

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, NOVEMBER 17, 2003**

The Lincoln County Board of County Commissioners met in regular session on November 17, 2003 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

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

**Others Present:**

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

**Call to Order:** Chairman Cochrane called the November 17, 2003 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

**Invocation:** Commissioner Funderburk 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 Craig, the Board voted unanimously to adopt the agenda adding Item 4a – Possible Naming of Building and deleting Item 12.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**NOVEMBER 17, 2003**

6:30 PM	Call to Order
6:31 PM	Invocation
6:33 PM	Pledge of Allegiance
1. 6:34 PM	Adoption of Agenda
2. 6:36 PM	Approval of Minutes

- November 3, 2003

3. 6:40 PM Consent Agenda

- Tax Requests for Releases
  - Less than \$100 –September 16 – October 15, 2003
  - More than \$100 – September 16 – October 15, 2003
- Tax Requests for Refunds
  - Less than \$100 – October 13 – November 6, 2003
  - More than \$100 – October 13 – November 6, 2003
- Budget Adjustments 25 – 27
- Letter of Credit and Contract #32

4. 6:45 PM Public Comments

5. 7:00 PM Planning Board Recommendations – Randy Hawkins

- CUP #226 – Lisa and John Babitz, applicants
- CUP #227 – Ann Harvey, applicant
- CUP #228 – Chris Brown, applicant
- ZMA #465 – Boyce Lynch, applicant

6. 7:20 PM Planning Board's Recommendation on Housing Density – Randy Hawkins

7. 7:35 PM CATS Presentation – Bill Carstarphen

8. 7:50 PM Gaston College Request

9. 8:00 PM Public Hearing – Community Transportation Application to NCDOT

10. 8:05 PM Resolution to Apply/Certification to Funding Requirements for the CIP Application

11. 8:10 PM Piggy Back on Roll-off Truck – John Avery

12. 8:20 PM Shidal Update on Mountain Island Educational State Forest – Laura

13. 8:30 PM Discussion Concerning COLA Increase for Employees

14. 8:40 PM Finance Officer's Report – Leon Harmon

15. 8:50 PM Public Works Capital Project Report – Steve Gilbert

16. 9:00 PM Vacancies

17. 9:05 PM Appointments

18. 9:10 PM Calendar

19. 9:15 PM County Manager's Report

20. 9:20 PM County Commissioners' Report

21. 9:25 PM County Attorney's Report

22. 9:30 PM Other Business

Adjourn

**Approval of Minutes – November 3, 2003:** Chairman Cochrane presented the minutes of the November 3, 2003 meeting.

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

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

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**  
ANNUALS  
PERIOD COVERED (October 13, 2003 - November 6, 2003)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Grenier, N. J.	2003	DFD	20341	22.67
			<b>TOTAL</b>	<b>\$22.67</b>

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

NAME	YEAR	DIST	A/C#	AMOUNT
Johns, Timothy D.	2002-03	CITY	0156880	211.58
Johnson, Daniel Edward	2002-03	ELFD	0087490	109.54
			<b>TOTAL</b>	<b>\$321.12</b>

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

NAME	YEAR	DIST	A/C#	AMOUNT
Beam, Brenda G.	2003	DFD	18296	22.30
Caldwell, Billy Joe	2003	CITY	0169128	11.91
Caldwell, Laura K.	2003	BCFD	0070896	48.04
Clark, Kimberly LaDonna	2003	AFD	0168947	23.82
Dodgin, James C.	2002	CITY	12913	2.45
Finger, James E.	2002	CITY	0166456	25.56
Godfrey, Carmen Broome	2003	NBFD	0161389	6.29

Heard, Manya Gabrielle	2003	CITY	0147102	24.30
Heater Utilities, Inc.	2002-03	DVFD/ELSD	0136827	48.70
Henderson, Hollis C. Jr.	2003	CITY	0151344	22.57
Hood, Guy Ronald	2002	DVFD/ELSD	0116424	8.46
Houser, Alfred G.	2003	NBFD	0139036	62.08
Jones, Julian H.	2003	SFFD	0085808	13.29
King, Jonathan P.	2003	CITY	0160441	46.94
Martin, Pamela Annette	2003	PCFD	0152094	4.18
Mauldin, Donald M.	2002	N321	0069705	45.29
Melton, Marvin J.	2003	DVFD/ELSD	0122328	4.01
Putnam, Janice E.	2003	SFFD	0072633	12.94
Shutter, Robert E.	2003	ELFD/ELSD	0113444	25.78
Singletary, Elizabeth R.	2002	DFVD/ELSD	0128217	66.84
			<b>TOTAL</b>	<b>\$525.75</b>

- Budget Adjustment No. 25 by Finance to refund unspent JCPC funds from FY 01-02.
- Budget Adjustment No. 26 by Finance to budget for COPS funds to cover expenses of North Lincoln High School and budget issuance expenses.
- Budget Adjustment No. 27 by Finance to budget funds for architect to evaluate Health Department office space.
- Letter of Credit and Contract #32

**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.

**Conditional Use Permit No. 226 – Lisa and John Babitz, applicants:** Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval.

Application # CUP #226 Date 11/03/03

Applicant's Name Lisa & John Babitz  
3739 Ashland Drive  
Maiden, NC 28650

Property location: 3739 Ashland Drive

Existing Zoning: R-S

Proposed Conditional Use Private residential quarters (accessory dwelling)

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Based on proposed location of accessory dwelling on

property.

2. The use meets all required conditions and specifications. YES  NO  
Factual Reasons Cited: Based on applicants obtaining all required permits.
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 proposed location of accessory dwelling on six-acre parcel 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  NO  
Factual Reasons Cited: Based on previous findings.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve Conditional Use Permit No. 226 – Lisa and John Babitz, applicants, based on the recommendation and findings of fact presented by the Planning Board.

**Conditional Use Permit No. 227 – Ann Harvey, applicant:** Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 – 0 to recommend approval.

Application # CUP #227                      Date 11/03/03

Applicant's Name      Ann Harvey  
                            2031 Redskin Trail  
                            Iron Station, NC 28080

Property location:      2031 Redskin Trail

Existing Zoning:      R-SF

Proposed Conditional Use      Riding stable

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Based on proposed location of riding ring and stable.
2. The use meets all required conditions and specifications. YES  NO  
Factual Reasons Cited: Based on fact that all requirements have met.
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: Fairly isolated area, location of proposed facilities.
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 previous findings.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Conditional Use Permit No. 227 – Ann Harvey, applicant, based on the findings of fact and recommendation of the Planning Board.

**Conditional Use Permit No. 228 – Chris Brown, applicant:** Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 7 - 0 to recommend approval.

Application # CUP #228 Date 11/03/03

Applicant's Name      Chris Brown  
                            P. O. Box 585  
                            Denver, NC 28037

Property location: 756 N. Hwy. 16, Denver

Existing Zoning: B-N

## Proposed Conditional Use      Automobile sales lot

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Based on location and site plan.
2. The use meets all required conditions and specifications. YES  NO  
Factual Reasons Cited: Meets all requirements.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES  NO  
Factual Reasons Cited: Real estate office beside 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  NO  
Factual Reasons Cited: Commercial use all up and down Hwy. 16

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact, approving Conditional Use Permit No. 228 – Chris Brown, applicant.

**Zoning Map Amendment No. 465 – Boyce Lynch, 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 approve Zoning Map Amendment No. 465 – Boyce Lynch as recommended by the Planning Board.

**Planning Board's Recommendation on Housing Density – Randy Hawkins:** Randy Hawkins presented the following information concerning housing density.

The Lincoln County Planning Board and the Lincoln County Board of Commissioners held a joint workshop on April 3 to discuss possible strategies to deal with the rapid pace of growth and its financial demands on the county. One of the ideas that came out of the workshop was that we consider reducing the permitted density in certain zoning districts. Over the past several months, the Planning Board held a series of workshops to examine the issue. The board looked at a number of options and also considered information on the permitted density in other jurisdictions. The main focus was on our R-SF and R-S districts, which allow half-acre lots with wells and septic tanks, and 1/3-acre lots with public water and sewer.

After studying the issue in depth, the board ended up with these positions:

- Members unanimously agreed that the county should create two new zoning districts, RSF-32 and RSF-43. The new districts would have the same regulations as the R-SF district (no mobile homes, no duplexes, etc.), except the minimum lot size would be the same as in R-T (32,000 square feet or 3/4 acre) or R-R (43,360 square feet or one acre). The new districts would be applied only when owners request to rezone property to R-SF. This would avoid increasing the permitted density when property is rezoned.
- Six of the nine members favored keeping the current regulations regarding minimum lot size. They found no compelling reasons to call for a change. They felt increasing the minimum lot size would only hurt property owners and increase housing costs and do little to slow growth.
- Three members supported increasing the minimum lot size in the R-SF and R-S districts to 3/4 acre if neither county water or sewer is available, and 1/2 acre with water or sewer. (One of the three members favored no bonus for water or sewer.) They felt that a half-acre lot is too small for a well and a septic tank and that the bar should be raised to provide an incentive for planned districts.

Staff is looking for some direction from the Board of Commissioners on whether to proceed with a proposed zoning text amendment.

There was a discussion about the minimum lot size and septic tanks.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to go with Option 6, except requiring 3/4 acre instead of 1/2 acre lots, which will be brought for a public hearing in January.

**Possible Naming of Building:** Dr. John R. Gamble, Jr. presented a request to the Board to recognize Jim Warren for his many contributions and accomplishments to Lincoln County by naming the Citizens Center the James W. Warren Citizen's Center.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to name the Citizen Center the James W. Warren Citizen Center, change the name on the front of the building, purchase a plaque to be placed on the building, and have a reception to honor Mr. Warren.

**CATS Presentation:** Bill Carstarphen and Larry Kopf gave a presentation to the Board concerning providing CATS service to eastern Lincoln County. According to their proposal, there would be three bus trips in the morning and four in the afternoon. The total cost to provide this service would be \$150,000. CATS would pay \$75,000 of this and Lincoln County would pay \$75,000. There is the possibility for some DOT grants, especially in the first year of service.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to extend the request to CATS to undertake a feasibility study for service for Lincoln County.

Commissioner Craig asked CATS to extend the feasibility study to the Lincolnton City Limits.

**Gaston College Request:** Chairman Cochrane presented a request from Gaston College for \$4,803.00 for additional expenses that were not in the budget appropriations.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the additional \$4,803.00 for Gaston College.

**Public Hearing – Community Transportation Application to NCDOT:** Chairman Cochrane opened the public hearing concerning the Community Transportation Application to NCDOT.

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

Erma Deen Hoyle presented the following Resolution for the Board's approval.

**A MOTION** was made by Commissioner Craig and seconded by Commissioner Funderburk for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated that North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and

receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, LINCOLN COUNTY hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 533 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S. C.

NOW, THEREFORE, be it resolved that the COUNTY MANAGER of Lincoln County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

**Piggyback on Rolloff Truck:** John Avery, Director of Solid Waste, requested permission to put on the next agenda the purchase of a truck through piggybacking off Cleveland County's bid.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the purchase of a roll-off truck through piggybacking.

**Discussion Concerning COLA Increase:** Commissioner Craig stated that when the budget was set, it was decided that employees would not get a raise at that time. The Board agreed to look at the budget mid-year to see if there was sufficient money for a COLA increase for employees.

The Board discussed the COLA Increase with Leon Harmon, Finance Director. Mr. Harmon presented estimates of the cost of the COLA and commented that he felt like the money is there to grant this increase.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to grant the COLA increase beginning at the first of the year.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the budget performance report for October, 2003.

**Public Works Capital Project Reports:** Chris Henderson presented the capital project reports for the Public Works Department.

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

## VACANCIES

Nursing and Adult Care Home Community Advisory Committee 6  
Recreation Commission – Howard's Creek 1  
Lincolnton 1  
Solid Waste Advisory Board 4  
(3 year terms, only meet about 2 times per year)

The following are Commissioner Craig's recommendations.

## REAPPOINTMENT

### ABC Board

- Michael Davis

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the reappointment of Michael Davis to the ABC Board.

**Calendar:** Chairman Cochrane reminded the Board of the Prayer Breakfast scheduled for November 26 at 7:30 a.m. in the Citizen Center Auditorium. The Commissioners sponsored a table at this event.

Chairman Cochrane reminded the Board of the TIP meeting on November 25 at 2:00 p.m. in the auditorium.

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

**County Attorney's Report:** Jeff Taylor reported on actions from the ABC Board meeting.

**Other Business:** Commissioner Craig presented a request from Darrell Harkey to finish the Historical House. Since the request was for \$2,850.00, it was put on the agenda for the next meeting.

**Closed Session:** **UPON MOTION** by Commissioner Craig, the Board voted unanimously to go into closed session to discuss a personnel matter that is confidential pursuant to N.C.G.S. 143-318.11.

The Board returned to open session and Chairman Cochrane stated that no action was taken in closed session.

Stan Kiser reported to the Board on some property for a new convenience site in Pumpkin Center. The committee is recommending this site. It is on Highway 150 E. and is 4.9 acres. The tax value on the land is \$10,000 and it is listed at \$55,900. It was the consensus of the Board to offer \$40,000 as a start for the property.

The Board discussed the sound system in the Commissioners room and how it is difficult for the audience to hear the Board at meetings.

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

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Amy S. Long, Clerk to the Board

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Jerry W. Cochrane, Chairman