

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 20, 2004

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 20, 2004 at the Citizens Center, Commissioner's Room, 3rd Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

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

Others Present:

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

Call to Order: Chairman Anderson called the December 20, 2004 meeting of the Lincoln County Board of Commissioners to order.

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Item 11a – Discussion of a Joint Meeting with the School Board and Item 19a – Closed Session to discuss real estate matters.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

DECEMBER 20, 2004

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| | 7:15 PM | Call to Order |
| 1. | 7:16 PM | Adoption of Agenda |
| 2. | 7:20 PM | Approval of Minutes
- December 6, 2004 |

3. 7:25 PM Consent Agenda
 - Request for Waived fees for Citizens Center Usage for Lincolnton-Lincoln County F.O.P. Lodge #85
4. 7:30 PM Public Comments
5. 7:45 PM Planning Board Recommendations
 SOA #23 - Lincoln County, applicant
 CUP #254 - Eddie Mincey, applicant
 PCUR #80A - MAG Land Development LLC, applicant
6. 8:00 PM Road Naming Public Hearing for Ravanne Sains Trail
7. 8:10 PM Piggyback for Purchase of Software for 911 and the Sheriff's Department – Sheriff Barbara Pickens
8. 8:20 PM Eastwind Cove Easement Request – Steve Gilbert
9. 8:30 PM Incentive Water Rates for Heavy Industrial Users – Steve Gilbert
10. 8:40 PM Morris Lane Water Line Design Contract Amendment No. 1 – Steve Gilbert
11. 8:50 PM Discussion of Planning Retreat
12. 9:00 PM Board Organization
13. 9:05 PM Public Works Capital Project Reports – Steve Gilbert
14. 9:15 PM Finance Officer's Report
15. 9:20 PM County Manager's Report
16. 9:25 PM County Commissioners' Report
17. 9:30 PM County Attorney's Report
18. 9:35 PM Vacancies/Appointments
19. 9:40 PM Calendar
20. 9:45 PM Other Business
- Adjourn

Approval of Minutes – December 6, 2004: Chairman Anderson presented the minutes of the December 6, 2004 meeting for approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the December 6, 2004 minutes as amended.

Consent Agenda:

- Request for Waived Fees for Citizens Center Usage for Lincolnton-Lincoln County F.O.P Lodge #85

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

Public Comments: Chairman Anderson advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

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

Planning Board Recommendations:

Subdivision Ordinance Amendment No. 23 – Lincoln County, applicant: Brad Dyer, Land Use Coordinator, stated that the Planning Board voted 7 – 0 to recommend approval.

Commissioner Patton asked how much additional cost and time will be added to subdivisions if this amendment was approved. He also asked about the appeal process.

Brad Dyer stated that it would add \$250 if no additional conditions are imposed and approximately an additional month time. Appeals would come to the Board of Commissioners.

Commissioner Moore stated that 33% of Planning Board members are in real estate and this will weight heavily on developments. She stated that the Board needs to be sure the Planning Board is representative of the people.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Subdivision Ordinance Amendment No. 23 – Lincoln County, applicant.

Conditional Use Permit No.254 – Eddie Mincey, applicant: The Planning Board voted 7 – 0 to recommend approval.

Application # CUP #254

Date 12/20/04

Applicant's Name Eddie Mincey
 161 Blossom Hill Road
 Lincolnton, NC 28092

Property location: 161 Blossom Hill Road
Existing Zoning: R-SF

Proposed Conditional Use Private residential quarters (garage apartment)

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: Located in area that's conducive to applicant's plan.
2. The use meets all required conditions and specifications. YES NO
Factual Reasons Cited: at 864 square feet (of living quarters), structure is within requirements of Zoning Ordinance.
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 appearance of garage, size of parcel.
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, house to be beside structure.

After having held a public hearing on December 6, 2004 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Patton, the Board voted unanimously to accept the findings of fact presented by the Planning Board and approve Conditional Use Permit No. 254 – Eddie Mincey, applicant.

Parallel Conditional Use Permit No. 80A – MAG Land Development, applicant:
The Planning Board voted 7 – 0 to recommend approval.

Application # PCUR #80A Date 12/20/04

Applicant's Name MAG Land Development, LLC
 2794 W. Pinewood Drive
 Chester, SC 29706

Property location: Optimist Club Road
Existing Zoning: CU P-R

Proposed Conditional Use Amend Conditional Use District

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: no change (regarding health or safety) compared to previously approved plan
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Meets all required conditions and specifications for a planned district.
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.
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: Zoning administrator's testimony; plan will be an upgrade to area.

After having held a public hearing on December 6, 2004 and in light of the Findings of Facts listed herein, the following action was taken:

A MOTION by Commissioner Funderburk to accept the findings of fact in connection with Parallel Conditional Use Permit No. 80A – MAG Land Development, LLC, applicant.

Discussion:

Commissioner Moore voiced concerns about the increase in population on the traffic in the area. She asked about road improvements.

Randy Hawkins stated that there will be a turn lane on Highway 16 onto Triangle Circle. He stated that the original applicant agreed to make improvements that were not required in the traffic impact study.

Commissioner Moore also voiced concerns about the impact on schools due to this change.

Randy Hawkins stated that the increase in the number of children, from the figures they used, would be 15% or 57 children.

Chairman Anderson reminded the Board that the original developer for this project donated the land that the St. James Elementary School is now sitting on for their impact on schools.

VOTE: 4 – 1

AYES: Anderson, Funderburk, Mitchem, Patton
NOES: Moore

Randy Hawkins stated that the development formerly known as Paradise Lakes has resubmitted plans. He asked the Board if they would like for this to be on the January 3 or February 7 agenda.

It was the consensus of the Board to set the public hearing for the February 7, 2005 meeting.

Road Naming Public Hearing for Ravanne Sains Trail: Chairman Anderson opened the public hearing concerning road naming for Ravanne Sains Trail.

Being no one wishing to speak, Chairman Anderson declared the Public Hearing closed.

Piggyback for Purchase of Software for 911 and the Sheriff's Department: Leroy Buff stated that he is presenting the request for a computer software upgrade for communications, patrol division, records management, and jail management. This is only presented for information tonight and will be brought back for Board action in January.

Stan Kiser stated that since this is such a large request, the Sheriff wanted to make the Board aware of it, since general fund money may be needed to complete these improvements.

Eastwind Cove Easement Request: Steve Gilbert presented the following information concerning the Eastwind Cove Easement Request.

The developers of the proposed Eastwind Cove subdivision have requested that the County grant an access right of way for their development from the Lincoln County Water Treatment Plant property. The right of way would allow them to have adequate roadway access to some lots near the most northeastern portion of their property. In return for this right of way, they have agreed to extend a sewer line from their development into this right of way that would allow us to connect the Water Plant building to the sewer system, thus eliminating the current underground septic system. By granting this right of way, the County would not be giving up any property, but only the right for them to construct the road on our property. The road will not create any detriment to the property and the elimination of the septic system would be a great advantage.

The Public Works Department recommends the granting of approximately 0.34 acres of right of way, plus an additional 20 feet of temporary construction easement for the construction of the access road for Eastwind Cove subdivision.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the granting of the easement.

Incentive Water Rates for Heavy Industrial Users: Steve Gilbert presented the following information concerning Incentive Water Rates for Heavy Industrial Users.

The Public Works Department is proposing a change to the Monthly Water Billing Rates to allow heavy industrial users a discounted rate when their water consumption reaches a certain volume. The proposed incentive rate would be to give a \$0.50 per thousand gallon discount to industries that use over 200,000 gallons of water per month. The \$0.50 reduction amounts to an 11.5% discount.

It is believed that having an Incentive Rate for heavy industrial users will make Lincoln County more attractive to industries that may be considering moving here. It will also provide some relief for several existing industries that use large volumes of water. With the Board's approval, these rates can be implemented with the billing that goes out after January 1, 2005.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Incentive Water Rates for Heavy Industrial Users.

Morris Lane Water Line Design Contract Amendment No. 1: Steve Gilbert presented the following information concerning the Morris Lane Water Line Design Contract Amendment No. 1.

Public Works has received a proposed amendment to the design contract for the new Morris Lane Water Line. The original scope of work stopped short of the end of Sherrill Cove Way, because no property owners expressed a desire to have the water line extended to serve them. After the original contract was signed, one last owner came in with a request to extend the line to serve his property. The cost of the extra survey work and design effort necessary to run the line another 450 feet adds \$1,900.00 to the original cost. The project still meets the criteria for the Utility Extension Policy, so Public Works feels this amendment is justified to provide the service to all of the people requesting it.

The Public Works Department recommends approval of Amendment No. 1 to the design contract for the new Morris Lane Water Line project as presented.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Amendment No. 1 on the Morris Lane Water Line Design Contract.

Discussion of Planning Retreat: The Board set the date of Friday, February 25, 2005 as the date for the Planning Retreat. It will be held at the EMS training room and will be facilitated by COG. Lunch and dinner will be provided at this retreat.

Discussion of a Joint Meeting with the School Board: The Board set the date of January 31, 2005 at 6:00 p.m. for a joint meeting with the School Board. This meeting will be held in the EMS training room and dinner will be provided.

Board Organization: Chairman Anderson presented the following Organizational Assignments.

BOARD OF COMMISSIONERS
PROPOSED
ORGANIZATIONAL ASSIGNMENTS

TOM ANDERSON – CHAIRMAN

Lincoln Economic Development Association Board
Lincoln Medical Center Board
Lake Norman Rural Planning Organization
Future Forward Economic Alliance Board
NCACC Risk Management Pools Board
Lincolnton/Lincoln County Chamber of Commerce Board
Lincolnton/Lincoln County Chamber of Commerce Gov. Affairs Comm.
LEDA East Lincoln Advisory Committee

CARROL MITCHEM – VICE-CHAIRMAN

Lincoln County Recreation Commission
Lincoln County Health Department Board
Emergency Services Advisory Council
Workforce Development Board
Lincoln Natural Resources Board

BUDDY FUNDERBURK

Appointment Coordinator
Historic Properties Commission
Board of Adjustment
Carolina Lands & Lakes
Senior Services Transportation Board
Communities in Schools Board

MARIE MOORE

Pathways Mental Health Board
Partnership for Children
Community Collaborative – Pathways
Centralina Council of Government Board of Delegates
Centralina Council of Government Executive Committee

ALEX PATTON

Department of Social Services Board
Airport Authority Board – Ex Officio
Downtown Development Association Board
Lincoln Cultural Center Board

Capital Project Reports: Steve Gilbert presented Capital Project Reports for the following: Lake Norman Water Treatment Plant Expansion and Owls Den & Morris Lane Water Line Extensions.

Finance Officer's Report: Leon Harmon, Finance Officer, presented the budget performance report for November, 2004. He mentioned to the Board that he would like to have a cost reduction service come in and look at the county's budget. These groups only charge a certain percentage of the savings they achieve.

County Manager's Report: Stan Kiser presented the County Manager's Report. He reported on a meeting he had with City officials concerning the Pine Street (old Recreation) building. He presented a letter from the City asking the County to share in the \$60,000 - \$65,000 price of providing 30 – 35 parking spaces on this site. They are asking the county to pay \$30,000 - \$35,000 of this cost.

Mr. Kiser suggested incremental pay, only paying for the spaces that the County needs.

A MOTION by Commissioner Moore to only pay for the spaces occupied by Lincoln County.

Commissioner Moore withdrew her motion.

The Board agreed that the County should only pay for the parking spaces used by Lincoln County.

Stan Kiser presented copies of the leases for the Lincoln Cultural Center and Gaston College for the Board's information.

County Attorney's Report: Commissioner Anderson stated that some time ago, the Denver/Lake Norman Rotary Club asked to sell wine at the East Lincoln Recreation Building. It was unclear whether alcohol could be sold on county property. Erma Deen Hoyle has asked for a policy regulating alcohol sales on county property.

UPON MOTION by Commissioner Patton, the Board voted unanimously to not have a policy and continue to prohibit alcohol at county buildings.

It was the consensus of the Board to allow Jeff Taylor to draft a contract for the rental of county buildings.

Vacancies: Commissioner Funderburk presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 4

Recreation Commission – Union 1
Howards Creek 1

Library Board	Lincolnton Ironton	1 2
Lincolnton	1	

APPOINTMENTS

Board of Equalization and Review

- Reappoint Mark Beam and Ronald Best
- Reappoint Lela Nixon as Alternate

Planning Board

- Reappoint Terry Whitener
- Reappoint John Pagel

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

Closed Session: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to go into closed session to discuss real estate matters that are confidential pursuant to N.C.G.S. 143-318.11.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to return to open session.

Chairman Anderson announced that no action was taken in Closed Session.

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

Amy S. Long, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners