

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 17, 2003

The Lincoln County Board of County Commissioners met in regular session on March 17, 2003 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
Larry S. Craig, Vice-Chairman
Thomas R. Anderson, PE
Carrol D. Mitchem
Buddy Funderburk

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 17, 2003 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Chairman Cochrane took the prerogative to move Item 7 to the beginning of the agenda and Item 5 to the next item.

Dedication to the Family of Louis Todd McConnell and Changing the Name of the SAFE KIDS Award to the Louis Todd McConnell SAFE KIDS Hero Award: Mike Futrell presented a plaque to the family of Todd McConnell honoring his contributions to the County.

Louis McConnell thanked the Fire Marshal and the Board for doing this in honor of Todd.

Presentation of Resolution Honoring the Life and Career of Harlan E. Boyles by the Board of Commissioners and Lincolnton City Council: Chairman Cochrane called on Dr. John Gamble, who spoke concerning his friendship with Harlan Boyles.

Chairman Cochrane and Mayor Huitt presented the framed Resolution to the family of Harlan Boyles.

Edward Boyles thanked the Board for the Resolution.

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

Presentation of Town Portrait: Jason Harpe presented a framed town portrait to the Board. The photograph was taken in front of the Pleasant Retreat Academy.

Commissioner Craig suggested that the portrait be hung in the Commissioner's Room.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda adding Item 11a – DSS Annex Building.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MARCH 17, 2003

- | | | |
|----|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 7:20 PM | Call to Order |
| 1. | 7:21 PM | Adoption of Agenda |
| 2. | 7:22 PM | Approval of Minutes <ul style="list-style-type: none">- February 26, 2003- March 3, 2003 |
| 3. | 7:25 PM | Consent Agenda <ul style="list-style-type: none">- Tax Requests for Releases<ul style="list-style-type: none">Less than \$100 – January 17 – February 15, 2003More than \$100 – January 17 – February 15, 2003- Tax Requests for Refunds<ul style="list-style-type: none">Less than \$100 – January 18 – February 15, 2003More than \$100 – January 18 – February 15, 2003- Budget Adjustments 55 - 56- Letter of Credit and Contract # 24 for Cowan's Ford |
| 4. | 7:30 PM | Public Comments |
| 5. | 7:45 PM | Presentation of Resolution Honoring the Life and Career of Harlan E. Boyles by the Board of Commissioners and Lincolnton City Council |
| | | <p style="text-align: center;">**At this time, the Board will hold a brief recess.**</p> |
| 6. | 8:15 PM | Presentation of Town Portrait – Jason Harpe |
| 7. | 8:20 PM | Dedication to the Family of Louis Todd McConnell and Changing |

the Name of the SAFE KIDS Award to Louis Todd McConnell
SAFE KIDS Hero Award

8. 8:30 PM Recommendations from Planning Board – Randy Hawkins
PCUR #89 – The Denver Group, applicant
PCUR #91 – Victory Baptist Church, applicant
PCUR #92 – Morris Hoyle, applicant
CUP #214 – David Wilson DVM, applicant
ZMA #447- Melvin D. Core, applicant
ZMA #448 – Melvin D. Core, applicant
ZTA #449 - Lincoln County, applicant
 9. 8:50 PM LNRC Annual Report – Sylvia Wallace
 10. 9:05 PM Voices and Choices Annual Report – Kay Clark
 11. 9:15 PM Revisions to Work First Plan – Susan McCracken
 12. 9:25 PM Smallpox Resolution – Maggie Dollar
 13. 9:35 PM Change Order for East Lincoln Library
 14. 9:45 PM Request for Water Adjustment – Ken McCurry
 15. 9:55 PM Interruptible Agricultural Water Rates – Steve Gilbert
 16. 10:05 PM Hickory Water Agreement – Steve Gilbert
 17. 10:15 PM Public Works Capital Project Reports – Steve Gilbert
 18. 10:25 PM Electronic Media – Commissioner Tom Anderson
 19. 10:35 PM Vacancies
 20. 10:40 PM Appointments
 21. 10:45 PM Calendar
 22. 10:50 PM County Commissioners’ Report
 23. 10:55 PM County Manager’s Report
 24. 11:00 PM County Attorney’s Report
 25. 11:05 PM Other Business
- Adjourn

Approval of Minutes – February 26, 2003 and March 3, 2003: Chairman Cochrane presented the minutes of the February 26, 2003 and March 3, 2003 meetings.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the minutes as presented.

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

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED – November 17 – December 15, 2002

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

NAME	YEAR	DIST	A/C#	AMOUNT
Bean, Lois Sherrill	1997-2002	DFD	0066990	\$54.28
Fox, Russell	2002	ELFD/ELSD	0130757	64.90
			TOTAL	\$119.18

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

NAME	YEAR	DIST REASON	A/C#	AMOUNT
Jones, Bruce A.	2002	ELFD/ELSD	0120064	\$176.79
Viking Technology Inc.	2002	CITY	0151290	3,125.21
			TOTAL	\$3,302.00

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

NAME	YEAR	DIST	A/C#	AMOUNT
Baker, Gary Bernard	2002	DFD-ELSD	0161231	\$69.94
Durham, Robert Edward & Beth Jr.	2001	ELFD	0107147	8.21
Main Street Market Place	2002	CITY	0110690	19.74
Martin, Catherine Murphy	2002	ALFD	0161568	41.89
Moore, Jack Cathey II	2002	DFD	0125973	59.80
Morrell, Robert M.	2002	CITY	08794	24.81
Red, Marion Lane Jr.	2002	DFD	0080008	10.07
Taylor, Brian Dean	2002	BCFD	0107093	51.46

NAME	YEAR	DIST	A/C NO	AMOUNT
Arrowood, Jeffrey Todd	2002	Union	0069034	\$ 120.81
Dura Steel Buildings Co.	2002	DFD/ELSD	0158306	\$ 311.73
Eury, Ronald Cleveland	1998-01	City	0127881	\$ 102.50

Garrett, William Benjamin Jr.	2002	DFD/ELSD	0094221	\$ 851.74
Graham, Joel Robert	2002	DFD/ELSD	0084675	\$ 164.31
Hartzell, Mickey Durand	2002	City	0162121	\$ 112.57
Hedges & Highways Church	2002	ALFD	0161679	\$ 210.05
Kelley, A. Ralph	2002	N-321	0123248	\$ 121.06
Klondyke Bail Bonding Inc.	2001	City	0119323	\$ 112.10
McCullough, Letitia Ann	2001/02	City	0123006	\$ 327.21
Mitchem, Ronald Cline	2002	City	0164091	\$ 129.09
Reel, Lroy Neal	2002	City	0068323	\$ 127.50
Studdard, Suzanne Hill	2002	ELFD/ELSD	0134669	\$ 111.94
Woods, Dana Elisa	1999	PCFD	202038	\$ 108.13

TOTAL	\$ 2,910.74
TOTAL	\$285.92

NAME	YEAR	DIST	A/C NO	AMOUNT
Brown, Harold Lutz	2002	NBFD	01622	\$ 4,007.48
Brunner, Charles Eugene	1997-02	ELFD	0064115	\$ 117.37
Carpenter, Charles Eugene Jr.	2002	ALFD	0089325	\$ 108.27
CT Image Cooperative Inc.	2002	City	0151114	\$ 772.67
Demeny, Kevin J.	2002	N-321	0136556	\$ 144.10
Devine, Daniel M.	2002	ALFD	31682	\$ 1,464.30
Eury, Ronald D.	2002	ALFD	18601	\$ 147.40
Ewing, Eddie Charles	2002	Union	03682	\$ 157.34
Ewing, Ronald L.	2002	NBFD	27244	\$ 2,427.78
Farry, Charles	2002	ELFD/ELSD	0154559	\$ 152.44
Ford, Thomas Harrison	2001	ALFD	0144526	\$ 147.40
Hall, Mildred	2000-02	ELFD/ELSD	0112476	\$ 147.32
Harrill, Karl H.	2002	SFFD	17537	\$ 435.26
Heafner, Claude David Jr.	2000-02	Crouse	02053	\$ 278.57
Hoffman, George T. (Heirs)	1999-02	SFFD	06892	\$ 190.39
Houser, E. C.	2002	HCFD	0060488	\$ 1,116.52

Keener, Terry & Robert Keener	2002	N-321	0115928	\$ 120.43
Keever, Randy	2002	DFD	18257	\$ 136.78
Luncefore, H. Lane	2002	ALFD	0117433	\$ 426.33
Lutz, George Huitt & Ethel R.	2002	Union	03917	\$ 3,910.19
McClure, Norman A.	2001/02	ALFD	16949	\$ 1,220.65
McCrostie, David E.	2002	ELFD/ELSD	0149754	\$ 276.01
Morrell, Farrell Wesley	2002	ELFD/ELSD	39437	\$ 1,908.48
Neill, John William	2002	SFFD	0097560	\$ 596.15
Osborne, David	2002	NBFD	0156604	\$ 234.83
Sherrill, Ralph D.	2002	ELFD/ELSD	19630	\$ 330.25
Shook, Debra	2001/02	City	0151197	\$ 448.77
Spicer, Judy Aiken	2001/02	ELFD/ELSD	0147157	\$ 353.58
Stroup, Eric	2002	ELFD/ELSD	0163172	\$ 112.75
Treadway, Dawn Renee	2002	ELFD	0071709	\$ 128.98
Wike, Larry Dean	2003	N-321	0163346	\$ 266.79
Williams, Todd	2002	ELFD/ELSD	0154744	\$ 291.35
Workman, Christopher	2002	Union	44878	\$ 105.82
Wylie, James	2002	Union	0163402	\$ 178.51
Zimmerman, James Jr & Linda	2000-02	DFD	43495	\$ 403.25

TOTAL \$23,264.51

NAME	YEAR	DIST	A/C NO	AMOUNT
Adams, Lane Jewell	2002	ELFD	0137466	\$ 12.26
Albert Leasing Mike Inc.	2002	NBFD	0100294	\$ 68.00
Ard, Thomas Michael Jr.	2002	ELFD	0152663	\$ 18.27
Avitia, Alma Karina Santos	2002	NBFD	0163728	\$ 22.71
Barker, William Richard	2002	City	26507	\$ 38.17
Bass, Shelly Woodruff	2001/02	SFFD	0157327	\$ 18.42
Beal, Ford	2001	City	12169	\$ 5.96
Beal, Mark Ryan	2002	City	0069007	\$ 52.79
Bishop, Dennis W.	2001	ELFD	0149722	\$ 25.58

Bradford, Lane Bohlen	2002	ELFD/ELSD	0153347	\$ 57.89
Brads Wrecker Service Inc.	2002	N-321	0152996	\$ 27.44
Bradshaw, Albertson McCoy	2001	City	0106648	\$ 1.98
Brege, James Matthew	2002	ALFD	0070986	\$ 21.71
Breze, Marjorie Lane	2002	SFFD	0141289	\$ 12.85
Brown, Lynne Mackin	2002	City	0164242	\$ 72.16
Buchanan, Linda Cantrell	2002	ELFD	0135729	\$ 63.63
Caldwell, Cynthia Bryant	2002	BCFD	0080119	\$ 11.22
Campbell, Mark Chandler	2002	ALFD	0123242	\$ 3.54
Carey, Charles R.	2002	City	04551	\$ 47.21
Carpenter, Barbara Johnson	2002	Union	0069304	\$ 50.45
Correll, John Elbert	2002	City	0101212	\$ 20.63
Crouse, James Paul	2002	NBFD	0069597	\$ 11.39
Dellinger, Wanda Hoyle	2002	City	0103183	\$ 13.57
Dickerson, Kenneth Kareem	2002	ALFD	0127609	\$ 5.47
Dollar, Margaret Beaty	2001	DFD	0076377	\$ 4.68
Donaldson, Malcolm P.	2002	DFD	0097252	\$ 31.00
Duan, Kenneth W.	2002	ELFD/ELSD	0130917	\$ 15.58
Dunn, Harry Glenn	2002	ELFD/ELSD	0066215	\$ 80.27
Ellington, George Kimberly	2002	City	0163540	\$ 67.62
Elliott, Heidi Crystal	2002	City	0158150	\$ 25.09
Errickson, Gary Wayne	2002	DFD	0159803	\$ 69.68
Ewing, Ronald Lee	2002	NBFD	0074749	\$ 34.03
Fink, Kelly Cutting	2002	PCFD	0161614	\$ 20.04
Fotinos, Michael Nick	2002	ELFD	0131777	\$ 60.64
Fox, Virginia Pauline	2001	City	06627	\$ 41.42
Frascati, Craig William	2002	ELFD/ELSD	0155158	\$ 94.14
Freberg, James H.	2002	PCFD	0147388	\$ 50.25
Frye, Ricky Howard	2001	BCFD	41915	\$ 28.20
Gonzalez, Maria Salome	2001	City	0158170	\$ 86.50

Green, Harold Keith	2002	City	0162890	\$ 85.82
Harr, Alvin Keith	2002	ALFD	0161857	\$ 19.92
Hayes, Terri Matthews	2002	City	0155593	\$ 19.82
Heavner, William Howard Jr.	2002	Union	0164172	\$ 63.11
Henley, Johnny Costner	2002	BCFD	0074329	\$ 58.46
Hineman, Jimmy Dean	2001	BCFD	0137858	\$ 7.73
Holland, Lawton Dayle	2002	DFD	0081795	\$ 51.92
Hull, Harold David	2002	NBFD	0112641	\$ 8.98
Ivey, Anthony Wayne	2002	HCFD	0153280	\$ 63.69
Jara, Walter Francisco	2001	BCFD	0127903	\$ 3.11
Jeffords, Richard A. Jr.	2002	HCFD	0124299	\$ 18.09
Julius Blum Inc.	2002	ELFD	0065636	\$ 36.79
Kennedy, Margaret M.	2002	ELFD/ELSD	0125514	\$ 25.69
King, Ronald Duane	2002	DFD	18464	\$ 69.81
Kirkpatrick, Vivian Jean	2002	BCFD	0076493	\$ 5.03
Knight, Gussie Martin Davis	2002	City	0162771	\$ 14.24
L J Ventures	2002	ELFD/ELSD	0164298	\$ 6.16
Laney, Michael Wayne	1998	PCFD	0131455	\$ 38.63
Leblanc, Leonard Robert	2002	DFD	0140380	\$ 13.26
Lipscomb Signs Inc.	2002	City	0147165	\$ 29.50
Lockman, Robert Shelton	2002	BCFD	0066469	\$ 4.37
Long, Adam S.	2001	ALFD	0128302	\$ 46.02
Lopez, Gabriel Moreno	2002	N-321	0102892	\$ 25.16
Lowery, Alvin W.	2001	BCFD	42151	\$ 61.48
Mata, Carlos Francisco	2002	N-321	0138900	\$ 54.37
Mata, Johan	2002	BCFD	0159640	\$ 41.01
McCurry, Kenneth Milton	2002	HCFD	0070907	\$ 46.76
McKinney, Mary Edwina	2002	PCFD	0149556	\$ 13.91
McKinnon, Edward	2002	PCFD	0138672	\$ 17.54
Milam, Michael Dale	2002	City	0123266	\$ 50.03

Miller, James Steven	2002	Union	04091	\$ 9.31
Mixon, Ronald L.	2002	City	0140590	\$ 49.87
Moore, Alvah Dewayne	2002	City	0078882	\$ 33.36
Munday, John Thomas	2002	City	0127391	\$ 17.09
Norman, Lisa Denise Russell	2002	BCFD	0163575	\$ 2.95
Norton, Richard Nolan	2002	DFD	0071779	\$ 50.35
Oaker, Dalila	2002	HCFD	0142516	\$ 36.30
Pence, Richard R. & Janet	2002	ELFD	41023	\$ 49.18
Penwarden, Shawn R.	2001	ALFD	0133736	\$ 14.74
Philbeck, Norlinda Dale	2002	City	10751	\$ 24.49
Phillips, Michael Ray	2002	City	0107127	\$ 75.52
Pittman, Earl Jr.	2002	HCFD	0069551	\$ 13.31
Powell, Douglas Edward	2002	City	0119002	\$ 64.47
Powell, June Irene	2002	City	0147094	\$ 83.27
Powell, Michael W.	2002	NBFD	0149327	\$ 48.44
Propst, Perry Phillip	2002	Crouse	0121587	\$ 46.42
Pruitt, Bobby Jr.	2002	City	0099125	\$ 12.16
Redding, Michelle H.	2002	ALFD	0142155	\$ 11.00
Reese, Wade & Pauline	2002	Union	00704	\$ 26.13
Reid, Brent William	2001	DFD	0154996	\$ 16.00
Rogers, Phillip Larry	2002	ELFD	0141918	\$ 31.16
Ross, James Keith	2002	HCFD	0104897	\$ 57.48
Semer, Steven	2002	City	0162325	\$ 19.25
Setzer, Rodney Michael	2002	N-321	0141402	\$ 11.05
Sherrill, Joyce	2001	BCFD	0137172	\$ 42.05
Shoun, Edward Vernon	2001	City	0117947	\$ 58.53
Smith, Johnny	2002	DFD	0162898	\$ 7.03
Solomon, Johnny L.	2002	PCFD	0162819	\$ 35.67
Stacks, Audrey Yevette	2002	City	0066526	\$ 17.13
Staley, Brian Andrew	2002	ELFD/ELSD	0162933	\$ 10.33

Stanley, Mary Claire	2001	DFD/ELSD	0157119	\$ 27.00
Steele, Gregory L.	2002	BCFD	16063	\$ 98.44
Surratt, Donald Andersand	2002	SFFD	0141741	\$ 58.99
Taylor, James Curtis	2002	City	0163984	\$ 20.18
Towery, Robert Wayne	2001/02	Crouse	0147482	\$ 35.85
Vazquez, Juan Cesario	2002	City	0135007	\$ 2.74
Warlick, Jack Albert	2002	BCFD	0072656	\$ 2.81
Warne, David Timothy Allen	2002	Crouse	0112556	\$ 10.84
Weathers, Deborah Lynn	2001	City	0152125	\$ 29.35
Webb, Hattie Mae	2001	City	0158750	\$ 44.99
Weiss, Tonya Michelle	2001	City	0114368	\$ 80.36
Whiteside, William Travis	2002	BCFD	0140801	\$ 36.68
Wildoner, J. Richard Allen	2002	DFD	0156342	\$ 7.84
Wilhelm, Patricia Chapman	2002	Crouse	0072783	\$ 48.38
Williamson, Michelle Griffith	1998	BCFD	0119665	\$ 62.92
Zuniga, Alberto	2002	City	0142962	\$ 47.87

TOTAL \$3,982.13

NAME	YEAR	DIST	A/C NO	AMOUNT
Alley, James Lawrence	2002	BCFD	0142603	\$ 32.15
Avery, Susan Gates	2002	SFFD	0076928	\$ 69.00
Baucom, Samuel Harloe	2002	NBFD	0140930	\$ 35.31
Bishop, Troy	2001/02	HCFD	02306	\$ 36.49
Black, Sarah Maxine	2002	ELFD/ELSD	0134341	\$ 69.00
Caracciolo, Lewis F.	2002	ELFD/ELSD	0163078	\$ 96.07
Carter, Harold J.	2002	ELFD/ELSD	0161823	\$ 60.90
Chapman, John Elliot	2002	Union	0092059	\$ 84.74
Cornwell, Randy Lewis	2002	Crouse	0073790	\$ 69.00
Crouse Volunteer Fire Dept.	2002	Crouse	0147338	\$ 69.00
First Citizens Bank	1997	City	44568	\$ 90.37
Gilbert, Deanna Millsaps	2002	SFFD	0147634	\$ 67.00

Grosch, Joseph J.	2002	N-321	08083	\$ 30.40
Hager, Thelma L.	2002	ELFD	17437	\$ 80.60
Harris, George William	2001/02	Crouse	0069589	\$ 21.95
Hoke, Grant Allen Jr.	2002	ELFD/ELSD	0158638	\$ 95.54
Houser, Jeffrey S.	2000	SFFD	07279	\$ 9.23
Hudson, Jimmy Eugene	2002	NBFD	0085168	\$ 38.56
Hunter, Valisha	2002	PCFD	0131352	\$ 66.92
Huss, Michael Walter	2002	BCFD	16942	\$ 37.73
Killian, Alfred	2002	SFFD	14549	\$ 2.21
Lane, Ricky Wendel Jr.	2002	Union	0140782	\$ 93.24
Leatherman, Autumn Elizabeth	2002	N-321	0149901	\$ 52.60
Leatherman, Tina M.	2002	Union	0105272	\$ 52.62
Mitchell, Tammy R.	1998-02	N-321	45982	\$ 60.41
Player, Janice E.	2002	DFD	0108922	\$ 40.91
Powell, Barney Dale	2002	Union	11280	\$ 11.10
Richard, Glenn Dayton Jr.	2002	HCFD	0104184	\$ 72.35
Rikard, Douglas S.	2000	Crouse	38486	\$ 20.68
Ross, Mary Martha	2002	Crouse	40824	\$ 69.00
Sigmon, Milton H.	2002	PCFD	0142593	\$ 26.20
Smith, Harold	2000-02	ELFD/ELSD	0119375	\$ 48.70
Stowe, William Barry	2002	N-321	11091	\$ 35.26
Summey, James P.	2002	ALFD	38121	\$ 1.71
Taylor, Jonathan A.	2002	DFD	0159944	\$ 57.49
Withers, Ted	2002	SFFD	15650	\$ 1.11
		TOTAL		\$1,321.89

Budget Adjustment No. 55 by Group Home to budget for the transfer of Heafner Tire Scholarship Funds of \$4364 FY 01-02 to FY 02-03 (Revenue) and allocation of those funds into specified needed areas within line items.

Budget Adjustment No. 56 by Social Services to increase expenditure and revenue line items for funds received (\$10,000) for Special Children's Adoption Fund. (no county funds involved).

Letter of Credit No. 24 – Cowans Ford 3

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.

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

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

Parallel Conditional Use Rezoning No. 89 – The Denver Group, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval with these conditions: 1) Developer to provide for road improvements as recommended by traffic impact study, including traffic signals at Hwy. 73 and Club Drive upon NCDOT approval. 2) Developer to pay \$42,44 to the county for school construction costs in four annual installments starting July 1, 2004. 3) Developer to construct road from Hwy. 73 to single-family section and require that this road be used for all construction traffic after five lots on Turnberry Lane are recorded. 4) St. Andrews Drive not to be extended beyond new section of 15 single-family homes, not to be connected in the future to other section.

Application # PCUR #89 Date 03/17/03

Applicant's Name The Denver Group
 PO Box 713
 Denver, NC 28037

Property location: Hwy. 73 and Club Drive.

Existing Zoning: R-T, R-SF

Proposed Conditional Use P-MU

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: plan layout
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: meets them
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: enhance value

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: will be in harmony

Commissioner Anderson stated that the only plat he has is one dated February, 2001. This plat shows 25 townhouses coming off St. Andrews Lane. There has been an agreement that this will be changed to 15 single-family lots. He asked if Randy Hawkins has a new subdivision plat.

Randy Hawkins stated that they have officially amended that.

Commissioner Anderson stated that he would like to add as a condition that the approval is based on 15 single family lots being provided at the end of St. Andrews Lane, as opposed to 25 townhomes, and that a new plat be provided to Building and Land Development.

Commissioner Anderson stated that he would also like to add the condition that this approval is contingent upon the Department of Transportation's approval of all connections to major roads, specifically Club Drive and Hwy. 73.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the rezoning request for PCUR #89.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Conditional Use Permit and the findings of fact with the conditions the Planning Board recommended, as well as the conditions Commissioner Anderson stated.

Parallel Conditional Use Rezoning No. 91 – Victory Baptist Church, applicant:

Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval with no conditions.

Application # PCUR #91 Date 03/17/03

Applicant's Name Victory Baptist Church
 4974 King Wilkinson Road
 Denver, NC 28037

Property location: 5974 King Wilkinson Road

Existing Zoning: R-SF

Proposed Conditional Use B-N/CU Non-profit store to sell donated items.

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: less traffic than actual church

2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: The proposed use will meet 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 X NO
Factual Reasons Cited: Church wouldn't run an institution that wouldn't be a good use for the community.
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: Location of building and what will be done at building.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to rezone the property subject to PCUR #91.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the conditional use permit and findings of fact as presented by the Planning Board.

Parallel Conditional Use Rezoning No. 92 – Morris Hoyle, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval with no conditions.

Application # PCUR #92 Date 03/17/03

Applicant's Name Morris Hoyle
 611 Tower Road

Property location: 611 Tower Road

Existing Zoning: R-SF

Proposed Conditional Use RS/CU Allow Class "B" manufactured double wide

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: Location and family use
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Will meet all conditions and specifications including appearance criteria.
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: Will not injure adjoining property and abuts R-S district – also on 5 acres of land.

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: Use of Manufactured doublewide in general conformity with area and Land Use Plan – also mobile home park adjacent to this property.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to rezone the property subject to PCUR #92.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the conditional use permit and findings of fact as presented by the Planning Board.

Conditional Use Permit No. 214 – David Wilson, DVM, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval with no conditions.

Application # CUP #214 Date 03/17/03

Applicant's Name David Wilson, DVM
1269 Hwy 16 N
Denver, NC 28037

Property location: Lot #4 Pinnacle/Hwy 73

Existing Zoning: BG/DH

Proposed Conditional Use Boarding Kennel

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
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Based on sketch and plan with indoor (underground) kennel for noise reduction.
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: plans for boarding kennel to be internal to facility.
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: Building will completely encase kennel.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the conditional use permit and findings of fact as presented by the Planning Board.

Zoning Map Amendment No. 447 – Melvin D. Core, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 - 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment # 447 – Melvin D. Core, applicant, based on the recommendation of the Planning Board.

Zoning Map Amendment No. 448 – Melvin D. Core, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the Planning Board's recommendation and approve Zoning Map Amendment No. 448 – Melvin D. Core, applicant.

Zoning Text Amendment No. 449 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator stated that the Planning Board voted 5 – 2 to recommend approval.

Chairman Cochrane stated that he felt the Board should look at a map of the Designated Highway overlay before deciding on this one.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve only the part of ZTA No. 449 that pertains to adult establishments.

The Board will decide on the remaining parts of ZTA #449 at the next meeting after looking at a map.

LNRC Annual Report: Sylvia Wallace presented the Lincoln County Natural Resources Annual Report. She expressed the need for retired members on their committee, who have time to devote to it.

Voices and Choices Annual Report: Kay Clark of Voices and Choices gave an Annual Report on Voices and Choices and a presentation on what they do.

Revisions to Work First Plan – Susan McCracken: Susan McCracken stated that they learned last week that the Work First Plan was accepted. The State sent back some minor revisions and clarifications. She presented a few minor changes that have been made to the plan and asked if the Board would like to stay electing or go with the State plan.

There is a risk with staying electing, but the county would lose around \$200,000 a year by going with the State plan.

UPON MOTION by Commissioner Craig, the Board voted unanimously to remain an electing county,

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the changes to the Work First Plan.

DSS Annex: Chairman Cochrane asked Susan McCracken if the DSS Annex would be used after the new building is completed. The schools have asked for use of that building for a ESL newcomer center.

Commissioner Craig asked if that building could be used for Home Health since they are in a rented facility currently.

Smallpox Resolution – Maggie Dollar: Maggie Dollar presented an agreement with Lincoln County Employees Vaccinated for Smallpox. Seven Health Department staff are being vaccinated in staggered groups this month. There may be potentially serious side effects from the smallpox vaccine. The following agreement will protect Lincoln County employees who are:

1. Identified as needing vaccination due to their respective position and job duties that might place them at risk for exposure,
2. Not medically contraindicated against taking the vaccine, and
3. Willing to be vaccinated.

This agreement would allow up to seven days administrative leave for illness directly related to the vaccine (worker's comp would pay after 7 consecutive days), and would cover all out-of-pocket expenses not covered by the county's health insurance plan or worker's comp.

AGREEMENT WITH LINCOLN COUNTY EMPLOYEES VACCINATED FOR SMALLPOX

AGREEMENT, dated this ____ day of _____, 2003 by and between Lincoln County (hereinafter "County") and _____ (hereinafter "Employee").

WHEREAS, the County requires an unspecified number of individual employees to be (i) trained in the proper methods for giving smallpox inoculations, or (ii) prepared to go into the community to investigate real or potential threats to public safety as a result of an act of terrorism, all of which employees must also volunteer to receive the smallpox inoculation themselves, as a prerequisite part of their training and certification; and

WHEREAS, the selection of such employees for whom vaccination is recommended under the Federal Smallpox Vaccination Program is in the sole discretion of the County Health Director, and

WHEREAS, receiving the smallpox inoculation carries with it a quantifiable risk of adverse side effects, which could result in short or long term illness, and perhaps the necessity of missing time from normal employment duties; and

WHEREAS, Employee hereby volunteers to be inoculated against the smallpox virus, and further agrees to undergo whatever training is necessary to enable Employee to become qualified and/or certified to give smallpox inoculations to others, or to conduct investigations, in the event of an actual or threatened public emergency wherein the public safety is threatened and wider scale inoculations become necessary.

NOW, THEREFORE, based upon the mutual covenants and agreements herein contained, the parties agree as follows:

1. Employee will **voluntarily** receive a smallpox inoculation, free of charge to Employee, and will successfully participate in whatever training is deemed appropriate by the County, to enable the County to respond to a public emergency, including a bio-terrorist attack, in conformance with federal and state standards.
2. When said training is successfully completed, if Employee is one of those who will be asked to inoculate others, Employee **must be** qualified to give smallpox inoculations to other medical personnel, emergency first responders, and other individuals who could reasonably be expected to be among the first to respond to such a public emergency.
3. There is some statistical risk that the Employee will suffer a negative physical reaction to being inoculated. Such reaction could result in time lost from work, or medical expense being incurred.
4. County agrees to indemnify and hold Employee harmless from and against the consequences of any negative reaction to the smallpox inoculation, to wit:
 - a. No time missed from work as a result of the inoculation will be charged against Employee as annual leave, Family Medical Leave or sick leave.
 - b. If an Employee who is so selected elects to take the vaccine, and as a result of taking that vaccine becomes ill such that absence from work is required, the Employee shall be granted administrative leave days for such absence up to seven days.
 - c. Any medical expense incurred by the Employee as a result of the inoculation will be paid by the County. The method of any such payment, or the source of funds expended, will be at the exclusive discretion of County.
5. It is the intention of the parties that Employee suffers no negative financial consequences as a result of volunteering to undergo the training and being inoculated as contemplated herein.
6. Nothing herein shall constitute a guaranty to Employee of continued employment with County, for any particular period of time, nor in any particular position. Employee will continue to be subject to all policies and procedures applicable to any other Employee of the Lincoln County Health Department, including specifically those dealing with job performance and conduct.

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

Health Director

Personnel Director

Employee's Signature

Employee No.

Title

Date

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

Change Order for East Lincoln Library: Change Order No. 3 is for additional sewer pump inspection fees charged by Lincoln County Department of Public Works and for bad soil replacement in parking lot.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept Change Order No. 3 for the East Lincoln Library.

Request for Water Adjustment – Ken McCurry: Steve Gilbert stated that Kenneth McCurry was billed for water consumption for his strawberry field. The Water Department can only grant adjustments in cases with documented leaks. The only thing they can think of that would be this much of a difference is if the meter was misread in July and meter readers finally caught it back up. He stated that he feels the water has gone through the meter at some point and time. Mr. McCurry has since locked his meter and will keep it locked while not in use.

UPON MOTION by Commissioner Craig, the Board voted unanimously to waive this fee for Kenneth McCurry.

Interruptible Agricultural Water Rates – Steve Gilbert: Steve Gilbert stated that the Board of Commissioners recently requested that the Public Works Department devise a special rate for agricultural irrigation, watering of livestock, and other farm-related uses. Based upon information obtained from Cleveland County, which has such a rate, we propose that an interruptible rate be set up for the uses mentioned above. The proposed rate for the water use would be set at \$3.75 per 1,000 gallons, with no monthly minimum. This rate would represent a 17.2% savings over the County's bulk rate. As a comparison, Cleveland County's interruptible rate gives a 12.1% savings over their standard rate.

All of the standard tap fees and availability fees would apply to any new customers applying for this special rate. The main difference in this proposed rate and our standard rate is that this would be classified as an interruptible service. For example, in times of drought or other types of water supply emergency, the County will have the right to turn off this service without notice in order to conserve water. The customer applying for this rate will be required to sign a copy of a document, agreeing to having an interruptible service and releasing the County from any liability from damages due to the interruption.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Agreement for Interruptible Water Supply.

The Board asked Jeff Taylor to look over the agreement. Chairman Cochrane asked Commissioner Mitchem to review the Agreement

Hickory Water Agreement: Steve Gilbert presented a draft agreement from the City of Hickory and Catawba County for the water use from the proposed Cat Square water line. The body of the agreement appears to be fairly standard for the intended use. He pointed out some items he felt should be changed in the agreement.

The Board asked Steve Gilbert to go back to Hickory and negotiate the agreement.

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

Electronic Media – Commissioner Anderson: Commissioner Anderson stated that he would like to get a consensus of the Board to start getting disks with information from the Board packets on it. He stated that it would also be good to put this information on the website.

Dante' Patterson spoke with the Board about how to go about getting the information on disk and the internet site.

Vacancies: Commissioner Craig presented the following vacancies.

VACANCIES

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

The following are Commissioner Craig's recommendations:

APPOINTMENTS

Mountain Island Lake Marine Commission

William (Tom) Nalley

Also got applications from:

Ronnie Campbell

Kari Lanning

Solid Waste Advisory Committee

Randy Osborne

Board of Health

Reappoint Dr. Leary Reid

Appoint Terry Smith of the Homebuilders Association

Centralina Workforce Development Board

Reappoint Tom Miltier

Dan Martin

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

Calendar: Chairman Cochrane presented the calendar for the month of April, 2003.

County Commissioners' Report: Commissioner Anderson stated that at the last Centralina meeting, COG approved a resolution to ask permission from the Legislature to impose a fee up to \$20 on licensing to generate funding to put into place some of the things that will have to be put into place concerning air pollution. The fee will be on highway and non-highway mobile units, such as cars, trucks, tractors, etc. The counties and cities in the region will have the prerogative whether or not to impose the fee.

Commissioner Craig stated that he was asked by a fireman to go to the East Lincoln Fire Department and check out allegations of misappropriation of funds or abuse in the department. A letter was written by a man who felt this abuse or misuse was taking place. He stated that after he talked with the Board, he could not find anything excessive or abusive. He suggested appointing a task force to look into fire departments to set guidelines.

Chairman Cochrane asked Commissioner Craig and Commissioner Funderburk to look into it.

Chairman Cochrane questioned the high price of a water line going to a business. He asked Mr. Gilbert to take a look at the cost versus what the cost is for a 2" line for a small business.

Commissioner Mitchem asked for a breakdown of prices for all water lines.

Commissioner Craig presented a petition for a water line on Buffalo Shoals Road. He asked Mr. Gilbert to look into the extension according to the extension policy.

County Manager's Report: Stan Kiser, County Manager, presented the County Managers Report. He recommended beginning the process of extending water lines in to Roseland Heights and Cloudburst Circle communities.

UPON MOTION by Commissioner Craig, the Board voted unanimously to allow the County Manager to proceed with water projects.

Mr. Kiser presented a memo from Madge Huffman concerning returned checks. He stated that she would like to submit them for summons from the Magistrate's Office for these checks, according to the General Statutes.

Mr. Kiser stated that the Hog Happening has requested use of the parking lot for Friday, May 30. The Community Concert Association has requested use of the Auditorium on September 22. This is the date of the regular September meeting.

Other Business: Steve Gilbert presented construction and engineering estimates from WK Dickson for the Roseland Heights and Cloudburst Circle. Estimated construction costs of these two would be \$76,960 and estimated engineering fees is \$19,300.

The Board discussed the fact that the engineering fees are 25% of the cost. They asked Mr. Gilbert to go back to WK Dickson and negotiate these fees.

Steve Gilbert presented information on grants for water improvements from the Rural Center. The County can apply for a \$400,000 grant for the water improvements on Hwy 73.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution Allowing Steve Gilbert to sign the documents to apply for a \$400,000 grant.

Finance Officer's Report: Leon Harmon presented the Finance Officer's Report for February 2003.

County Attorney's Report: Jeff Taylor reported on HIPAA compliance. He stated that on the Governor's Island Sewer project, Ed Purdue, with Heater Utilities, has told him that the Gov. Island Homeowner's Association has filed a request with the Utilities Commission that they approve the transfer of the permit over to the district without a public hearing.

Mr. Taylor stated that the Highway 16 property was advertised for sale and no bids were received.

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

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman