Charles R. Jonas Library 306 W Main Street, Lincolnton
Lincolnton/South	Lincoln County Citizens Center-Lobby 115 W Main Street, Lincolnton
Lithia	Lincoln Medical Center 200 Gamble Drive, Lincolnton
Long Shoals	South Fork VFD 2736 Long Shoals Road, Lincolnton
Love Memorial	Love Memorial School Gym 1463 Love Memorial School Road, Lincolnton
Lowesville	East Lincoln VFD 7654 Highway 16, Denver
Lowesville/West	Faith Baptist Church Fellowship Hall 5194 Old Plank Road, Iron Station
North Brook I	Bess Chapel Methodist Church Fellowship Hall 6073 Flay Road, Cherryville
North Brook II	North Brook Elementary School Gym 642 Highway 274, Vale
North Brook III	Mount Vernon Baptist Church Fellowship Hall 1156 North Brook III School Road, Vale
Oak Grove	Oak Grove Community Center 2701 Startown Road, Lincolnton
Ore Bank	Pumpkin Center Middle School 3980 King Wilkinson Road, Lincolnton
Pumpkin Center	Pumpkin Center VFD 2911 Lee Lawing Road, Lincolnton

Salem	Salem Baptist Church Fellowship Hall 1982 Salem Church Road, Lincolnton
Triangle	East Lincoln Community/Recreation Center 8160 Optimist Club Road, Denver
Triangle/East	Unity Presbyterian Church Fellowship Hall 8210 Unity Church Road, Denver
Westport	Fairfield United Methodist Church Fellowship Hall 7860 Fairfield Forest Road, Denver

Peri A. Moore
Chairman of the Lincoln County
Board of Elections

Amy S. Long
Clerk to the Board of Commissioners
for the County of Lincoln, North Carolina

Section 4. The form of the question to be used in the voting machines at said referendum
and in the absentee ballots shall be substantially as follows:

.....

YES	Shall the order adopted on March 1, 2004, authorizing not exceeding \$47,000,000 School Bonds of the County of Lincoln, North Carolina, for the purpose of providing funds, together with any other available funds, for erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities, providing necessary utilities and acquiring necessary land and equipment therefor in order to provide additional school facilities in the County of Lincoln, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?
NO	

.....

Section 5. The Clerk to the Board of Commissioners is hereby directed to mail or deliver a certified copy of this resolution to the Lincoln County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of Commissioner Anderson, seconded by Commissioner Craig, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

Ayes: Commissioners Cochrane, Anderson, Craig, Funderburk, Mitchem_____

Public Hearing - Road Renaming for Prison Camp Road: Leroy Buff presented a petition from John Anderson to change Prison Camp Road to Roper Drive.

Chairman Cochrane opened the public hearing on the road renaming for Prison Camp Road.

John Anderson, applicant, stated that he was here to answer any questions.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the renaming of Prison Camp Road to Roper Drive.

Regional Travel Model: Rebecca Yarbrough, with Centralina Council of Government, gave a presentation on the Regional Travel Model. The Charlotte metropolitan region includes four Metropolitan Planning Organizations: Mecklenburg-Union MPO, Gaston Urban Area MPO, Cabarrus-Rowan MPO, and the Rock Hill-Fort Mill Area Transportation Study. There are also two Rural Planning Organizations, the Lake Norman RPO and Rocky River RPO.

These agencies, along with the two states' departments of transportation, NCDOT, and SCDOT, are collaborating to develop a Regional Travel Demand Model. This Travel Demand Model is a critical element of our region's response to the anticipated designation by the US EPA of our region as an air quality non-attainment area in April of 2004. Once designated as non-attainment, the region must prepare and submit a transportation conformity plan, demonstrating that the region's transportation system (both existing and proposed for the future) does not worsen air quality. Failure to submit such a plan results in *transportation non-conformity*, and entails significant economic penalties in the form of the withholding of federal transportation dollars to the region. The attached map shows the current proposed non-attainment area.

Much work has already gone into the development of the modeling effort. Extensive data has been collected and verified on current land use, employment, and population distribution. Additional studies have been done to determine how much traffic passes through the region as opposed to staying within the region, and how likely people are to drive, carpool, walk, etc. to get to their destinations. An expert panel has worked on credible growth projections.

The expert panels' input was converted into draft population projections, based on the total developable capacity for each part of the county.

The role of local elected officials is equally important. In order for the projections of population and employment growth to have credibility with federal agencies reviewing the conformity plan, they must have the concurrence of local elected officials.

Ms. Yarbrough asked for the Board to review the projections and present any significant changes by early February. She stated that she will be back before the Board in April or May to request the Board's concurrence in the projections, so that the conformity planning will pass Federal requirements.

Public Hearing – R. W. Garcia Co., Inc. Incentive Grants: Barry Matherly, Director of Lincoln Economic Development presented the following incentive grant for R. W. Garcia Company.

LINCOLN COUNTY INCENTIVE GRANT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the first day of March 2004, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"); R.W. GARCIA COMPANY INCORPORATED, a California company (hereinafter referred to as "Garcia"); and TKC LIV, LLC., a North Carolina limited liability company (hereinafter referred to as "TKC").

WITNESSETH:

WHEREAS, Garcia has developed plans for a new manufacturing facility in Lincoln County, North Carolina by locating a new manufacturing facility in the Lincoln County Industrial Park (hereinafter referred to as the "Park"); and

WHEREAS, TKC will purchase certain real property in the Park and will construct a new manufacturing facility on such property to be occupied by Garcia under a long-term lease agreement; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Garcia and TKC to bind themselves to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before March 31, 2004, TKC shall purchase certain real estate identified as Parcel 12 on the Lincoln County Industrial Park master plan and begin construction of a manufacturing facility on such site for occupancy by Garcia.
2. Within two years of the date of this agreement, Garcia and TKC shall make an investment upon such site in building and equipment of \$4,600,000.00, of which \$4,030,000.00 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Garcia shall provide at such site at least 20 new jobs paying average hourly wages of \$10.00 per hour.
4. In consideration of the performance of the aforesaid obligations by Garcia and TKC, the County will provide cash grants to Garcia of \$16,240.90 per year for a five-year period. Such cash grants will be paid to Garcia on the 15th day of January of the year following the first full year after completion of the new capital investment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Garcia and TKC pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Garcia and TKC specifically agree that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Garcia and TKC shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

R. W. Garcia Co. Inc.

By: _____
President

ATTEST:

Secretary (Corporate Seal)

TKC LIV, LLC.

By: _____
Authorized Member

ATTEST:

Secretary (Corporate Seal)

LINCOLN COUNTY

By: _____
Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board of Commissioners

Chairman Cochrane opened the public hearing concerning the Incentive Grants for R. W. Garcia Company.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement With R. W. Garcia Co, Inc. and TKC LIV, LLC.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH R. W. GARCIA CO. INC. and TKC LIV, LLC.**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, R. W. Garcia Co. Inc. and TKC LIV, LLC, have developed plans for construction of their new manufacturing facility in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, R. W. Garcia Co. Inc. and TKC LIV, LLC.

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption.

This first day of March, 2004.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

Resolution Supporting the Certified Industrial Site Designation for the Corporate Center and Denver Business Park: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution Supporting the Certified Industrial Site Designation for the Corporate Center and Denver Business Park.

**RESOLUTION SUPPORTING THE CERTIFIED INDUSTRIAL SITE
DESIGNATION FOR THE CORPORATE CENTER AT DENVER BUSINESS PARK**

WHEREAS, the Lincoln County Board of Commissioners believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development through the expansion of existing industries and the recruitment of new industries; and

WHEREAS, the North Carolina Department of Commerce has developed a Certified Industrial Site program to improve our competitive edge in expanding and recruiting industry; and

WHEREAS, the Corporate Center at Denver Business Park meets the requirements of the Certified Industrial Park program through the efforts of Dennis Fischer with assistance from the Lincoln Economic Development Association.

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners fully support the Certified Industrial Site proposal for the Corporate Center at Denver Business Park.

Approved this 1st day of March, 2004.

Jerry Cochrane, Chairman
Lincoln County Commissioners

ATTEST:

Amy S. Long, Clerk
Lincoln County Commissioners

Chairman Cochrane called for a brief recess.
Chairman Cochrane called the meeting back to order.

CATS Presentation: Larry Kopf, with CATS, presented information concerning CATS service to Lincoln County. He presented the following estimates for the cost of the service from NC 16 and NC 73 and from Lincolnton.

Total Operating Cost	With Four Trips	With Six Trips
Service From NC16 and NC73	\$ 81,144	\$120,557
Service From Lincolnton	\$106,260	\$159,390
Lincoln County Cost (50% of total)	With Four Trips	With Six Trips
Service From NC16 and NC73	\$ 40,572	\$ 60,278
Service From Lincolnton	\$ 53,130	\$ 79,695

CATS projects a low of 600 riders per month and a high of 2,000 riders per month. The medium projection was for 1,100 riders per month, or about fifty-five riders per day.

The Board discussed having a public hearing to see how citizens feel about this service. They also discussed asking the City to contribute \$13,000 for the service to come to Lincolnton.

The Board deferred this item to the 1st meeting in April.

Precinct Accessibility Update: Judy Caudill presented information to the Board concerning precinct accessibility. She stated that there is a major problem at the Library. The ramp is more than 30' long with no resting spot. At the Buffalo Shoals Clubhouse, the sidewalk is not wide enough and it has a gravel parking lot. Howard's Creek also has a gravel lot. Out of the 29 places used for voting, 15 are public buildings and 14 are not. Ms. Caudill has applied for grant money, but may request money at a later date to get the precincts accessible.

Request from Historic Properties Commission: Tommy Howard presented a request from the Historic Properties Commission to purchase additional acreage at Madison Furnace. The Commission would like to purchase four additional acres at a cost of \$8,000 per acre.

Chairman Cochrane asked for this item to be put on the next agenda, since there was nothing in the board packet concerning this request.

Update from Public Works: Steve Gilbert gave an update on the emergency water connection with High Shoals. High Shoals received a grant to pay for an emergency water connection with the Lincoln County water system. County staff is reviewing an agreement High Shoals presented and will bring it to the Board for final approval.

Steve Gilbert also gave an update on the Water Treatment Plan Expansion Project. He stated that plans have been in review in Raleigh for several months for a 3.0 MGD expansion to the Lincoln County Water Treatment Plant. The County had requested a waiver of the requirement that an Environmental Assessment be performed for the expansion, but this request has been denied. Section 15A of the NC Administrative Code, Paragraph .0408(2)b(i) requires an EA for any expansion of a treatment plant over 1.0 MGD, and the State will not allow this project to proceed with expansion without an EA being completed, which can take nearly a year.

A recent inspection by the State has indicated the need for new media to be added to the filters at the water plant, due to loss of efficiency in the existing media. In a meeting with the permitting officials on February 17, options were discussed to get the filters upgraded. As a result of this meeting, the State is going to allow the county to proceed with part of the project as follows:

- 1) We will be allowed to construct two new filters and rehab existing filters. This will provide redundancy in the filtration system;
- 2) We will be allowed to proceed with installation of the MIOX disinfection system that will replace the existing chlorination system. This will alleviate the safety concerns we have had with the handling of chlorine;
- 3) We will not be allowed to increase capacities of flocculation and flash mixing chambers or settling tube chambers, nor will we be allowed to add raw water pumps to increase plant capacity;
- 4) We will not be allowed to request a loan from the State Revolving Fund for the upgrade.

The reason we cannot do item 4 is that the State requires an EA be completed any time an SRF loan is requested.

Mr. Gilbert presented the following estimate for construction of the filters and the disinfection system now and delaying the expansion work until the environmental work is completed.

Projected Project Schedule

State Permitting & Approvals	45-Days
Bidding and Contract Award	90-Days
Construction	335-Days

The estimate of construction cost to add the new filters, upgrade the existing filters, and provide the new disinfection system is estimated at \$1,735,000.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to do the filter work and move ahead with the Environmental Assessment.

Nursing and Adult Care Home Ordinance: Chairman Cochrane stated that he researched and found his notes from the meeting with Jeff Taylor, county staff, and Commissioner Craig. He stated that at the meeting it was discussed that the ordinance was questionable legally and would shut down smaller homes. He stated that in his notes, the closing sentence was to see if the Ordinance could be amended to make it applicable for 7 or more residents. He stated that he should have brought this back to the meeting in August. Chairman Cochrane apologized to the Board and citizens for not bringing it back before the Board.

Commissioner Mitchem presented information from State Statutes concerning adult care homes and group homes.

A MOTION by Commissioner Mitchem to table this Ordinance to the next meeting and have Jeff Taylor come back with a good recommendation concerning this information from the General Statutes.

Commissioner Anderson stated that at the last meeting, it was his understanding that local government does not have the authority to have this Ordinance, and the Ordinance is unenforceable at the local level.

Vote: 1 – 4 AYES: Mitchem
NOES: Cochrane, Anderson, Craig, Funderburk

A MOTION by Commissioner Craig the repeal the Nursing and Adult Care Home Ordinance, effective immediately.

Vote: 4 – 1 AYES: Craig, Cochrane, Anderson, Funderburk
NOES: Mitchem

Appointments: Commissioner Craig presented the following recommendations:

CEDS

- Doug Phillips
- Rosalind Welder
- Barry Matherly

Future Forward

- Seth Haney

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Doug Phillips, Rosalind Welder, and Barry Matherly to CEDS and Seth Haney to the Future Forward Board.

Other Business: Commissioner Funderburk reported on a meeting he had with officials from Solid Waste. He stated that the meeting was concerning out-of-county residents dumping at our convenience sites. The outcome of the meeting was that it is cheaper to handle the additional trash than to try and prevent it.

Chairman Cochrane informed the Board of an information session meeting on Monday, March 29 at 6:00 p.m. with Pathways concerning the Local Business Plan.

Chairman Cochrane presented the Board with information concerning facilitating school collaboration. He is going to get more information on this.

Chairman Cochrane asked Commissioner Anderson and Commissioner Craig to work with the Health Department concerning the lack of requirement to hook onto sewer with failures in septic systems and come back to the Board with a recommendation.

Chairman Cochrane stated that he met with Jerry Park, Jim Austin, and Henry Fogle to discuss the Sedimentation and Erosion Control Ordinance. He stated that it was an excellent meeting and it was left that the Homebuilders Association would like to begin educating people, instead of implementing this ordinance.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners