

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 15, 2004**

The Lincoln County Board of County Commissioners met in regular session on March 15, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:00 PM.

Commissioners Present:

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

Others Present:

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

**Call to Order:** Chairman Cochrane called the March 15, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

**Adoption of Agenda:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Item 4a – Proclamation for the Naming of the Citizen's Center.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MARCH 15, 2004**

	7:15 PM	Call to Order
1.	7:16 PM	Adoption of Agenda
2.	7:17 PM	Approval of Minutes - March 1, 2004
3.	7:18 PM	Consent Agenda - Tax Requests for Refunds More than \$100 – February 16 – 22, 2004 - Budget Adjustments 51 - 54 - Sponsored Group Status - Lincoln County YMCA - Letter of Credit and Contract #33

- Release of Letter of Credit for Stillwater

4. 7:20 PM Public Comments

5. 7:35 PM Contract with BellSouth – Lesley Levine

6. 7:45 PM LWCF Grant Application for West Lincoln Park – Erma Deen Hoyle

7. 8:00 PM Recommendations from the Planning Board – Randy Hawkins

8. 8:15 PM Hospital Financial Report

9. 8:30 PM Request from Historic Properties Commission

10. 8:40 PM Transfer of Property to City of Lincolnton – Ron Rombs

11. 8:50 PM Set Public Hearing for 4/5 at 7:30 p.m. to Receive Public Comments Concerning CATS Proposal

12. 8:55 PM Board of Health Facility Study Recommendations

13. 9:05 PM Contract Amendment – Water Plant Expansion – Preparation of Environmental Assessment – Steve Gilbert

14. 9:15 PM Alternative Finance Methods for School Construction – Stan Kiser

15. 9:30 PM Finance Officer's Report – Leon Harmon

16. 9:40 PM Public Works Capital Project Report

17. 9:45 PM Vacancies/Appointments

18. 9:50 PM Calendar

19. 9:55 PM County Manager's Report

20. 10:00 PM County Commissioners' Report

21. 10:05 PM County Attorney's Report

22. 10:10 PM Other Business

Adjourn

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

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (February 16, 2004 - February 28, 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
Beard, Debbie C.	2001-2003	PCFD	12411	123.96
Laviathan Partners	1999-2003	CITY	0070276	12,520.78
Robinson, Mark A.	2003	ELFD/ELSD	0069395	307.86
Roseboro, Johnny Lee (Heirs of)	2002	DFD	21348	153.67
Walker, Jimmie Z.	1999-2003	NBFD	0063630	425.19

TOTAL \$ 13,531.46

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (February 16, 2004-February 22, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Malear, Ralph	2003	61	0141630	150.23

TOTAL \$150.23

- Budget Adjustment No. 51 for Recreation for special projects allocations as approved by the Board of Commissioners at the February 16, 2004 meeting.
- Budget Adjustment No. 52 to appropriate funds for future forward, approved 1/5/2004.
- Budget Adjustment No. 53 for additional appropriation to Historical Association for Historical Preservation Week approved 2/16/2004.
- Budget Adjustment No. 54 for EMS for increase in revenues relating from increase in call volume and increase in staff salaries, SS, retirement, hospitalization and Workers Comp.

**Sponsored Group Status**

- Lincoln County YMCA

**Letter of Credit and Contract #33**  
**Release of Letter of Credit for Stillwater**

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

*Frank Hinkle*, Sifford Road, asked where tax money goes. He stated that his property tax value has gone up over \$25,000 and his children bring home fundraisers all the time for

school. He also stated that as a member of the East Lincoln Fire Department, the firefighter's radios do not always go off. He stated that this needs to be addressed before there is a fire and they do not get the page.

Chairman Cochrane thanked Mr. Hinkle for bringing these items to the Board's attention. He asked the County Manager to look into the issue with the radios. Chairman Cochrane suggested that Mr. Hinkle go to a School Board meeting to address his concerns with the fundraisers.

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

**Proclamation Honoring James W. Warren:** Chairman Cochrane read the following proclamation.

**PROCLAMATION HONORING  
JAMES W. WARREN**

**WHEREAS**, James W. Warren served honorably on the Lincoln County Board of Commissioners for twenty-eight years; and

**WHEREAS**, during his tenure Mr. Warren was very active in industrial recruiting, resulting in such companies as The Timken Company and Kawai establishing plants in Lincoln County; and

**WHEREAS**, James Warren was instrumental in the vision and the building of the Citizen's Center, and

**WHEREAS**, James Warren brought honor and recognition to Lincoln County as he served as president of the North Carolina Association of County Commissioners, and

**WHEREAS**, Mr. Warren's outstanding service to the state of North Carolina was recognized by Governor James G. Martin with North Carolina's highest award, The Order of the Long Leaf Pine, and

**WHEREAS**, due to his dedicated and unselfish service to Lincoln County and the State of North Carolina, the Board of Commissioners wishes to honor Mr. Warren by naming the Citizen's Center the *James W. Warren Citizen's Center*.

**NOW, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS**, do hereby proclaim March 28, 2004, as *James W. Warren Day* in Lincoln County.

Proclaimed this the 15<sup>th</sup> day of March, 2004.

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Jerry W. Cochrane, Chairman

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Thomas R. Anderson, Vice-Chair

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Commissioner Larry S. Craig

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Commissioner Buddy Funderburk

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Commissioner Carrol Mitchem

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the Proclamation Honoring James W. Warren.

**Contract with BellSouth:** Lesley Levine, Library Director and Cindy Moose, presented a request for the Board to approve a change in the BellSouth telecommunications contract. While working to upgrade the Library's computer network in order to relieve congestion that impedes internet traffic and slows library automation transactions, BellSouth conducted a network assessment and determined the most cost-effective way to accomplish the Library's needs. The recommendations in the proposal result in the need to change the method of delivery from Frame-Relay to DSL Service. Approving this change will result in reducing the cost of network access for all 3 Lincoln County Library locations. The current total cost is \$996.00 per month. Under the new contract, it would be reduced to \$795.00 per month, plus applicable taxes. (This total includes the Main Library and both Branches). Under the new contract, the Library will be leasing from BellSouth new network hardware to replace our old network components. The result of the new contract will be improved service and less expense.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the Contract with BellSouth for the Library.

**LWCF Grant Application for West Lincoln Park:** Jim Hallman, Vice Chairman of the West Lincoln Community Group, stated that there have been several meetings and they support moving forward with the park.

Delaine Davis, Recreation Commission member, stated that there was a meeting concerning this park and more than 40 people came to discuss it. He stated that he appreciates anything the Board can appropriate for the project.

Erma Deen Hoyle stated that planning has been underway for development of the property purchased for a park in western Lincoln County. The 54 acre tract, purchased in 1999-2000, is located on Hull's Grove Church Road.

A planning committee was formed to set the process in motion. The committee recommended a core of elements for development, including a picnic shelter with restrooms, playground, volleyball courts, horseshoe pits, amphitheater, mountain bike course, open field space and walking trails.

A primary consideration for this park is to keep the rural, open space character, and to concentrate on passive pursuits, as opposed to facilities for highly organized activities such as ball fields. One area is set aside for multi-sport team activities. This open field would also be a great space to play Frisbee, fly a kite, or conduct a kid's field day.

The committee then set a time for a community meeting to present this plan to area residents for further input. This meeting was held on Sunday, March 7, 2004. Forty-four individuals were in attendance to share suggestions, concerns, wishes, and advice. Consensus of all present was to proceed with the park design, with minor variations.

The next step in the development process is funding. Realizing local dollars are limited, Ms. Hoyle requested authorization to apply for the Land and Water Conservation Fund Grant (LWCF). Local governments are eligible to apply for a maximum of \$250,000 per project. This grant requires a 50-50 local match from the applicant.

In authorizing this application, the Lincoln County Board of Commissioners is certifying the availability of the local match, compliance with all federal grant requirements, and designating the Board Chairman and County Manager to sign such documents stating this compliance and accepting funds if awarded.

The local match can also include any private donations and other nonfederal grants that may be obtained for the project. Several area residents have identified sources for other grants and expressed a willingness to assist the Recreation Department in seeking these funds.

The grant period runs for three years, so the local match can also be budgeted over the three-year cycle. The grant management is based on a reimbursement system, with the local entity funding the project and requesting reimbursement on a quarterly basis.

The LWCF grant applications will be reviewed in early summer, and the grant approval is announced in early fall. The funding cycle is based on the federal year of October to September.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Resolution Approving the Application and Availability of Local Match for West Lincoln Park

**RESOLUTION APPROVING THE APPLICATION AND  
AVAILABILITY OF LOCAL MATCH FOR WEST LINCOLN PARK  
BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Land and Water Conservation Fund Act of 1965, as amended, provides for the making of grants by the National Park Service, U.S. Department of the Interior, to States and to local governments in support of outdoor recreation projects, and such funds are available after approval of the appropriate state agency and the Department of the Interior; and

WHEREAS, adopted procedures by the State of North Carolina and the National Park Service require the applicant to certify by resolution the approval of applications, signature authorization, and the availability of local matching fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS, hereby:

(1) Approves the filing of an application for the Land and Water Conservation Fund program to the National Park Service, U.S. Department of the Interior, through the State of North Carolina, for development of the West Lincoln Park; and

(2) Certifies that Lincoln County has budgeted or currently has available its 50% share of the proposed total project funds in the amount of \$250,000 and will allocate these funds toward this project upon project approval by the State and National Park Service; and

(3) Agrees to comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application and the Land and Water Conservation Fund program; and

(4) Certifies no property acquired and/or developed under this project, without the approval of the U.S. Secretary of the Interior, be converted to non-public outdoor recreation uses. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and reasonably equivalent usefulness and location; and

(5) Certifies the information contained in the application is based on the most accurate data available and is correct.

I move the adoption of the foregoing resolution.

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(Commissioner)

Seconded By:

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(Commissioner)

Read, approved and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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(Chief Elected Official)

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(Clerk to the Board)

## NOTICE OF LIMITATION OF USE

### Assurance Form

The Lincoln County Board of Commissioners understands that **IF**:

the property identified on the project boundary map of this application is developed with federal financial assistance provided by the National Park Service of the U.S. Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended 16 U.S.C.S. 4601-5 et. seq. (1970 ed.); **THEN**, pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, then Secretary shall approve such conversions only if he finds it to be in accord with the then-existing statewide comprehensive outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

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Typed/Printed Name and Title of Authorized Representative

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Signature of Authorized Representative

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Date

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to give \$250,000, along with the \$60,000 already allocated, a total of \$310,000 for the West Lincoln Park.

**Recommendations from the Planning Board:** Randy Hawkins, Zoning Administrator, presented the following Planning Board recommendations.

**Zoning Map Amendment No. 469 – David Heafner, applicant:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 469 – David Heafner, applicant.

**Zoning Map Amendment No. 470 – Paul Rhodes, applicant:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve Zoning Map Amendment No. 470 – Paul Rhodes, applicant.

**Zoning Map Amendment No. 471 – Mark Cotter, applicant:** The Planning Board voted 7-1 to recommend approval.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve Zoning Map Amendment No. 471 – Mark Cotter, applicant.

**Conditional Use Permit No. 129 – Virginia Dellinger, applicant:** The Planning Board voted 8-0 to recommend approval.

Application # CUP #129 Date 3/1/2004

Applicant's Name      Virginia Dellinger  
8151 Webbs Road  
Denver, NC 28037

Property location: Sienna Lane, Denver

Existing Zoning: R-S

## Proposed Conditional Use      Multi-family development

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO  
Factual Reasons Cited: Chain-link fence is not necessary, has not been there 1998 and has not presented a health or safety problem
2. The use meets all required conditions and specifications. YES X NO  
Factual Reasons Cited: Meets conditions (of Zoning Ordinance), Leyland cypresses more appealing than chain-link fence.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO  
Factual Reasons Cited: Addition of a fence would have negative effect on adjoining property.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES X NO  
Factual Reasons Cited: No fence would be in harmony with area.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve Conditional Use Permit No. 129 – Virginia Dellinger, applicant, with the findings of fact as presented by the Planning Board.

**Set Public Hearing for 4/5 at 7:30 p.m. to Receive Public Comments Concerning**

**CATS Proposal:** UPON MOTION by Commissioner Anderson, the Board voted unanimously to set the public hearing for April 5, 2004 at 7:30 p.m. to receive public comments concerning the CATS proposal.

Chairman Cochrane called for a brief recess.

Chairman Cochrane called the meeting back to order.

**Hospital Financial Report:** Pete Acker and James Ramsey gave a Hospital Financial Report.

**Request from Historic Properties Commission:** UPON MOTION by Commissioner Craig, the Board voted unanimously to purchase 4 acres at a price of \$36,676 over a five year period, appropriating as much as possible from the Hotel/Motel Tax.

**Transfer of Property to City of Lincolnton:** Ron Rombs, Director of EMS, stated that The City of Lincolnton is presently in the construction phase of renovating the City Hall and the Lincolnton Fire Station. The City Fire Department will be adding bedrooms to the expanded Fire Station and will need to procure additional beds. On June 12, 2004, Lincoln County EMS will implement the 12 shifts which will eliminate the need for beds.

Mr. Rombs requested that the Board approve a no-cost lateral transfer of four sets of bunk beds (8 beds) to the City of Lincolnton. This property will remain in the county and will continue to provide a useful purpose to the citizens of Lincoln County.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to transfer the beds to the City of Lincolnton.

**Board of Health Facility Study Recommendations:** Stan Kiser stated that on Tuesday, March 2, he attended the Lincoln County Department of Health's monthly Board meeting. At that meeting, Dennis Williams presented the results of the study that the Board of Commissioners had asked him to undertake several months ago concerning the future facility needs for the Department of Health. His plan was separated into three different areas: 1)a new facility for the Department of Health, 2) site selection, and 3) renovations to the old facility. The only area left to be researched is the cost of furniture and equipment for the facility.

The County's facility study group is currently looking at sites around Lincolnton for a proposed new administration building. One possibility is to include the Health Department in the new administration building.

Mr. Kiser recommended that the County take the following steps:

- 1) The Health Department should not be included in the proposed new administrative office building. The department should be located in the vicinity of other health related offices and facilities.

- 2) The Board of Commissioners should ask Dennis Williams to present his plans at the Board's April 5<sup>th</sup> meeting.
- 3) Whether the County decides to stay in the present health facility or build a new one, renovations must occur to make the current facility more user friendly. The County should proceed with renovations to the old health facility.
- 4) The County should make no decision on construction of a new Department of Health until the outcome of the May \$47,000,000 school bond vote is known. The Board of Commissioners should know whether the County will be using GO bonds or COPS (Certificates of Participation) for the financing of the new schools before we proceed with another large project.
- 5) After the method of school funding and the 04/05 budget is complete, the Board of Commissioners should hold a workshop at the present health facility to discuss the possibility of constructing a new facility, including methods of financing.

**Alternative Finance Methods for School Construction:** Stan Kiser gave a Powerpoint presentation concerning alternative finance methods for school construction. The alternative methods he presented are sales tax, real estate transfer taxes, and impact fees.

Between 03 – 04 and 06 – 07 Bond Payments will increase by \$3,448,541 from \$5,947,885 to \$9,396,426. This increased cost is outside the normal operational expense of the County. Property taxes are placed on real and personal property. The tax rate is set at “x” number of cents per hundred dollars of valuation. The advantage of property taxes is that the county has total control over property tax rate. The disadvantage is that paying for the schools is almost solely placed on citizens who own property. One cent in property tax generates approximately \$522,000 in revenue. To finance the entire (additional) May 2004 Bond Issue will require approximately 4.8 cents increase in property tax; at the 2004 valuation.

Sales Tax is a percentage placed on sales. The advantage is that it is a relatively stable and consistent source of revenue. The disadvantage is that it would require approval from the General Assembly.

The Real Estate Transfer Tax is a percentage of all land transfers paid by the seller at the time of the recordation of deeds. The advantage is that it is paid at property closing so individual cash flow is typically readily available. The disadvantage is that it requires permission from N.C. General Assembly. Establishing this tax could take one to three years to become a reality.

Impact fees are fees charged directly to new development (primarily new dwelling units in the case of schools, parks, etc...) They are designed to directly offset the capital costs that the development has “caused” or “impacted.” The advantage is that it could offset some of the costs associated with building new schools. The disadvantage is that it will

be difficult to achieve since it would require permission from the N.C. General Assembly.

Mr. Kiser recommended attempting to obtain local legislation to institute a Real Estate Transfer Tax. Sales Tax will apply to all citizens and will encounter the greatest resistance. Impact fees will add to the cost of home construction and could have an adverse impact on new homebuyers.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to ask the County Attorney to draw up a Resolution for the Board and the School Board to approve to Request Legislation to Establish a Real Estate Transfer Tax.

**Contract Amendment – Water Plant Expansion – Preparation of Environmental Assessment:** Steve Gilbert presented the following information concerning the Preparation of an Environmental Assessment.

As discussed at the last meeting, the North Carolina Department of Environment and Natural Resources is requiring the preparation of an Environmental Assessment to determine the impact the proposed Water Treatment Plant expansion will have on the environment. W. K. Dickson is recommending that the Assessment be prepared by Robert J. Goldstein & Associates, of Raleigh. Mr. Goldstein is very experienced in this area of work, and, in fact, he prepared the original Environmental Assessment for the existing Water Treatment Plant. The total compensation for preparation of this Assessment will be \$33,376.45, to be billed hourly on a not-to-exceed basis, and for no additional cost the assessment will also address the impact of the new water line and water tank that is contemplated along NC 73.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the stipulation for the contract, going to 9 million gallons per day, instead of 6 million if it is the same cost.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the budget performance report for February, 2004.

**Public Works Capital Project Report:** Steve Gilbert presented the capital project reports for the Public Works Department.

**Vacancies:** Commissioner Craig presented the following vacancies.

## **VACANCIES**

Nursing and Adult Care Home Community Advisory Committee	6
Recreation Commission – Union 1	
Solid Waste Advisory Board	4
(3 year terms, only meet about 2 times per year)	
Historic Properties Commission	1

**Calendar:** Chairman Cochrane reminded the Board of the reception honoring Jim Warren on March 28 and the Pathways meeting on March 29 at 6:00 p.m. The Board will have a work session with the auditors at 4 p.m. on April 5.

**County Manager's Report:** Stan Kiser, County Manager, presented the County Manager's Report.

Mr. Kiser presented a letter from Mike Baker, Chairman of the ABC Board, requesting permission for the Lincoln County ABC Store employees to be covered under the county's insurance plan. They will pay their own premiums, but will get a better rate under the county's plan.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to allow the ABC employees to come under the county's plan for insurance.

**County Commissioners Report:** Commissioner Anderson reported from a recent Centralina Council of Government Executive Committee meeting. At this meeting, it was discussed that on the November ballot, there will be a referendum to allow North Carolina to issue self financing bonds for economic development projects.

Commissioner Craig stated that the Board recently received a letter that the school system has declared the Old Lincolnton Recreation Center surplus property. He proposed that a committee be formed of himself, Brad Guth, and Tommy Howard to look at what should be done with this facility. The committee will bring recommendations back to the Board.

**County Attorney's Report:** Jeff Taylor stated that the Board should add to their vacancies the Board to oversee the BFI donations.

Mr. Taylor stated that a public hearing needs to be held on April 5 concerning the lease of the old jail to the Historical Association.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to hold the public hearing on April 5, 2004 for the transfer of property to the Historical Association.

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

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Amy S. Long, Clerk to the Board

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Jerry W. Cochrane, Chairman