

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 8, 2008

The Lincoln County Board of County Commissioners met on September 8, 2008, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Marie Moore
Bruce Carlton
James A. Klein

Planning Board Members Present:

Jerry Geymont, Chairman
Louis McConnell, Vice-Chairman
George Arena
Clyde Brown
Tom Campbell
Karl Dearnley
Gary Garlow
Keith Johnson
James Mauney

Others Present:

George Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Randy Williams, Principal Planner
Rob Carson, Associate Planner
Jack Kerley, Animal Services Supervisor
Steve Gilbert, Director of Public Works
Barry McKinnon, Sr. Utility Engineer

Call to Order: Chairman Anderson called the September 8, 2008, meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda adding a discussion about the Emergency Services Committee under Item 14 and Item 22 – Closed Session.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 8, 2008

- | | | |
|----|---------|---|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Carlton |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none">- Approval of Minutes- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none">- July 28 – August 3, 2008- Tax Requests for Releases – More than \$100<ul style="list-style-type: none">- July 16 – August 15, 2008- Waived Fees<ul style="list-style-type: none">- Revision to previous request for Sponsored Group Status – Crime Stoppers of Lincoln County- Sponsored Group Status<ul style="list-style-type: none">- Lincoln County Republican Party- NC College of Theology- Motion to approve Budget Adjustments #14 and #15 regarding the Board of Education and a Library Assistant at Shanklin Library |
| 3. | 6:36 PM | Report from the Planning Board – Jerry Geymont |
| 4. | 6:40 PM | Public Hearing – Zoning Cases – Randy Hawkins |

ZMA #563 Stephen Cox, applicant (Parcel ID# 88422) A request to rezone 3.7 acres from R-SF (Residential Single-Family) and B-N (Neighborhood Business) to R-T (Transitional Residential). The property is located about 400 feet east of Hwy. 27 and about 1,000 feet north of Randleman Road in Ironton Township.

ZTA #564 Lincoln County, applicant A proposal to amend Section 16.7 of the Lincoln County Zoning Ordinance to provide for civil penalties to be stepped up for zoning violations that are not corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

ZTA #565 Lincoln County, applicant A proposal to amend Sections 2.4, 8.7.7 and 8.19.1 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be used as an accessory dwelling unit to accommodate an aged, infirmed or handicapped person needing a substantial amount of personal care (or that person's care provider), or to temporarily accommodate a person or family whose residence has been foreclosed on.

SOA #31 Lincoln County, applicant A proposal to amend sections 204.2 of the Lincoln County Subdivision Ordinance to provide for civil penalties to be increased for subdivision violations that are not promptly corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

5. 7:20 PM Bid for Roll-Off Truck Chassis and Hoist Equipment – Steve Gilbert
6. 7:35 PM Presentation by Centralina Council of Governments on the CONNECT Regional Vision and Action Agenda
7. 7:45 PM Motion to Adopt Resolution #2008-08: A Resolution To Adopt/Endorse/Support the CONNECT Regional Vision and Action Agenda
8. 7:50 PM Public Comments
9. 8:05 PM Presentation by Mr. Dennis Williams, AIA, of the final plans for the Animal Shelter Expansion Project
10. 8:20 PM Motion to Authorize the County Manager to advertise bids for the Animal Shelter Expansion Project
11. 8:25 PM Update on Operation Noah's Ark by Animal Services Supervisor Jack Kerley
12. 8:40 PM Presentation of the Animal Services Advisory Board's recommendations on revisions to the Animal Control Ordinances – George Wood and Jack Kerley
13. 9:00 PM Motion to Adopt Resolution #2008-09: A Resolution Authorizing the Execution of Agreements with Various Fire Departments in Lincoln County

14. 9:10 PM Motion to authorize the County Manager to execute a contract with the Denver Volunteer Fire Department and the East Lincoln Volunteer Fire Department regarding the purchase, financing, operation and maintenance of a fire/rescue boat, as outlined in a draft agreement from the County Manager.
15. 9:20 PM Motion to Approve the purchase of a 2007 demonstrator SVI 26 Foot Fire and Rescue Boat from SVI Trucks in the amount of \$149,000, conditioned on contract execution by all three parties involved in its financing
16. 9:30 PM County Manager's Report – George Wood
17. 9:40 PM Drought Update – Steve Gilbert
18. 9:45 PM Odor Control Update – Steve Gilbert
19. 9:50 PM Update on Sewer Plant – Steve Gilbert
20. 9:55 PM SRF Loan Acceptance – Steve Gilbert
21. 10:00 PM Other Business

Adjourn

Consent Agenda: Commissioner Klein asked for Budget Adjustments 14 and 15 to be removed from the Consent Agenda.

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

- Approval of Minutes
- Tax Requests for Refunds – More than \$100
 - July 28 – August 3, 2008

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (July 28, 2008-August 3, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
SBA Towers, Inc.	2007	NBFD	0158505	607.92
Smith, Tonia B.	1995-97	UFD	0064742	566.17
TOTAL				\$ 1,174.09

- Tax Requests for Releases – More than \$100
 - July 16 – August 15, 2008

NAME	YEAR	A/C NO	AMOUNT
Arena, Brian Christian	2008	0212008	\$158.90
Ball, Lawrence Allen	2002 & 2005	0163393	\$137.91
Centofante, Micalene Diane	2008	0212051	\$128.70
Citizens Insurance Agency	2008	24564	\$228.50
Faries, Billy Dean	2008	0212042	\$131.08
Gay, William Randall	2008	0092151	\$170.73
Hassel, Jason McKenzie	2008	0212831	\$209.78
James, Mary Caldwell	2008	0130595	\$115.14
Keeter, Kaylan Joan	2008	0212674	\$167.90
Kurtzner, John Gustave Jr.	2008	0171552	\$131.26
Litteral, Joshua Duane	2008	0185146	\$200.37
Long, Jody Lee	2008	0086031	\$151.06
Martin, Roxanna Butler	2008	0212115	\$112.67
Mikolajczk, Nadine Lucette	2008	0203693	\$187.91
Morrell, Farrell Wesley	2008	0070777	\$162.00
Nantz, Calvin Jackson	2008	0185101	\$107.93
ODonnell, Patrick Kelly	2006	0190866	\$118.91
Pinchera, Silvia Ines	2008	0193131	\$110.33
Smith, Tony Matthew	2008	0190351	\$101.03
Taylor, Michael Hal	2007	0145771	\$106.27
Urcinola, Ted Allan	2008	0212931	\$259.86
Whisnant, Ronai Frasier	2008	0212786	\$208.26
		TOTAL	\$3,406.50

NAME	YEAR	A/C NO	AMOUNT
Aisance Therapeutic Massage	2007	0158601	\$128.70
Alexander, Richard David	2008	17375	\$394.94
B V Hedrick Gravel & Sand Co.	2008	0176759	\$488.60
Bankvest Capital Corp.	2000-01	0128700	\$192.20
Beaver, Susan Mauney	2008	0166342	\$192.55
C & E Investments	2008	0099620	\$104.73
Carolina Centers LLC	2008	0086894	\$359.15
Carolina Trust Bank	2008	0210781	\$530.52
Carolina Waste Systems Inc.	2007	0143076	\$207.74
Carpenter, Edna	2008	33327	\$254.00
Carpenter, Ernest Scott	2008	0193625	\$510.21
Carpenter, J Dean	2008	0202020	\$2,852.79
Carpenter, John Mark	2008	0147249	\$135.76
Citizens Insurance Agency	2008	24564	\$206.96

Davis Daniel T MD PLLC	2007-08	0183693	\$383.67
Denver Concrete & Landscape	2008	0197774	\$770.33
Dolan, Bernadette	2008	0204909	\$214.83
Efird, Michael J	2008	0201234	\$565.15
Excel Textile Supply Co.	2008	24861	\$785.65
Farmer, Lewis James Jr.	2008	0077745	\$116.08
Frye Regional Medical Center	2008	0128243	\$984.66
Gowan, Tony	2008	0207636	\$211.99
Greenline Turf & Tractor Inc.	2008	45332	\$379.89
Handyman The DBA	2008	0197689	\$200.06
Harmon, Josefina	2008	35786	\$811.48
Hayes, Don Merrill	2008	17690	\$331.64
Henderson, David R	2008	0208191	\$165.34
Hovis, Elizabeth Smith	2008	0155273	\$117.40
Hulbert, George R	2008	0208802	\$457.43
Intelligent Pet Shop Inc. The	2008	0151098	\$117.00
Kovalchuk, Christine L	2008	0206460	\$224.78
Lackey, Harold V	2008	0143186	\$3,157.43
Lewis, Gary	2008	19197	\$296.11
Lincolnton Shopping Center	2008	0062863	\$673.77
Link Landing Denver LLC	2008	0203572	\$2,883.70
Losh, William R	2008	0198977	\$119.53
Luloff, Lee J	2008	0188078	\$310.60
Lutz, Martha I	2008	0203454	\$437.39
Martin, Lester Howard Jr.	2008	0068954	\$458.71
Martin, Robert L	2008	0124857	\$190.99
MCB Enterprises DBA	2007	0197611	\$143.84
McNeill, Ella Mae K	2008	0192684	\$126.79
Miller, John Bryan	2008	0196949	\$111.00
Miller, Nikki Ray	2007	0213784	\$153.80
Moore's Chapel Baptist	2008	0147030	\$185.12
Novak Industries LLC	2008	0202619	\$367.46
Race City Earthworks	2008	0201748	\$367.46
Rodney Leathers Co.	2008	0202723	\$248.60
SBA Towers Inc. (#1330)	2008	0158505	\$559.33
Scala Medical Clinic	2008	0163253	\$1,516.00
Selevitch, Joseph	2008	0186062	\$1,404.86
Sevilla, Eusebio Mark	2008	0189617	\$149.76
Solmaz, Gungor M	2008	20530	\$108.80
Stilp, Bob H	2008	0137648	\$414.00
Tanning Hut of Lake Norman DBA	2008	0145402	\$168.57
Taylor, Robert L	2008	21158	\$527.94
Tico Pan	2008	0207546	\$932.25

Trick 1 Customs DBA	2008	0187325	\$996.46
Trinity Investment Group LLC	2008	0200522	\$100.99
Warlick, Mark Wayne	2008	0081851	\$172.50
Warlick, Michael Avery	2008	0200453	\$129.78
White, Stan Lee	2008	0140686	\$1,713.76
Wolf Contracting Inc.	2008	0197956	\$756.91
TOTAL			\$33,280.44

- Waived Fees
 - Revision to previous request for Sponsored Group Status – Crime Stoppers of Lincoln County
- Sponsored Group Status
 - Lincoln County Republican Party
 - NC College of Theology
- Motion to approve Budget Adjustments #14 and #15 regarding the Board of Education and a Library Assistant at Shanklin Library

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Budget Adjustment No. 14 for the school system.

Commissioner Klein stated that he would like to look at the possibility of transferring a position from the Lincolnton Library to the Shanklin Library due to the fact that there are ten employees at the Lincolnton Library.

A MOTION by Commissioner Klein to transfer a position for this fiscal year from Lincolnton to Shanklin Library so as not to affect the contingency funds.

Commissioner Carlton stated that they need relief quickly at the Shanklin Library. He stated that they only have one person working at that library and they need relief quickly. He stated that if we cannot find out by the next meeting if somebody is willing to transfer, we need to hire.

Commissioner Moore suggested that the County Manager look at this and disburse the people where they are needed.

Commissioner Klein rescinded his earlier motion and made a motion to table the action on Budget Adjustment 15 pending a report from the Manager at the Board's next meeting. The motion was unanimously approved.

Report from the Planning Board: Jerry Geymont gave the report from the Planning Board. He reported that the Planning Board has had the opportunity to look at and recommend candidates for the vacant seats. Keith Johnston, Gary Garlow, and Jim Mauney are the new members and will be a plus to Lincoln County bringing new ideas. On August 19th, staff held orientation for these new members. On September 2, staff received the completed draft of the UDO and will forward to the Planning Board for review and comments. Staff will be updating the Planning Board on the Crosland project

tonight and they will be holding a public forum on September 16 at the Denver Fire Department.

Public Hearing – Zoning Cases – Randy Hawkins:

NOTICE OF PUBLIC HEARINGS

Chairman Anderson announced that this was the date, Monday, September 8, 2008, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on August 29 and September 5, 2008.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 5, 2008, at 6:30 p.m. to consider the following matters:

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, Sept. 8, 2008, at 6:30 p.m. to consider the following matters:

ZMA #563 Stephen Cox, applicant (Parcel ID# 88422) A request to rezone 3.7 acres from R-SF (Residential Single-Family) and B-N (Neighborhood Business) to R-T (Transitional Residential). The property is located about 400 feet east of Hwy. 27 and about 1,000 feet north of Randleman Road in Ironton Township.

ZTA #564 Lincoln County, applicant A proposal to amend Section 16.7 of the Lincoln County Zoning Ordinance to provide for civil penalties to be stepped up for zoning violations that are not corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

ZTA #565 Lincoln County, applicant A proposal to amend Sections 2.4, 8.7.7 and 8.19.1 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be used as an accessory dwelling unit to accommodate an aged, infirmed or handicapped person needing a substantial amount of personal care (or that person's care provider), or to temporarily accommodate a person or family whose residence has been foreclosed on.

SOA #31 Lincoln County, applicant A proposal to amend sections 204.2 of the Lincoln County Subdivision Ordinance to provide for civil penalties to be increased for subdivision violations that are not promptly corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the James W. Warren 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 Anderson asked that ex parte discussions be revealed at the time cases are discussed, and none were given.

Zoning Map Amendment No. 563 – Stephen Cox, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 3.7 acres from R-SF (Residential Single-Family) and B-N (Neighborhood Business) to R-T (Transitional Residential). This property is the site of a singlewide mobile home that was placed there last year under a permit for an accessory care-provider unit. This is a temporary permit that allows a mobile home to be placed in any residential district, on the same lot as an existing home

or on an adjoining lot, to accommodate an aged, infirm or handicapped person who needs a substantial amount of personal care. Mobile homes aren't normally allowed in the R-SF district. In this case, the singlewide is for the applicant's father-in-law. Under the Zoning Ordinance, the singlewide can remain on the site indefinitely, subject to an annual renewal of the permit, but it must be removed once he's no longer being cared for there. If this is approved, the singlewide could remain there permanently.

This property is located about 400 feet east of Hwy. 27 and about 1,000 feet north of Randleman Road in Ironton Township. It was recently subdivided from a larger tract that includes the applicant's home. It is adjoined by property zoned R-SF, R-T and B-N. Land uses in this area are primarily residential. The Lincoln County Land Use Plan classifies this area as Suburban Residential. Strategy 9.1.3 of the Land Use Plan calls for maintaining the county's policies regarding the placement of mobile homes in most, but all portions, of the county.

Staff recommends against this request because this would extend the R-T zoning into an area that is largely R-SF, which is a more restrictive district.

Chairman Anderson asked if the mobile home could be retained on the lot for another year with the Accessory Care Provider.

Mr. Hawkins stated that it can remain there as long as the applicant's father in law is still living there and needs care. The application has to be renewed annually. He stated that the applicant has gone to some expense to place the mobile home there and would not like to have to remove the mobile home if his father in law passes away or goes to a nursing home. Mr. Hawkins stated that there was a mobile home there previously (before zoning), and it was removed in 2000. When this mobile home was placed, there was already a septic system to hook onto.

Commissioner Carlton asked what would happen to the mobile home after the father in law moved out. He asked if it could be a rental unit. Mr. Hawkins stated that it could be a rental unit if this request was approved.

Commissioner Moore asked what else the property could be used for under R-T. Mr. Hawkins stated that the main thing is that the mobile home could remain there, whether a family member lived there or someone else. If the applicant wanted to put another mobile home or duplex there, he would have to subdivide the property (either family subdivision or put a road in). This is about 400 feet off the road, so it is fairly isolated.

Chairman Anderson opened the public hearing concerning ZMA No. 563 – Stephen Cox, applicant.

Sheila Cox, 4601 East Highway 27, Iron Station, stated that the whole purpose of this mobile home is that her dad is 90 years old and stays in the mobile home. She and her husband both work and have to hire caretakers for him. She said they have already been through two care providers and he had to go to the Heath House between providers. She

stated that Pearl Baptist Church is the closest neighbor and they have no objections. Ms. Cox stated that her mother and father in law may eventually need to move into this mobile home after her dad is not using it. She said they spent a lot of money putting this mobile home there and do not want to move it since the need will eventually be there to use it again. She said there was a trailer on this site in 1989 and it was moved in 2000.

Bob Huss, Chairman of building and grounds committee, at Pearl Baptist Church, stated that both Pearl Baptist Church and the Building and Grounds Committee has discussed this and has no problem with her father living there. He asked why they are rezoning 3.7 acres and what is to say there will not be a mobile home park placed on this land once her father is not there.

Randy Hawkins stated that the reason for request to rezone 3.7 acres is so that it would adjoin property already zoned R-T so it would not be a spot zoning issue. He said the reason he did not recommend this as a conditional use rezoning was because given the isolated nature and the need to construct a road into the property to develop it for more mobile homes or duplexes would be pretty costly to only get two more lots out of it.

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

Zoning Text Amendment No. 564 – Lincoln County, applicant: Randy Hawkins presented the following:

This is a proposal to amend section 16.7 of the Lincoln County Zoning Ordinance to provide for civil penalties to be stepped up for the zoning violations that are not corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

After a warning citation and a first citation have been issued, a second citation would carry a civil penalty of \$50 per day for each day that the violation continues (the same as currently in effect) for the first seven days. The penalty would increase by \$50 per day each succeeding week until it reaches \$250 per day. A penalty for a repeat violation would begin at \$100 per day for the first seven days and increase by \$50 per day each succeeding week until it reaches \$300 per day.

Under the proposal, the zoning administrator or code enforcement officer would have the discretion to stay the accrual of penalties if a violator is making reasonable efforts to correct the violation.

The Board of Commissioners approved a measure on July 21 that provides for the same stepped up penalties for all other county ordinances. This proposal would incorporate that measure into the Zoning Ordinance.

Gary Garlow asked about adding the word reasonably under the paragraph on civil penalties.

Randy Hawkins agreed with Mr. Garlow.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 564 – Lincoln County, applicant.

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

Zoning Text Amendment No. 565 – Lincoln County, applicant: Randy Hawkins presented the following:

This is a proposal to amend Sections 2.4, 8.7.7 and 8.19.1 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be used as an accessory dwelling unit to accommodate an aged, infirmed, or handicapped person needing a substantial amount of personal care (or that person's care provider), or to temporarily accommodate a person or family whose residence has been foreclosed on.

Currently, the Zoning Ordinance allows a mobile home to be placed on the same lot as an existing home in any residential district for use as an accessory care-provider unit for as long as the need for care continues. This proposal would add the option of using an RV in such cases.

The ordinance also currently allows a recreational vehicle to be used to temporarily accommodate a person or family whose residence has been destroyed by fire or natural disaster while their home is being rebuilt. This proposal would add foreclosure to the qualifying circumstances, with the same one-year time limit, to assist people in getting back on their feet.

Mr. Hawkins stated that this was initiated after a situation came to the County Commissioners concerning a cancer victim who was living at an RV at his brother's house. This person had lost his medical insurance and had to sell his house. It came to the County's attention, the gentleman was sent a warning citation, and it really struck a nerve. In this case, this would be an accessory care unit.

Commissioner Carlton stated that he understands a self-powered motor home and even travel trailers, but not truck campers. He said with this pretty much anything goes.

He asked if Building and Land recommends this proposal. Mr. Hawkins stated that they do.

Jerry Geymont stated that he sees problems with Environmental Health allowing a tie in to a septic system.

Commissioner Carlton asked if this is a big problem in Lincoln County. He asked what will stop people from other areas from moving here to live in campers if their houses are foreclosed on.

Commissioner Patton stated that a few years ago, he had some friends who needed to take care of their father who lived in a separate house. The dad bought a pretty nice camper, set it in their backyard. He lived in the camper and ate all his meals in the house. He basically just slept in the camper. Lincoln County made him move the camper and he had to buy another house. This was a very nice camper. Commissioner Patton stated that he should have been allowed to live in the camper.

Commissioner Klein asked how the notion of the accessory care provider came up. Mr. Hawkins stated that it came from the specific case he mentioned with the cancer patient. Commissioner Klein stated that he can see this under the foreclosure situation, but accessory care provider cases could go on for years.

Commissioner Klein asked if there was a more appropriate zoning district that this would not be as intrusive in. Mr. Hawkins said there are subdivisions in all zoning districts.

Mr. Hawkins stated that they have not had any requests for this for foreclosure. He said the biggest request for use of a recreational vehicle is for people who are building a house and want to live in the RV while the house is being built. Mr. Wood commented that we are not currently proposing to allow this, it would only be allowed in the case of foreclosure.

Commissioner Klein asked if we would be better served with a Zoning Text Amendment that speaks to the notion of foreclosure and an exemption that goes to the Board of Adjustment. He said he could see some temporary arrangement for foreclosure, but accessory care could go on for a number of years.

Commissioner Carlton felt this would best be done on a case by case basis instead of opening this can of worms.

Jerry Geymont agreed with Commissioner Carlton that this should be a case by case basis to the Board of Adjustment. He stated that this is just opening up a lot of problems.

Commissioner Carlton said if this proceeds, he can see 90 days as duress in a camper, but not a year.

Chairman Anderson suggested letting this go onto the Planning Board who has the option to table for further study.

Chairman Anderson opened the public hearing concerning ZTA No. 565 – Lincoln County, applicant.

Being no speakers, Chairman Anderson declared the public hearing closed.

Subdivision Ordinance Amendment 31 – Lincoln County, applicant: Andrew Bryant presented the following:

This is a proposal to amend Section 204.2 Penalties for Violation of the Lincoln County Subdivision Ordinance to provide for civil penalties to be stepped up for violations of the Subdivision Ordinance that are not corrected, and to provide for increased civil penalties for repeat violations within a 12-month period.

After a warning citation and a first citation have been issued, a second citation would carry a civil penalty of \$50 per day for each day that the violation continues (the same as currently in effect) for the first seven days. The penalty would increase by \$50 per day each succeeding week until it reaches \$250 per day. A penalty for a repeat violation would begin at \$100 per day for the first seven days and increase by \$50 per day each succeeding week until it reaches \$300 per day.

Under the proposal, the Subdivision Administrator would have the discretion to stay the accrual of penalties if a violator is making reasonable efforts to correct the violation.

The Board of Commissioners approved a measure on July 21 that provides for the same stepped up penalties for all other county ordinances. This proposal would incorporate that measure into the Subdivision Ordinance.

Being no speakers, Chairman Anderson declared the public hearing closed.

The Planning Board recessed to the 2nd floor balcony.

Bid for Roll Off Truck Chassis and Hoist Equipment – Steve Gilbert: Steve Gilbert requested permission to obtain a new Roll-off truck for use in Solid Waste. This item includes two separate bids in order to obtain a new Roll-off Truck for use in Solid Waste. The first item is to request approval of the purchase of a 2007 Volvo Truck Chassis from Volvo/GMC of Charlotte in the amount of \$102,025.00. This purchase was awarded by Pulaski County, VA within the last 12 months after formal bids were requested and received. A public notice that this item was to be considered tonight was published in the newspaper 10 days prior to this meeting, and with the Board's approval, Volvo/GMC of Charlotte has agreed to sell the county a truck which meets our specifications by piggyback bid for the price above.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the purchase the 2007 Volvo Truck Chassis for \$102,025.00 by piggyback bid as described.

The second portion of the request addresses the purchase of the Hoist Equipment package to be installed on the truck chassis. The three bids obtained are as follows:

Cavalier Equipment Co.	\$28,500.00
Amick Equipment Co.	\$33,794.00
LSI Equipment Co., Inc.	\$36,055.00

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the purchase of the Hoist Equipment package from Cavalier Equipment Co. for \$28,500.00, giving us a complete Roll-off truck for a total price of \$130,525.00.

Presentation by Centralina Council of Governments on the CONNECT Regional Vision and Action Agenda: Al Sharp and Rebecca Yarbrough of Centralina Council of Government presented CONNECT, which is the next step forward bringing the region together. He said they are the largest region that does not have a vision or regional plan. Rebecca Yarbrough gave a Powerpoint Presentation on what CONNECT is.

Commissioner Carlton expressed concerns that the Board is approving something and he does not even know what will be done. He stated that Lincoln County does not want to be Charlotte.

Rebecca Yarbrough stated that it is a work in progress, at this point they are only asking for jurisdictions to sign up.

Commissioner Patton asked what the budget for this was. Mr. Sharp said that four years ago the COG approved 3 cents per capita for 3 years. This is the 3rd year of paying so this is fully funded for this year.

Commissioner Moore stated that the intent is not that we are Charlotte. She stated that one of the issues that we have to work with other counties on is air quality. She stated that we have to work with other counties with quality of life issues.

Commissioner Klein asked what jurisdictions have already signed onto this plan. Rebecca Yarbrough stated that they are just starting their visits.

Chairman Anderson stated that from his experience on the Board, it has concerned him that the Board of Commissioner did not know and in some cases did not care what was going on around them. He stated that he has participated regionally as much as possible and has learned that the more you deal with regional issues and people from other regions, you begin to realize that there are good ideas out there. He stated that this is only an invitation to participate, but if the Board chooses not to participate, sometime down the road the Board will be sitting here asking how this happened and they did not know about it. He cautioned the Board to pass up the opportunity to participate very carefully, because they will not be at the table of what is being discussed and will have no input.

UPON MOTION by Commissioner Carlton, the Board voted 3 – 2 (Anderson, Moore against) to table and come back to at a later date.

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

Rudy Bauer, 3252 Blades Trail, asked how many more pump stations will be built on Blades Trail. He stated that he has gotten a lot of contact from people who also smell it, it's not just him. He said that a lot of things have been done to control the stink. He asked the Board to stop the band aid fixes and get someone who can fix the problem.

Karen Dunn, 2075 Hines Circle, Stanley, stated that she came tonight because she heard the revisions to the animal control ordinance would be tonight. She stated that she appreciates the diligence of the Board in addressing animal control. She said the Animal Control budget does not have enough money to buy enough animal traps to accommodate the citizens. She stated that the Board should consider another person or two as paid employees in Animal Control.

Gary Eudy, 3196 Fox Circle, spoke concerning the sewer system. He stated that he has been complaining about the smell for 8 years or longer. He stated that he has a friend who works for Charlotte Mecklenburg and it only took him 15 minutes to give his recommendation on how to fix the smell. He stated that Burton Creek continues to dump silt and he sees no effort to rectify the problem.

Chairman Anderson declared the public comments section closed.

Chairman Anderson called for a brief recess.

Chairman Anderson called the meeting back to order.

Presentation by Mr. Dennis Williams, AIA, of the final plans for the Animal Shelter Expansion Project: Dennis Williams presented renderings of the Animal Shelter expansion project. He said the cost estimates are around a million dollars. There is also a lot of equipment needed. This will be bid within the next few weeks.

Motion to Authorize the County Manager to advertise bids for the Animal Shelter Project: UPON MOTION by Commissioner Moore, the Board voted unanimously to authorize the County Manager to advertise bids for the animal shelter project.

Update on Operation Noah's Ark by Animal Services Supervisor Jack Kerley: Jack Kerley stated that they are currently handling and treating the animals. He said the Assistant DA gave the authority to use approved rescues to foster these animals into small groups.

Susan Spake stated that they are down to 150 animals now. She said they had over 500 different volunteers that have shown up to help and the American Humane Association flew their people in to help. She stated that Mecklenburg County has helped and gave a list of foster homes

Chairman Anderson thanked Jack Kerley for what he has accomplished.

Commissioner Carlton stated that they have done a tremendous job and gone above and beyond.

Commissioner Patton stated that he has yet to hear anything negative about the operation and thanked them for a good job.

Presentation of the Animal Services Advisory Board's recommendations on revisions to the Animal Control Ordinances – George Wood and Jack Kerley:

George Wood stated that the Animal Services Advisory Board has finished its final draft of an ordinance for the Board's review. There are several items that need to be addressed where notes were made before the ordinance will be in final form. In addition, a decision needs to be made on the organizational structure as that needs to be spelled out in the ordinance. The board left that section unchanged. Mr. Wood recommended that the Animal Control Services come under his direct supervision. He said the Sheriff has indicated that he no longer wants Animal Control under his supervision.

He stated that the Board also needs to look at the penalties section, in light of the recent changes in our penalties provision for ordinances. Also, there is a section on fees that needs to be addressed.

The Board is recommending that an advisory board be created that will offer advice on how the animal services operations can be improved. Mr. Wood fully supported that recommendation.

Mr. Wood stated that he, Jack Kerley, and Jeff Taylor will take this draft ordinance and finalize it before the next meeting.

Commissioner Moore stated that she would like to make sure there is enough built in this Ordinance to handle dangerous dogs.

Commissioner Patton stated that he hopes at some point we will put staff on weekends.

It was the consensus of the Board to authorize the Manager to bring this to a final document to be brought before the Board.

Motion to Adopt Resolution #2008-09: A Resolution Authorizing the Execution of Agreements with Various Fire Departments in Lincoln County: Commissioner Patton stated that this was a long process getting to this point.

Commissioner Moore asked Jay Flynn about meetings held outside of the Committee and about changes made to the contracts.

Mr. Flynn stated that Commissioner Patton attended a Fire Chief's meeting at the North 321 Fire Department.

Commissioner Moore raised questions concerning the changes made to the contract.

Commissioner Patton stated that the process was that the contract was revised until an agreeable contract that everybody could live with and still meet the objectives of the study was done.

Commissioner Moore stated that she agrees with that, but just wanted to bring out the point of double standard of having meetings outside.

Chairman Anderson congratulated Commissioner Patton on what was a long and arduous process and said that Commissioner Patton has done exactly what he was asked to do.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the motion to adopt Resolution #2008-09.

RESOLUTION #2008-09: A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS FIRE DEPARTMENTS IN LINCOLN COUNTY

THAT WHEREAS, NCGS 62-25.5 states that counties may provide for fire and rescue protection in a designated district by contracting with any incorporated nonprofit volunteer or municipal fire department; and

WHEREAS, Lincoln County has eleven fire districts in which property owners are taxed for the provision of these services, with the funding remitted to the respective fire departments pursuant to a contract for services, and

WHEREAS, the County has agreed to contractual terms with all eleven fire departments, and all parties wish to enter into contracts for the provision of these services; and

WHEREAS, all eleven contracts call for the County Manager to execute the contracts based upon a written resolution from the Lincoln County Board of Commissioners;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Lincoln County, North Carolina as follows:

Section 1. That the County Manager is hereby authorized and directed to execute the eleven annual agreements with the volunteer fire departments in Lincoln County, which are attached hereto and incorporated herein by reference as a part of this resolution, said departments being:

Alexis Volunteer Fire Department
Boger City Volunteer Fire Department
Crouse Volunteer Fire Department
Denver Volunteer Fire Department
East Lincoln Volunteer Fire Department
Howards Creek Volunteer Fire Department
North 321 Volunteer Fire Department
North Brook Volunteer Fire Department

Ore-Bank Pumpkin Center Volunteer Fire Department
South Fork Volunteer Fire Department
Union Volunteer Fire Department

Section 2. That this resolution shall become effective immediately upon its adoption.

Adopted this 8th day of September, 2008.

Thomas R. Anderson, PE
Chairman, Board of Commissioners

Attested by: Amy S. Atkins
Clerk to the Board

Motion to authorize the County Manager to execute a contract with the Denver Volunteer Fire Department and the East Lincoln Volunteer Fire Department regarding the purchase, financing, operation and maintenance of a fire/rescue boat, as outlined in a draft agreement from the County Manager: Mr. Wood stated that this is an agreement concerning the purchase of the boat and operating expenses. This is written to split the cost three ways, the two fire departments would split 1/3 each and the other third would be from Lincoln County. He said that we currently budget \$45,000 per year to each of the three rescue squads and during the budget meetings, it was discussed that the East Lincoln Rescue Squad would merge with the fire departments due to duplication in service. Part of this \$45,000 would be used to pay for Lincoln County's portion of funds.

Mr. Wood stated that there may be some apprehension about spending the rescue money so he was asked to give figures if it was split between the two fire departments. He said the agreement is for twenty years and the financing would be for 15 years. He said the bid is \$149,000 and the maximum interest rate would be 4%. We would be lending the money from the general fund. With a straight fixed principle and interest payment, each one would pay \$6,735.40 annually. With what was proposed in the agreement, which is a fixed amount of principle with a declining interest payment each year, each one would pay \$7,946.67. This payment declines by \$198.67 each year, with the last payment being \$5,165.29.

Commissioner Moore asked Mr. Wood to explain the merger of the East Lincoln Rescue Squad. Mr. Wood stated that he and Commissioner Patton have met with both parties and indicated that they would like to be included in those meetings.

Susan Spake gave information about evacuation during a nuclear emergency. She stated that they are supporting the purchase of the boat.

Jay Flynn gave a Powerpoint presentation concerning the purchase of the boat. He stated that this was not brought up during budget session since they were trying to stay as close to revenue-neutral as possible. He stated that with the value and added safety levels, he feels this is a drastic improvement for the safety of the citizens.

Commissioner Carlton stated that he has had a conversation with Jay Flynn. He stated that there was a budget session less than 8 weeks ago. He stated that this boat idea did not come up then. He asked why this wasn't brought up at budget time. He stated that we are taking tax money giving it to a taxing district to buy a boat to lower the tax insurance for a small group of citizens. He stated that he is not in favor of using tax dollars for this.

Susan Spake stated the fire departments were asked by Mr. Talbert and then Mr. Wood to not ask for anything due to the revaluation.

Commissioner Patton stated that the whole point is you buy one boat, two districts get the benefit, the county owns it, 70 miles of shoreline get an insurance reduction, and there is an asset to protect Lake Norman.

Mr. Wood stated that technically the County is not lending them the money since they will own the boat.

Commissioner Klein stated that the lake has been there a long time and he feels if this boat was needed, it would have been included in the budget. He asked about combining services in East Lincoln.

Commissioner Moore stated that she is not for closing down a volunteer agency, the East Lincoln Rescue Squad.

Chairman Anderson stated that there are 2 issues that need to be handled. First is an authorization to the County Manager to enter into an agreement with Denver and East Lincoln. This contract needs to be modified to delete item 4, which deals with the county's amount of funding for the boat, and modify items 2 and 3 are concerned with regard to the amount of money the 2 departments would pay.

UPON MOTION by Commissioner Patton, the Board voted 2 – 3 (Klein, Carlton, Moore against; Patton, Anderson for) to authorize the County Manager to execute the contract as amended.

County Manager's Report – George Wood: Mr. Wood stated that the best bid for the school's recycling was with A Sani-can. Due to the fact that they have pickup at the schools now, they are saying this will not cost more due to the fact that they are proposing to reduce the number of trips they make for solid waste. He stated that this will be a reduction in price for the schools. In the future, when garbage collection is bid out, this should be included.

Drought Update – Steve Gilbert: Steve Gilbert gave an update on the drought situation.

Odor Control Update – Steve Gilbert: Steve Gilbert gave an update on the odor control situation. He stated that the 60 day trial with the odor control devices is not working well. Our engineer is researching other chemical drip situations.

Update on Sewer Plant – Steve Gilbert: Steve Gilbert gave an update on the Sewer Plant. He said they met with the State and received positive comments.

SRF Loan Acceptance – Steve Gilbert: Steve Gilbert stated that his department received an approval letter concerning the State Revolving Loan in the amount of \$17,500,000 for the new wastewater plant. As this money is being loaned to us by the State, there are numerous assurances that must be made to the State in order to receive the money, such as agreeing to comply with all applicable laws, rules, regulations, ordinances, etc., during the construction of the facility.

RESOLUTION BY LINCOLN COUNTY BOARD OF COMMISSIONERS

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Environmental Management Commission has offered a State Revolving Loan in the amount of \$17,500,000 for the construction of the Killian Creek WWTP, two pump stations, force mains and interceptors to serve eastern Lincoln County, and

WHEREAS, Lincoln County intends to construct said project in accordance with the approved plans and specifications

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

That Lincoln County does hereby accept the State Revolving Loan offer of \$17,500,9000.

That Lincoln County does hereby give assurance to the North Carolina Environmental Management Commission that all items specified in the loan offer, Section II – Assurances, will be adhered to.

That Stephen A. Gilbert, Public Works Director, 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 this 8th day of September, 2008, at Lincolnton, Lincoln County, North Carolina.

LINCOLN COUNTY

By: _____
Thomas R. Anderson, PE
Chairman, Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner Carlton, the Board voted unanimously to accept the recommendation of the Public Works Department and approve the Resolution and the Acceptance Form as submitted.

Commissioner Moore asked for the status on the Tri-County case.
Jeff Taylor stated that there is not a court date set yet, but he's hoping to get it scheduled in the next few weeks. He said they have sent us some discovery and our answers are due in two weeks.

Closed Session: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to enter closed session pursuant to N.C.G.S 143-318.11

- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Chairman Anderson reported that no action was taken in closed session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners