

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 7, 2003

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on April 7, 2003 at the Citizens Center, Commissioner's Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Dean Lutz
Mike Baker
John Pagel
Ken Hovis
Darrell Harkey
Harold Howard Jr.
Terry Whitener
Gerald Johnson

Others Present:

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

Call to Order: Chairman Cochrane called the April 7, 2003 meeting of the Lincoln County Board of Commissioners to order. Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the agenda removing Item 14 – Glen Oaks Estates, adding it under Other Business and adding Jerry Carpenter development to Other Business.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
APRIL 7, 2003

	6:30 PM	Call to Order
	6:31 PM	Invocation
	6:32 PM	Pledge of Allegiance
1.	6:33 PM	Adoption of Agenda
2.	6:34 PM	Approval of Minutes
		- February 12, 2003 - Meeting with Pathways
		- March 10, 2003 - Meeting with School Board
		- March 17, 2003 - Regular Meeting
3.	6:35 PM	New Business/Advertised Public Hearings

ZMA #450 Troy Motz, applicant (Parcel ID# 14777) A request to rezone an 11.8-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located on the south side of Hwy. 27 just west of Hauss Road in Howards Creek Township.

ZMA #451 Bobby Smith, applicant (Parcel ID# 34516) A request to rezone a 2.3-acre parcel from Transitional Residential (R-T) to General Business (B-G). The property is located at 257 N. Hwy. 16 in Catawba Springs Township.

ZMA #452 Kenneth Carpenter, applicant (Parcel ID# 11592) A request to rezone approximately three acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is part of a 19-acre parcel located at 2766 Hwy. 274 in North Brook Township.

PCUR #93 Becky Kowaleski, applicant (Parcel ID# 13502) A request for a parallel conditional use rezoning to rezone approximately 1.75 acres from Residential Single-Family (R-SF) to Residential Suburban (R-S) to permit the placement of a Class C (singlewide) mobile home. The property is part of a 6.7-acre parcel located at 4753 Lama Lane in Howards Creek Township.

CUP #215 Gary Allen, applicant (Parcel ID# 59206) A request for a conditional use permit to allow a land-clearing and inert debris landfill to be located in the Transitional Residential (R-T) district. The proposed site is part of an 81-acre parcel located off Schronce Road in Catawba Springs Township.

SOA #17 Lincoln County, applicant. A proposal to amend Section 109 of the Lincoln County Subdivision Ordinance to add representatives from the following agencies to the Subdivision Technical Review Committee: Lincoln County Addressing, Lincoln County Voter Registration and Lincoln County Schools.

4. 7:15 PM Child Abuse Prevention Month Proclamation
5. 7:20 PM Resolution Supporting Our Troops
6. 7:25 PM Presentation from Gaston College – Alan Albright, Chairman
Dr. Patricia Skinner, President
7. 7:40 PM Public Hearing – Economic Incentive Grants for McMurray Fabrics
8. 7:50 PM Resolution to Adopt Incentive Grant Agreement with McMurray Fabrics, Inc.
9. 7:55 PM Resolution to Increase C & D Tonnage – John Avery
10. 8:00 PM Public Hearing and Application – Rural Operating Assistance Program (ROAP)– Erma Deen Hoyle
11. 8:10 PM Spring Litter Sweep 2003 Proclamation
12. 8:15 PM Update on Lake Norman Marine Commission – Mike McLaurin
13. 8:25 PM Hospital Update – Pete Acker and James Ramsey
14. 8:40 PM Glen Oaks Estates – Alan Cloninger
15. 8:50 PM Design Contract for Roseland Heights and Cloudburst Circle –
WK Dickson
16. 9:00 PM Resolution Concerning Loan Application for Clean Water Funds –

Steve Gilbert

17. 9:10 PM State and Tribal Assistance Grants Program – Steve Gilbert

18. 9:20 PM General Statute 105.375 (b).2 – Adjustment to Penalties Charged for Insufficient Funds or Non-existing Accounts Checks Taken in Receipt of Payment for Lincoln County Property Taxes

19. 9:30 PM Other Business

Adjourn

Approval of Minutes – February 12, 2003; March 10, 2003, and March 17, 2003:

Chairman Cochrane presented the minutes of the February 12, 2003, March 10, 2003, and March 17, 2003 meetings for the Board's approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the minutes with one correction – on the March 10 minutes add Commissioner Mitchem to the following sentence: Chairman Cochrane asked the schools to work with Commissioners Anderson *and Mitchem* since it is such an unusual budget year and come up with something that is workable.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, April 7, 2003 and the time, which was advertised in the *Lincoln Times-News* on Friday, March 28, 2003 and April 4, 2003.

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, April 7, 2003, at 6:30 p.m. to consider the following zoning-related matters:

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, April 7, 2003, at 6:30 p.m. to consider the following matters:

ZMA #450 Troy Motz, applicant (Parcel ID# 14777) A request to rezone an 11.8-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located on the south side of Hwy. 27 just west of Hauss Road in Howards Creek Township.

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PCUR #93 Becky Kowaleski, applicant (Parcel ID# 13502) A request for a parallel conditional use rezoning to rezone approximately 1.75 acres from Residential Single-Family (R-SF) to Residential Suburban (R-S) to permit the placement of a Class C (singlewide) mobile home. The property is part of a 6.7-acre parcel located at 4753 Lama Lane in Howards Creek Township.

CUP #215 Gary Allen, applicant (Parcel ID# 59206) A request for a conditional use permit to allow a land-clearing and inert debris landfill to be located in the Transitional Residential (R-T) district. The proposed site is part of an 81-acre parcel located off Schronce Road in Catawba Springs Township.

SOA #17 Lincoln County, applicant. A proposal to amend Section 109 of the Lincoln County Subdivision Ordinance to add representatives from the following agencies to the Subdivision Technical Review Committee: Lincoln County Addressing, Lincoln County Voter Registration and Lincoln County Schools.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Chairman Cochrane stated that the developer for Paradise Lakes has asked for it to be deferred for one more month.

UPON MOTION by Commissioner Craig, the Board voted unanimously to delay this public hearing until May 5, 2003.

Zoning Map Amendment No. 450 – Troy Motz, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 450 – Troy Motz, applicant.

The applicant is requesting to rezone an 11.8-acre parcel of land from Residential Single-Family (R-SF) to Neighborhood Business (B-N).

The property is located on the south side of Hwy. 27 just west of Hauss Road in Howard's Creek Township. It is surrounded by property zoned Residential Single-Family, but a parcel zoned Neighborhood Business lies just to the east.

Randy Hawkins stated that they have spoken with a citizen concerned with the driveway entrance and the safety of it. He stated that he met with a DOT representative and discussed the situation with him. DOT will likely require a left-bound turn lane westbound. DOT will not issue a driveway permit in an unsafe location. He also asked DOT about the possibility of lowering the speed limit to 45 mph in that location.

Chairman Cochrane reopened the public hearing concerning Zoning Map Amendment No. 450 – Troy Motz, applicant.

Tracy Reynolds stated that he lives at 1790 West Hwy. 27 and has a hard time getting out of his driveway. He stated that it has taken him more than 12 minutes to get out of his driveway in the morning. The traffic will be worse if more business is approved here.

Being no additional speakers, Chairman Cochrane declared the Public Hearing closed.

Zoning Map Amendment No. 451 – Bobby Smith, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 451 – Bobby Smith, applicant.

The applicant is requesting to rezone a 2.3-acre parcel from Transitional Residential (R-T) to General Business (B-G).

The property is located at 256 N. Hwy. 16, Denver. It is adjoined on the north by property zoned General Business, on the south and east by property zoned Transitional Residential and on the west by property zoned Residential Suburban.

Chairman Cochrane opened the Public Hearing concerning Zoning Map Amendment No. 451 – Bobby Smith, applicant.

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

Zoning Map Amendment No. 452 – Kenneth Carpenter, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 452 – Kenneth Carpenter, applicant.

The applicant is requesting to rezone three acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N)

The property is part of a 19-acre parcel located at 2766 Hwy. 274 in North Brook Township. It is adjoined on the east by property zoned Neighborhood Business, on the south by property zoned Rural Residential (R-R), and on the west and north by property zoned Residential Single-Family. The applicant plans to combine the three acres with an adjoining 0.85-acre parcel that is already zoned Neighborhood Business. Part of the land to be combined lies in a WS-II watershed, the rest in a WS-III watershed, which limits the impervious coverage to 12 percent and 24 percent, respectively.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 452 – Kenneth Carpenter, applicant.

Jessie Ruff stated that she lives at 2750 Hwy. 274 and her property joins Mr. Carpenter's on the north side. She and her husband own 4.2 acres and have lived there for 18 years. She is really fearful for this property to be rezoned due to the fact that a bar and grill could be put there.

Joel Ruff stated that he feels the same as his wife. Three acres is enough for a Farmer's Market not a vegetable stand like the applicant says he's putting there.

Sandy Markland stated that she lives at 2989 Hwy. 274, less than ½ mile from the property. She stated that she is representing property owners and members of Bess Chapel United Methodist Church. She stated that there is bad traffic at that intersection already. They do not need the land rezoned for a business that could get a liquor license that would put impaired drivers on the road.

Reid Parker spoke on behalf of Bethlehem Methodist Church. The parsonage is across the street from this property. There is a lot of traffic in and out of the parsonage and he is worried about alcoholic beverages being sold and the traffic generated.

Billy Towery stated that he owns property in the area and has family there. He stated that he is not opposed to Mr. Carpenter, but opposed to the plans. Traffic, safety, and values will be undermined by what is speculated to be on this site in the future.

Damon Powell stated that he was raised in the area and has lived there for 75 years. He is worried about what might come of this rezoning. He asked those in opposition to this to stand.

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

Parallel Conditional Use Rezoning No. 93 – Becky Kowaleski, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 93 – Becky Kowaleski, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 93 – Becky Kowaleski, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone approximately 1.75 acres from Residential Single-Family (R-SF) to Residential Suburban (R-S) to permit the placement of a Class C (singlewide) mobile home for a daughter and her family to live in.

The property is part of a 6.7-acre parcel located at 4753 Lama Lane in the Howards Creek Township. It is surrounded by property zoned Residential Single-Family. The area includes some existing mobile homes. The 1.75 acres would be subdivided from the southeast section of the parcel as part of a family subdivision.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 93 – Becky Kowaleski, applicant.

Becky Kowaleski stated that her daughter is wanting to put a singlewide on this land to live in. She has a new baby and this is a place to start out in. She also asked for exemption from the rule where a shingle roof and vinyl siding are required.

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

Conditional Use Permit No. 215 – Gary Allen, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 215 – Gary Allen, applicant.

The applicant is requesting a Conditional Use Permit to allow a land-clearing and inert debris landfill to be located in the Transitional Residential (R-T) district. The landfill would be used to dispose of bricks, concrete, gravel, untreated wood, stumps, and dirt. The applicant wants to fill in a gully that's approximately 30 feet deep, 30 feet wide and 200 feet long. He expects it would take no more than a year to fill up the gully and properly cover the landfill.

The proposed site is located on an 81-acre tract of land off Schronce Road in Catawba Springs Township. It is surrounded by property zoned Transitional Residential.

Commissioner Craig asked how this site will be monitored. He stated that he has concerns with the landfills that aren't monitored. The Board has had horror stories in the past with landfills such as these.

Randy Hawkins stated that there is a serious erosion problem and the gully needs to be filed in. Mr. Allen will be on site and the county will be monitoring it.

Kelly Atkins stated that typically when they monitor these landfills, they chose a number of sites and have the property owner dig pits. They do this weekly or bi-weekly.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 215 – Gary Allen, applicant.

Gary Allen stated that this will be in his cow pasture so he has more at stake than anybody. He stated that he will be monitoring it closely to make sure nothing goes in it that will hurt his cows. He stated that he wants to be able to control the water erosion and will just fill up enough to do this.

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

Subdivision Ordinance Amendment No. 17 - Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Subdivision Ordinance Amendment No. 17 – Lincoln County, applicant.

The following amendment to the Lincoln County Subdivision Ordinance, under “Section 109 – Other Definitions”, will add **Lincoln County Addressing, Lincoln County Voter**

Registration and Lincoln County Schools to the Subdivision Technical Review Committee.

The amended definition for Subdivision Technical Review Committee will read as follows with the additions in bold type.

Subdivision Technical Review Committee. A committee appointed by the Lincoln County Board of Commissioners to review plats and to make recommendations to the Planning Board regarding such plats. The Committee shall consist of a representative from the following agencies:

1. Lincoln County Health Department
2. North Carolina Department of Transportation
3. Soil and Water Conservation District
4. Lincoln County Public Works Department
5. Lincoln County Planning Department
6. Lincoln County Fire Marshal
7. Lincoln County Mapping
8. **Lincoln County Addressing**
9. **Lincoln County Voter Registration**
10. **Lincoln County Schools.**

Chairman Cochrane opened the public hearing concerning Subdivision Ordinance Amendment No. 17.

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

The Planning Board reconvened to the 2nd floor balcony.

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

Child Abuse Prevention Month Proclamation: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the proclamation.

Child Abuse Prevention Month Proclamation

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, approximately 3 million children are reported as abused and neglected in this country each year;

WHEREAS, approximately 120,000 children are reported as abused and neglected in North Carolina each year;

WHEREAS, 21 children were victims of child abuse homicide in North Carolina last year;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community;

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

Now, Therefore, I, Jerry W. Cochrane, do hereby proclaim April as Child Abuse Prevention Month in Lincoln County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Jerry W. Cochrane, Chairman

Resolution Supporting Our Troops: UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution.

RESOLUTION SUPPORTING OUR ARMED FORCES AND THEIR FAMILIES

WHEREAS, recent world events have transpired that may place our armed force members in harms way; as they bravely heed the call of duty to secure the freedoms we enjoy and to protect the *“American Way of Life”*; and

WHEREAS, it is a privilege and in the best interest of our State and local communities that we express our gratitude to the military personnel whose sacrifices should serve as constant reminders of the high price of liberty; and

WHEREAS, it is also fitting and proper that we support the loved ones, family members and children these service men and women are forced to leave behind as they are deployed to defend freedom here and around the world;

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners does hereby extend it's appreciation to the men and women who are serving our country in the military and urge all citizens to join with us in showing Lincoln County's support for our military and their families during this time of uncertainty.

Adopted this the 7th day of April, 2003.

Jerry W. Cochrane, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

Gaston College Presentation: Alan Albright, Chairman of the Gaston College Board of Trustees, introduced other members present. He gave a general overview of Gaston College and the Lincoln Campus.

Dr. Pat Skinner, President of Gaston College, reviewed growth trends at the Lincoln Campus. She also presented the Lincoln Campus space needs, which include: science labs, computer labs, classrooms, expanded library services, expanded learning lab services, and expanded student services. She presented a proposed floor plan for a new building that would include all of this needed space.

Public Hearing – Economic Incentive Grant for McMurray Fabrics: Chairman Cochrane opened the public hearing for economic incentive grants for McMurray Fabrics.

Laura Foor, Existing Business Coordinator, with Lincoln Economic Development, presented information concerning Incentive Grants for McMurray Fabrics.

McMurray shall make an investment of \$2,560,000, of which \$2,017,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years, McMurray shall provide at such site at least 20 new jobs paying average hourly wages of \$11.09 per hour. The County will provide cash grants to McMurray of \$8,128.51 per year for a five-year period beginning in 2007. The construction will start in July for the expansion.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with McMurray Fabrics, Inc.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH MCMURRAY FABRICS, INC.**

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

WHEREAS, McMurray Fabrics, Inc., has developed plans for expansion of their manufacturing facility in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, McMurray Fabrics, Inc.

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

3. This resolution shall become effective upon adoption.

This 7th day of April, 2003.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

Resolution to Increase C & D Tonnage at the Landfill: John Avery asked the Board to approve a resolution to increase the C & D tonnage from 4,000 tons per year to 20,000 tons per year. A resolution for local government approval is required by North Carolina Solid Waste Management Rules 15A NCAC 13B.0504 (1) (e) (I).

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

RESOLUTION FOR LOCAL GOVERNMENT APPROVAL
REQUIRED BY NORTH CAROLINA SOLID WASTE MANAGEMENT RULES
15A NCAC 13B .0504(1)(e)(I)

FOR LINCOLN COUNTY LANDFILL

(RESOLVED), that the Board of County Commissioners of Lincoln County, hereby grants prior approval for the issuance of a sanitary landfill permit by the Division of Waste Management to Lincoln County Landfill, said landfill that is established on approximately 303 acres, which acreage is located at 5291 Crouse Road within the zoning jurisdiction of Lincoln County. The Board of County Commissioners hereby approves of the following items related to this proposed solid waste management facility:

1. The increase in the permitted waste acceptance rate of 4,000 tons per year of construction and demolition (C&D) waste material to 20,000 tons per year. The increase of C&D material is the result of increased building and new industry within Lincoln County.

Adopted, this the _____ day of _____, 200__.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF _____

CHAIRPERSON

ATTEST:

CLERK TO THE BOARD OF COMMISSIONERS
COUNTY OF _____.

ROAP Public Hearing: Erma Deen Hoyle stated that Lincoln County is eligible to receive \$94,905 in ROAP funds from the North Carolina Department of Transportation. This money is to be used for transportation needs, and funds several programs. The funds will be allocated as follows:

FY 2003-2004 ROAP FUNDS

ELDERLY AND DISABLED TRANSPROTATION ASSISTANCE PROGRAM

(EDTAP)
ALLOCATIONS

SALEM INDUSTRIES	\$10,000
A PLACE TO GROW	2,000
SERVICES FOR THE BLIND	2,000
LINCOLN COUNTY GROUP HOME	1,000
SENIOR SERVICES &	
Contract services	36,000
 TOTAL – EDTAP:	 \$ 51,216

WORK FIRST ALLOCATION

DEPARTMENT OF SOCIAL SERVICES	7,931
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RURAL GENERAL PUBLIC

SENIOR SERVICES DEPARTMENT	35,758
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TOTAL AVAILABLE	<u>\$94,905</u>
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Chairman Cochrane opened the public hearing concerning the ROAP funds.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the allocations and to apply to DOT for these funds.

Spring Litter Sweep 2003 Proclamation: Erma Deen Hoyle presented the following proclamation for Liter Sweep 2003.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Litter Sweep 2003 Proclamation.

**LITTER SWEEP
2003**

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes a spring roadside cleanup campaign to ensure clean roadsides throughout the State; and

WHEREAS, a spring LITTER SWEEP campaign has been planned for April 21 – May 5, 2003, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency

and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2003 spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

NOW, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim April 21-May 5, 2003 as "**SPRING LITTER SWEEP**" in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

Jerry W. Cochrane, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

Update on Lake Norman Marine and Mountain Island Lake Marine Commissions: Mike McLaurin gave the Board updates on the Lake Norman and Mountain Island Lake Marine Commissions.

Hospital Update: Pete Acker, James Ramsey, and Darrell Gettys reported on the finances of the Hospital. They reported on net days in accounts receivable, days cash on hand, and capital equipment additions. The hospital continues to move in a positive direction.

Design Contract for Roseland Heights and Cloudburst Circle: At the Board of Commissioners meeting on March 17, 2003, the Public Works Department was instructed to proceed with the design and construction of the water improvements for Roseland Heights and Cloudburst Circle. A fee proposal from WK Dickson was presented at that time, but was rejected with the recommendation that the fee should be lowered. He presented a revised fee proposal from WK Dickson for these projects.

The Public Works Department recommends approval of the fee proposal presented in the total amount of \$14,700.00.

Commissioner Anderson stated that this is a reduction in fees of \$4,600 from the previous proposal.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the contract.

Resolution Concerning Loan Application for Clean Water Funds: Lincoln County, with the assistance of WK Dickson & Co., has made application to the Department of Environment and Natural Resources for low-interest loans of NC Clean Water funds to construct approximately 50,000 LF of 16-inch water line on NC 73 from East Lincoln High School to NC 27 in Lincoln County. This project will also include an elevated storage tank and a booster pump station. This connection will greatly strengthen our system and will enhance our ability to supply water to the City of Lincolnton or other potential municipal customers. An added enhancement is that with construction of this water line, water could be made available to East Lincoln Middle School.

The amount of loan requested is \$4,323,000. Lincoln County has already applied for a \$400,000 grant for this project from the NC Rural Center.

UPON MOTION by Commissioner Craig, the Board voted unanimously to proceed with the application and approve the resolution.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution systems, and

WHEREAS, Lincoln County has need for and intends to construct a drinking water distribution project described as the HWY 73 Water Line Extension including 50,000 LF of 16 – inch water main, a booster pump station and an elevated water tank, and

WHEREAS, Lincoln County intends to request State Grant and Loan assistance for the project,

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

That Lincoln County will arrange financing for all remaining costs of the project, if approved for a State grant and loan award.

Lincoln County will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the Board of Commissioners agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Lincoln County to make scheduled repayment of the loan, to withhold from Lincoln County any State funds that would otherwise be distributed to Lincoln County in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Lincoln County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Stephen A. Gilbert, PE, PLS, Director of Public Utilities and successors so titled, is hereby authorized to execute and file an application on behalf of Lincoln County with the State of North Carolina for a loan to aid in the construction of the project described above.

That Stephen A. Gilbert, PE, PLS, Director of Public Utilities and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Lincoln County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted April 7, 2003 at Lincoln County, North Carolina.

Jerry W. Cochrane, Chairman
Board of Commissioners

State and Tribal Assistance Grants Program: Steve Gilbert stated that approximately three weeks ago, the County was informed by US Congressman Cass Ballenger that grant money might be available for drinking water improvements through the State and Tribal Assistance Grant Program (STAG Program). He stated that on March 31, 2003, he talked to Don Evans with the state grants & loans office, and he shared the following information. The STAG Program consists of money that is appropriated every year based on requests put in by Senators and Congressmen. The grants can be for drinking water projects or wastewater projects. The wastewater projects are administered through NCDENR in Raleigh, and the drinking water projects are administered through the EPA in Atlanta. The procedure was explained as follows: The congressman or senator adds a request for funding for a project to a resolution or bill that he is presenting and if the appropriation for that project is approved, the EPA contacts the proposed recipient, who must then submit an application package for that particular project. The grants are limited to 55% of the total project cost, so the rest of the cost must be found elsewhere, such as the SRF Loans we are applying for already. Mr. Evans emphasized that the project

description should be general in nature, because if a project is not included on the list in a particular year, it may show upon the next year's list, and if the recipient had already built the project through some other funding source, it is difficult to change a specific project description after the grant is approved.

Lincoln County has been involved in preliminary discussions with the City of Lincolnton about sharing the cost to construct a water line on NC 73 from East Lincoln High School to NC 27. The County has recently applied for a State Revolving Fund Loan to cover the cost of this project. Therefore, in order to place Lincoln County into a position to become eligible for one of these for one of these STAG grants, he requested that Mr. Cochrane, as Chairman of the Board, and possibly Mayor Huitt of the City of Lincolnton, would jointly ask Congressman Ballenger to prepare a resolution requesting a STAG Grant appropriation be approved for Lincoln County and the City of Lincolnton, jointly, in an amount that would equal the cost of this project.

Congressman Ballenger would be requested to ask for a grant for "Lincoln County Water System Improvements" that would benefit both the County and the City. If the County was approved for \$4,323,000, which is the cost estimate for the NC 73 project, the grant would be \$2,377,650, and we would have to come up with the remainder of \$1,945,350, which could come from the SRF Loan or other sources.

The approximate deadline for such a request is April 15, and the appropriations are announced in October. Mr. Evans stated that this is a political process, so the more political support the County can have, the better chance we will have.

Mr. Gilbert stated that he has recently spoken with a representative of Congressman Ballenger's office and said that they need a letter with specifics concerning the project by the end of the week. He will prepare an email to her with these details.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to proceed with the request from Congressman Ballenger's office.

Chairman Cochrane asked Steve Gilbert to write a letter from him and the Mayor in support of this project.

Resolution to Set Penalty for Worthless Checks on Property Tax Payments: Jeff Taylor, County Attorney, presented the following resolution for the Board's consideration.

**RESOLUTION TO SET PENALTY FOR
WORTHLESS CHECKS ON PROPERTY TAX PAYMENTS**

WHEREAS, Section 105-357(b)(2) of the North Carolina General Statutes provides for a penalty to be imposed by the tax collector upon taxpayers who give worthless checks or checks on nonexistent accounts in payment of their tax bills; and

WHEREAS, the said statute provides that the penalty will be twenty-five dollars (\$25.00) or ten percent (10%) of the amount of the check, whichever is greater, subject to a maximum of one thousand dollars (\$1,000.00); and

WHEREAS, the purpose of the penalty is in part to compensate the County for the trouble and expense of processing worthless checks and the additional recordkeeping and notifications to the taxpayers on the tax bills for which they are given;

WHEREAS, Section 105-358 of the North Carolina General Statutes gives the tax collector the authority to reduce or waive the penalty provided under N.C.G.S. 105-357(b)(2) upon making a record of the reasons therefor; and

WHEREAS, the Lincoln County Board of Commissioners believes that the full ten percent penalty would be excessive and unduly burdensome on checks for larger amounts and should be capped at a reasonable dollar figure; and

WHEREAS, the Board believes that the maximum penalty should be set at \$_____ and that such amount is reasonable and not unduly burdensome;

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

1. That the Lincoln County Board of Commissioners finds that the amount of \$_____ is a reasonable figure at which to cap the worthless check penalty.

2. That the Board hereby directs the Tax Administrator, in exercising her authority under N.C.G.S. 105-357 and 105-358, to set the penalty at twenty-five dollars (\$25.00) or ten percent (10%) of the amount of the check, whichever is greater, subject to a maximum of \$_____.

3. That the Tax Administrator is hereby authorized, upon request, to make adjustments in penalties collected on or after January 1, 2003, to conform to the amounts stated in this resolution.

4. That this resolution shall be effective immediately upon adoption.

This 7th day of April, 2003.

LINCOLN COUNTY

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

ATTEST:

Amy S. Long, Clerk to the Board

Chairman Cochrane suggested a \$50 cap.

Commissioner Craig asked if Madge Huffman, Tax Administrator, could verify that \$50 would cover all expenses.

By consensus, the Board set the cap at \$50, unless that amount does not cover the County's costs.

This item will be back on the April 21, 2003 agenda.

Other Business: Steve Gilbert presented figures on the commercial water tap fees and why these fees were set. A 2" water tap has a residential fee of \$17,200.00 and a commercial fee of \$6,020.00, a 65% discount from the residential fee. A 3" line has a residential fee of \$34,400.00 and a commercial fee of \$12,040.00, which is also a 65% discount from the residential fee.

The Board discussed the fact that the 2" lines seem to be what small businesses need.

Stan Kiser stated that when the fees were adopted, they were called capacity development fees. He asked Mr. Gilbert to change the name of the fees on these sheets.

UPON MOTION by Commissioner Craig, the Board voted unanimously to give a 75% discount on 2" and 3" lines.

Glen Oaks Estates: Commissioner Craig stated that when he was on the Board previously, the water system was in desperate need of water customers. He spoke with Bill McRee, developer of Glen Oaks Estates, about the county providing water to the development. Mr. McRee paid to run the lines to the development with the understanding that the cost to get the meter set would be \$250.00 each. The agreement was honored for the first 3 homes built in the subdivision. When Mr. Rodney Dellinger applied for his permit, he had to pay the additional \$2100 to get water. Commissioner Craig stated that he and Rick French, the County Manager at the time, worked out this agreement with Bill McRee and feels it should be honored. Commissioner Craig stated that he feels the Mr. Dellinger should be refunded the \$2100.

Jerry Carpenter Development: Commissioner Craig stated that this was similar to the situation above, except for the fact that Louis McConnell spoke with Mr. Carpenter about his development. These were made under the same agreement that the fee to set the meter would be \$250.00 each. There are 18 lots in his subdivision.

UPON MOTION by Commissioner Craig, the Board voted 4 – 1 (Commissioner Mitchem against) to exempt these 2 developers from the current fee established in 2001 and allow them to be grandfathered in under the old synopsis of \$375 - \$250 availability fee and \$125 water meter fee and to reimburse Rodney Dellinger the difference between what he paid and the \$375.

Commissioner Mitchem stated that he has a problem with the Board doing this. He feels like they are opening a can of worms by doing this.

Commissioner Craig reported on a meeting he and Commissioner Funderburk had with local emergency personnel. The contracts with the fire departments say that the fire departments must provide the County with financial records. The Board can request a financial audit. He asked the County Manager to write a letter to each fire department asking for an annual audit.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners