

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 21, 2004

The Lincoln County Board of County Commissioners met in regular session on June 21, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:20 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 June 21, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to adopt the agenda.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JUNE 21, 2004

	7:20 PM	Call to Order
1.	7:21 PM	Adoption of Agenda
2.	7:22 PM	Approval of Minutes - June 7, 2004
3.	7:25 PM	Consent Agenda - Tax Requests for Refunds More than \$100 – June 7 – June 13, 2004 - Tax Requests for Releases More than \$100 – April 16 – May 15, 2004 - Budget Adjustments 130 – 133, 142, 143

- Sponsored Group Status
 - Chamber of Commerce
 - Greater Moore's Chapel AME Zion Church

4. 7:30 PM Public Comments

5. 7:45 PM Budget Public Hearing

6. 8:00 PM Planning Board Recommendations – Randy Hawkins
 ZMA #477 B.R. Lee Industries Inc., applicant
 ZMA #478 B.R. Lee Industries Inc., applicant
 ZTA #479 Lincoln County, applicant.
 CUP #235 Rick Hunter, applicant
 CUP #236 Kenneth McCurry and Troy Motz, applicant
 CUP #238 Edwin McDonald, applicant
 CUP #239 Tuckers Grove United Methodist Church, applicant
 CUP #240 Larry Herman, applicant
 PCUR #105 Waterside Crossing Residential LLC, applicant
 PCUR #106 Paradise Lakes LLC, applicant – *tabled by applicant until July 19*

7. 8:25 PM Foreclosure Procedures and Freeze Bank Accounts - Madge Huffman

8. 8:40 PM Resolution to Request Legislation to Make N.C. General Statutes Section 161-31 Applicable to Lincoln County

9. 8:50 PM LNRC Annual Report – Sylvia Wallace

10. 9:00 PM USDA Resource Conservation and Development Program (RC&D) – Sylvia Wallace

11. 9:10 PM NIMS – Susan Spake

12. 9:20 PM Request from Mtn. Island Marine Commission

13. 9:30 PM Public Works Capital Project Reports – Steve Gilbert

14. 9:40 PM Finance Officer's Report – Leon Harmon

15. 9:45 PM Vacancies

16. 9:50 PM Appointments

17. 9:55 PM Calendar

18. 10:00 PM County Commissioners' Report

19. 10:05 PM County Attorney's Report

20. 10:10 PM Other Business

Adjourn

Approval of Minutes: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the June 7, 2004 minutes as presented.

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

LINCOLN COUNTY TAX DEPARTMENT
REQUEST FOR REFUNDS
MOTOR VEHICLES

PERIOD COVERED (June 7, 2004 to June 13, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Lusk, Damon Eugene	2003	DFD	0159765	546.59
			TOTAL	\$546.59

NAME REASON	YEAR DIST	A/C#	AMOUNT
Tinsley, Jerry	2003 ELVFD/ELSD	0154702	199.77
		TOTAL	\$199.77

Tax Requests for Releases – April 16 – May 15, 2004

NAME	YEAR	A/C NO	AMOUNT
Byrd, Daniel Keith	2001	0128726	\$ 115.31
Conaway, Cory Reagan	2003	0171535	\$ 132.52
Dasher, Ronald Benjamin	2003	0174050	\$ 150.68
Dorton, Randall Alexander	2003	0157466	\$ 147.20
Gilbert, Kevin Eugene	2003	0069466	\$ 100.17
Hill, Kelly Murphy	2003	0157454	\$ 122.13
Holmes Landscaping	2003	0148426	\$ 122.27
Jenkins, Avery Franklin	2003	0099636	\$ 108.90
Jordan, Marsha H.	2003	0132291	\$ 251.78
Kennedy, Audie Lane	2004	0074728	\$ 184.75
Knowles Security & Electric	2004	0172621	\$ 199.90

Lucas, Sara Emily	2003	0165268	\$ 113.40
Macleod Construction Inc.	2004	0098225	\$ 849.27
Mauney, Berry W.	2003	07798	\$ 254.65
MC Schroeder Equipment	2003	0174012	\$ 100.09
Mensh, Elsie Reisen	2003	0158157	\$ 165.49
Shuford, Clyde Whitener	2003	0070488	\$ 100.30
Silman, Michael Wayne	2003	0071752	\$ 204.26
Stroud, Janelle R.	2003	0168368	\$ 156.47
The Cit Group/Equipment	2004	0140168	\$ 189.98
Thornburg Machine & Supply	2004	0173177	\$ 214.35
USB Leasing L	2003	0162709	\$ 144.32
Williams, Raymond Eugene	2003	0113636	\$ 245.53
Zanjani, Farzaneh C.	2003	0163049	\$ 205.97
		TOTAL	\$ 4,579.69

NAME	YEAR	A/C NO	AMOUNT
Avery, Bobby Larry Jr.	2002/03	0102830	\$ 272.54
Baugham, Roger Dale II	2003	0153908	\$ 164.89
Carolina Tractor & Equipment	2003	0060378	\$ 162.51
Datseris, John	2003	0170889	\$ 303.15
Farrar, Gail	1994	0088463	\$ 113.51
Furcht, Colin	2003	0161905	\$ 153.76
G & M Enterprises	2004	0106427	\$ 229.24
Garrison, Max Y.	2003	13324	\$ 2,406.55
Henkle, James J. Jr.	2004	0171127	\$ 1,178.16
Hollar, Debbie	1995-97	0088435	\$ 246.06
Lee, John L. Jr.	1994-97	0064490	\$ 204.43
Lee, Leondus N. Jr.	1994-97	04406	\$ 485.44
Linde, Carl Ivar	2001/02	0139626	\$ 308.20
Lynn, Carl	2002	0142542	\$ 408.69
Neil, Darlene A.	1994-99	18432	\$ 164.13
Nolan, Kara Lantry (Willis)	2003	0066872	\$ 117.52
Outback Pets	1999-01	0132455	\$ 179.03
Robinson, Richard	2002/03	0148234	\$ 344.04
Sanders, Daniel Kirk	1994-00	32511	\$ 109.04
Sigmon, Steven Christopher	2001-03	0075770	\$ 319.24
Sloop, Ricky Kevin	2003	0142756	\$ 441.71
Smith, Timothy	1994-97	38560	\$ 235.72
Smokers Depot	2003	0147472	\$ 191.88
Wooten, James	1994-97	38670	\$ 203.05
		TOTAL	\$ 8,942.49

- Budget Adjustment No. 130 for Homeland Security Part I Grant – Reimbursement for equipment and supplies purchased.
- Budget Adjustment No. 131 to budget school bond funds to cover school construction expenses for the year.
- Budget Adjustment No. 132 to budget funds in Law Enforcement Fund to cover expenses.
- Budget Adjustment No. 133 to budget funds in Law Enforcement Fed Funds to cover expenses.
- Budget Adjustment No. 142 to allocate funds to cover the costs of fund 26 Emergency Telephone Fund.
- Budget Adjustment No. 143 to reallocate funds in Sewer District to cover expenses.
- Budget Adjustment No. 145 to carry over Water CIP budget amounts from previous year.
- Budget Adjustment No. 146 to carry over Sewer District CIP budget amounts from previous year.
- Budget Adjustment No. 147 for ENC support and public access grants.

- Sponsored Group Status

Lincolnton-Lincoln County Chamber of Commerce
Greater Moore's Chapel AME Zion Church

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.

Nick Anthony asked the Board to fix the potholes on River Road and Reepsville Road.

Chairman Cochrane stated that the Board does not maintain roads, but will pass the information to the City and DOT.

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

Budget Public Hearing: Chairman Cochrane opened the Budget Public Hearing.

Christina Arlow stated that she realizes the difficult task the Board faces, but is grateful for the allocation to the Lincoln County Schools.

David Baxter thanked the Board for the working relationship between the School Board, the Commissioners and Administration. He also thanked the Board for the time and effort put into the budget process.

Franklin Lowery thanked the Board for the budget approval and for the decision to fund the school system.

Cathy Jeranek, last year's teacher of the year, thanked the Board for their support of schools and teacher supplements. She stated that she across the State, teachers salaries are the same, supplements make the difference. She stated that the supplements in Lincoln County have come a long way, but are still smaller than surrounding counties.

Terry Jones stated that there have been many improvements with the schools in the past few years. She stressed the importance of attracting and retaining good teachers.

Chairman Cochrane recessed the meeting until 7:45 p.m.

Leigh Guth stated that Salem Industries serves people with mental and physical disabilities. She stated that they are in a county building and are seeing great growth. She asked for an additional \$74,000 to improve the building and parking.

Rick Lessinar, Executive Director of Salem Industries and Gaston Skills, thanked the Board for the good relationship and asked for any additional help the Board can give.

Jeff Voncannon with Denver Fire Department, and President of the Firefighter's Association thanked the Board for the time spent on the budget and spoke concerning the Fire Marshal's Office and communications.

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

A MOTION by Commissioner Craig to extend the 2 1/2% COLA to July from October for all non-Sheriff employees.

Commissioner Anderson stated that he is laboring under a misunderstanding, he made the original motion for Sheriff's employees to get a 7 1/2% COLA due to a life safety issue because of salaries. The motion was to grant the increase to the Sheriff's Department beginning July 1. The substitute motion continued granting Sheriff's 7 1/2 % COLA and 2 1/2% COLA for the remaining county employees beginning October 1.

Commissioner Craig stated that he amended the motion to make the raises effective, but it is not fair the way it has been done. He stated that officers with their lives on the line deserve more than office workers.

Commissioner Anderson stated that it was his intent to grant sworn officers a 7.5% increase, including the Comm Center.

Commissioner Craig withdrew his motion.

Commissioner Anderson made a motion to include a 7.5% increase for sworn officers employed by the Sheriff's Department, including those employees in the Comm Center, beginning the first pay period in July.

VOTE: Unanimously approved.

A MOTION by Commissioner Craig to grant a 2 1/2% COLA to all employees with the exception of sworn deputies and Comm Center employees, effective the first pay period in July.

VOTE: 3 – 2

AYES: Craig, Funderburk, Cochrane

NOES: Anderson, Mitchem

Commissioner Craig made a motion to grant Salem Industries an additional \$74,000 for improvements to the building and parking lot.

Commissioner Craig withdrew his motion.

Commissioner Anderson made a motion to bring this back in the form of a budget adjustment to be brought back to the 1st meeting in November to include information as to whether or not revenues have increased enough to allow the project to move forward.

VOTE: Unanimously approved.

Commissioner Funderburk read a statement concerning his signing of the no-tax increase pledge.

Commissioner Anderson made a motion that the tax rate for Denver Fire Department be dropped from 5 cents to 4 ½ cents and the tax rate for East Lincoln from 5 cents to 4 ½ cents.

Jeff Voncannon stated that he would like Denver Fire Department's tax rate to remain 5 cents.

VOTE: Unanimously approved.

Commissioner Mitchem stated that the 04-05 budget is a 13% increase over the 03-04 budget, and with the reappraisal and the tax rate staying at 62 cents, it is a 16 – 17% tax increase for citizens of Lincoln County.

UPON MOTION by Commissioner Craig, the Board voted 4 – 1 (Mitchem against) to adopt the Budget Ordinance as modified.

Commissioner Craig stated that he feels this budget is fair and reasonable. He stated that the bonds passed, which means more money.

Commissioner Anderson stated that people often struggle understanding bonds. Bond money must be paid back.

Commissioner Mitchem stated that prioritization is one of the most important things a person can do. He stated that Emergency Services is a top priority. He stated that he is voting no on this budget.

Planning Board Recommendations: Randy Hawkins presented the following recommendations of the Planning Board.

Zoning Map Amendment No. 477 – B.R. Lee Industries Inc., applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the recommendation of the Planning Board and approve Zoning Map Amendment No. 477 – B.R. Lee Industries Inc., applicant.

Zoning Map Amendment No. 478 – B.R. Lee Industries, Inc., applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Zoning Map Amendment No. 478 – B.R. Lee Industries, Inc., applicant, based on the recommendation of the Planning Board.

Zoning Text Amendment No. 479– Lincoln County, applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Text Amendment No. 479 – Lincoln County, applicant.

Conditional Use Permit No. 235 – Rick Hunter, applicant: The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #235 Date 06/21/04

Property location: off Branchview Trail
Existing Zoning: R-S

Proposed Conditional Use Class E mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Based on location of lot.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: Based on location of lot.
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 NO

Factual Reasons Cited: Located in area dotted with similar types of mobile homes.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Conditional Use Permit No. 235 and concur with the findings of fact as submitted by the Planning Board.

Conditional Use Permit No. 236 – Kenneth McCurry and Troy Motz, applicant:

The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #236 Date 06/07/04

Applicant's Name Kenneth McCurry and Troy Motz
 P.O. Box 1474
 Lincolnton, NC 28093

Property location: McCorkle Road
Existing Zoning: R-S

Proposed Conditional Use Class B mobile homes

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Will not endanger public health or safety.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Based on site plan.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: This is an extension of existing development with similar types of structures.
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 NO
Factual Reasons Cited: This is continuation of development that is already started.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 236 – Kenneth McCurry, applicant.

Conditional Use Permit No. 237 – Carol Whitlock, applicant: The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #237 Date 06/07/04

Applicant's Name Carol Whitlock
 2189 Otis Dellinger Road
 Lincolnton, NC 28092

Property location: 2710 Otis Dellinger Road
Existing Zoning: R-T

Proposed Conditional Use Class D mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Will not endanger public health or safety.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Mobile home was located in Lincoln County as of Dec. 7, 1993.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: Based on size of tract where it's being located.
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 NO
Factual Reasons Cited: Based on location.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 237 – Carol Whitlock, applicant.

Conditional Use Permit No. 238 – Edwin McDonald, applicant: The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #238 Date 06/07/04

Applicant's Name Edwin McDonald
2314 Smith Harbour Drive
Denver, NC 28037

Property location: 1587 N. Hwy. 16
Existing Zoning: B-N

Proposed Conditional Use Animal kennel

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Ideal location for this type of business.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Based on site plan.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: Rescue squad is on one side, undeveloped industrial property on the other.
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 NO
Factual Reasons Cited: Based on B-N zoning, location on Hwy. 16 and use of surrounding lots.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 238 – Edwin McDonald, applicant.

Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant: The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #239 Date 06/07/04

Applicant's Name Tuckers Grove United Methodist Church

5982 Hwy. 73
Iron Station, NC 28080

Property location: Hwy. 73 and Beth Haven Church Road
Existing Zoning: R-T

Proposed Conditional Use Day care center

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: Based on site plan; will be an asset to community.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: All zoning requirements are satisfied regarding setbacks and parking.
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: Based on location next to church.
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: Based on site plan and location.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant.

Conditional Use Permit No. 240 – Larry Herman, applicant: The Planning Board voted 6 – 0 to recommend approval.

Application # CUP #240 Date 06/07/04

Applicant's Name Larry Herman
2872 Hull-McGinnis Road
Lincolnton, NC 28092

Property location: 2872 Hull-McGinnis Road
Existing Zoning: R-SF

Proposed Conditional Use Private residential quarters (accessory dwelling)

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Based on site plan.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Will meet all required codes and falls within square footage criteria.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: Adding addition to rear of home, lot is over one acre.
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 NO
Factual Reasons Cited: Based on site plan and location.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 240 – Larry Herman, applicant.

Parallel Conditional Use Rezoning No. 105 – Waterside Crossing, applicant: The Planning Board voted 6 – 0 to recommend the request be approved with the condition that the applicant conduct a traffic study of the intersection of Sifford Road and Hwy. 16 upon the completion of the Hwy. 16 bypass and carry out the recommendations of that study.

Application # PCUR #105 Date 06/07/04

Property location: off Sifford Road
Existing Zoning: R-T

Proposed Conditional Use expansion of P-MU district, 100 lots for single-family homes

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO
Factual Reasons Cited: Will not endanger public health or safety.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: Developer's testimony; meets all county requirements.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO
Factual Reasons Cited: Houses will be selling at \$230,000 range, comparable to what's already there.
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 NO
Factual Reasons Cited: Consistent with Land Use Plan, extension of existing P-MU district.

After having held a public hearing on June 7, 2004 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board: voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the rezoning for Parallel Conditional Use Permit #105 – Waterside Crossing Residential, LLC.

A MOTION by Commissioner Anderson to accept the Planning Board's recommendation and findings of fact for Parallel Conditional Use Rezoning No. 105 – Waterside Crossing Residential, LLC, applicant with the following conditions: 1 – The applicant must conduct a traffic study of the intersection of Sifford Road and Hwy. 16 upon the completion of the Hwy. 16 bypass and carry out the recommendations of the study and 2 – the Connection between this new subdivision and existing subdivision (Brookdale Lane) not be made until 75 of the 100 homes are built.

Larry Griffin asked if they could go ahead and pave the streets and then barricade them.

AN AMENDMENT TO THE MOTION by Commissioner Anderson to allow prohibition of subdivisions to be made by barricade.

Parallel Conditional Use Rezoning No. 106 – Paradise Lakes, applicant:

Commissioner Anderson stated that some new information has surfaced since the public hearing on this matter and this needs to be tabled until July 19.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to table Parallel Conditional Use Permit #106 – Paradise Lakes until July 19.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to schedule the reopening of the public hearing for Parallel Conditional Use Permit No. 106 for July 19.

Foreclosure Procedures: Stan Kiser and Jeff Taylor gave an update on foreclosure procedures. Jeff Taylor stated that he will start giving a foreclosure report every month.

Commissioner Craig requested that writing on the “L” letters be in red, since he gets calls from citizens who do not read this letter carefully enough.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution to Request Legislation to Make N. C. General Statutes Section 161-31 Applicable to Lincoln County.

**RESOLUTION TO REQUEST LEGISLATION TO MAKE
N. C. GENERAL STATUTES SECTION 161-31
APPLICABLE TO LINCOLN COUNTY**

WHEREAS, the Lincoln County Board of Commissioners wants to pursue all possible means of collecting revenue that is due the County; and

WHEREAS, Section 161-31 of the North Carolina General Statutes provides a mechanism whereby a board of commissioners can require the register of deeds not to accept any deed transferring title to real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed; and

WHEREAS, the said Section 161-31 of the North Carolina General Statutes includes an exception allowing recording without such prior certification if the closing attorney certifies on the deed that the delinquent taxes, if any, will be paid out of the closing proceeds by the closing attorney; and

WHEREAS, Section 161-31 of the North Carolina General Statutes is not currently applicable to Lincoln County; and

WHEREAS, the Board believes that the procedure authorized by N. C. G. S. 161-31 would be an efficient and effective addition to Lincoln County’s efforts to collect revenue;

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

1. That the Lincoln County Board of Commissioners requests the North Carolina General Assembly to adopt appropriate legislation to extend the applicability of Section 161-31 of the North Carolina General Statutes to Lincoln County to allow Lincoln County to use this means of ensuring revenue collection.

2. That the Lincoln County Board of Commissioners requests the members of the legislative delegation representing all or any part of Lincoln County to introduce and support such legislation in the General Assembly.

3. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County.

This 7th day of June, 2004.

LINCOLN COUNTY

By: _____
Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the
Board of Commissioners

LNRC Annual Report – Sylvia Wallace: Sylvia Wallace gave an annual report from the Lincoln County Natural Resources Committee.

USDA Resource Conservation and Development Program (RC&D): Sylvia Wallace stated that RC&D is a natural resource and community development assistance program of the United States Department of Agriculture. It is administered by the Natural Resources Conservation Service.

It is only available to counties who are active members of a regional RC&D area and the Area's sponsoring council. Currently approximately two-thirds of North Carolina counties are members of a USDA-RC&D Program. Regional RC&D Councils are supported by local sponsors and are authorized by the USDA. Lincoln County has an opportunity to join an existing RC&D Area, Carolina Land and Lakes RC&D.

Catawba, Iredell, Alexander, Burke, and Caldwell Counties currently comprise Carolina Land and Lakes RC&D.

Lincoln County and the surrounding region is experiencing unprecedented growth. Economic opportunities and challenges have coincided with increased demands on natural resources and a need for diversified and sustainable economic development.

RC&D Program Assistance and participation in a RC&D Council will help Lincoln County:

1. meet the growing need for regional cooperation
2. manage our resources wisely
3. create ways to guarantee a high quality of life and a vibrant economy for our area.

As part of the Carolina Land and Lakes RC&D, financial, technical, and facilitation assistance will be provided to help the Area Council design, implement and complete area projects. Federal funds are used to:

1. Fund a RC&D Coordinator Position (Mr. Dan McClure is the Coordinator for Carolina Land and Lake RC&D.)
2. Fund a part-time administrative assistant for the Coordinator
3. Provide an office for the coordinator and the assistant.

The RC&D Coordinator provides technical assistance the RC&D Council to develop and implement projects.

Each county is required to nominate three voting representatives and one non-voting associate to the RC&D Council. The Council meets four times a year and also has an annual national meeting. One representative each is to be chosen from:

1. The Board of County Commissioners
2. The Soil and Water Conservation District Board
3. An individual from the general public with a definite interest in serving on an RC&D Council.
4. The associate non-voting members may be a person from the general public or a Planning Board Member. Any person chosen should have a definite interest in serving on the RC&D Council.

No dues are required to join RC&D. When projects benefiting Lincoln County are developed and grants are written to finance those projects, seed money to support the grant application is expected. The amount of such money would be determined on an individual basis and would be brought before the Commissioners who would make the final determination whether or not to support the grant application. As projects are developed to the benefit of Lincoln County, Commissioners may want to contribute additional funds to the program as they see fit.

Ms. Wallace and Dan McClure asked for a letter in support of the request.

UPON MOTION by Commissioner Craig, the Board voted unanimously to send a letter supporting the RC&D.

NIMS: Susan Spake, Director of Emergency Management, presented the National Incident Management System (NIMS) to the Board. This is a Homeland Security

Presidential Directive. NIMS is a core set of doctrine, concepts, principles, terminology, and organizational processes applicable to all hazards. This is a template for all agencies to work together as a team in emergency situations.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the NIMS.

Susan Spake asked the Board for a resolution designating Sheriff Barbara Pickens, Chief Dean Abernathy, and herself as co-directors of Lincoln County's Homeland Security. Future grants will necessitate that there are designated persons to handle crisis management and consequence management in planning, responding, and recovering from incidents that effect Lincoln County's Homeland Security.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to designate Sheriff Barbara Pickens, Chief Dean Abernathy, and Susan Spake as co-directors of Lincoln County's Homeland Security.

Susan Spake requested approval to purchase the mobile command unit. No county funds are involved, the money is coming from Homeland Security Grants. The total amount of the unit is \$196,000. The 911 system can be run out of this unit.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the purchase of the mobile command unit.

Request from Mountain Island Lake Marine Commission: Stan Kiser, County Manager, presented a request from Mountain Island Marine Commission for \$200.00

It was the consensus to take up this matter at the meeting on June 30.

Capital Project Reports: Steve Gilbert presented the Capital Project Reports for the Public Works Department.

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

Vacancies: Commissioner Craig presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 6

Recreation Commission –	Union 1	
	Howards Creek	1
	Lincolnton	1
	Ironton	2

Solid Waste Advisory Board 4

(3 year terms, only meet about 2 times per year)

Historic Properties 1

Planning Board

At large 1

Library Board

Lincolnton 1

The following are Commissioner Craig's recommendations.

APPOINTMENTS

Gaston College Board of Trustees

- Reappoint Wayne Lowe

Lincoln Natural Resources Committee

- Reappoint Steve Gurley
- Reappoint Michael Thomas
- Reappoint Sylvia Wallace

Voluntary Agricultural District Board

- Reappoint John Beam
- Appoint Rex Lynch

Lincoln County Library Board

- Reappoint Beverly Gantt
- Reappoint Kay Hollifield
- Reappoint Gloria Kernoodle
- Appoint Crystal Hartsoe

BFI Grant Board

- Leslie Thomas
- Bobbi Baker
- Katrina Aderholt

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the appointments.

County Commissioners' Report: Chairman Cochrane reported that he would not be at the meeting on July 19.

County Attorney's Report: Jeff Taylor, County Attorney, reported on the lease concerning the old jail site. The Historical Association is asking for a lease similar to the lease with the Cultural Center concerning maintenance.

It was the consensus of the Board that the County will cover any maintenance issues over \$300 per incident.

Attorney Taylor reported on the Furnace property, which has now been closed.

He reminded the Board of the door-to-door solicitation ordinance.

Other Business: Steve Gilbert reported on an article in the Lincoln Times News regarding customer service in the Public Works Department.

Recess: Chairman Cochrane recessed the meeting to June 30, 2004 at 5:15 p.m.

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman