

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 15, 2008**

The Lincoln County Board of County Commissioners met in regular session on September 15, 2008 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

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

Others Present:

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Building and Land Development Director  
Randy Hawkins, Zoning Administrator  
Susan McCracken, Social Services Director  
Elizabeth Snyder, County Ranger  
Steve Gilbert, Public Works Director  
Barry McKinnon, Sr. Utility Engineer  
Leon Harmon, Finance Director

**Call to Order:** Chairman Anderson called the September 15, 2008 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Commissioner Patton gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

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

Commissioner Carlton stated that he would like to add an item under other business concerning a 7 year capital improvement plan and Commissioner Klein asked for an item added in Other Business to discuss the Charter School.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to adopt the agenda as modified.

**AGENDA**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**SEPTEMBER 15, 2008**

- 6:30 PM      Call to Order
- 6:31 PM      Invocation – Rev. J.V. Allen, Boger City Wesleyan Church
- 6:32 PM      Pledge of Allegiance
1.      6:33 PM      Adoption of Agenda
2.      6:34 PM      Consent Agenda
- Tax Requests for Refunds – More than \$100
  - August 4 – 17, 2008
  - Sponsored Group Status
  - Crimson Cross Ministry
  - Proclamation – Industry Appreciation Month
3.      6:35 PM      Public Comments
4.      6:50 PM      Recommendations from Planning Board – Randy Hawkins
- ZMA #563 Stephen Cox, applicant  
ZTA #564 Lincoln County, applicant  
ZTA #565 Lincoln County, applicant  
SOA #31 Lincoln County, applicant.
- 4a.              Update from Environmental Review Board – Henry Fogle
- 4b.              Update on Burton Creek – Rick McSwain
- 4c.              Erosion Control for the City of Lincolnton – Rick McSwain
5.      7:15 PM      Motion to Authorize Repairs to the Roof at Shanklin Branch Library
6.      7:25 PM      Motion to Approve Budget Amendment #15 for a Library Assistant at the Shanklin Branch Library
7.      7:35 PM      Motion to Approve a Change in the Funding for Crimestoppers as recommended by the County Manager
- ~~8.      7:45 PM      Update from Environmental Review Board – Henry Fogle~~
- ~~8a.              Erosion Control for the City of Lincolnton~~

9. 8:00 PM Award of Bids on Sheriff's Patrol Vehicles – George Wood
10. 8:10 PM Drought Update – Steve Gilbert
11. 8:15 PM Update on Sewer Plant – Steve Gilbert
12. 8:20 PM Capital Project Reports – Steve Gilbert
13. 8:25 PM Odor Control Update – Steve Gilbert
14. 8:30 PM Finance Officer's Report
15. 8:35 PM County Manager's Report
16. 8:40 PM County Commissioners' Report
17. 8:45 PM County Attorney's Report
18. 8:50 PM Vacancies/Appointments
19. 8:55 PM Calendar
20. 9:00 PM Other Business
21. 9:05 PM Closed Session

Adjourn

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

- Tax Requests for Refunds – More than \$100
- August 4 – 17, 2008

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (August 4, 2008-August 17, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Ark Ventures, Inc.	2008	ELFD/ELSD	0126879	795.71
<b>TOTAL</b>				<b>\$ 795.71</b>

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (August 4, 2008-August 17, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Alexander, Stephanie C.	2008	DFD/ELSD	0062345	200.84
			<b>TOTAL</b>	<b>\$200.84</b>

- Sponsored Group Status
  - Crimson Cross Ministry
- Proclamation – Industry Appreciation Month
- Fall Littler Sweep 2008

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

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

**Recommendation from Planning Board – Randy Hawkins:**

**Zoning Map Amendment No. 563 – Stephen Cox, applicant:** The Planning Board voted 8-1 to recommend the request be denied.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to accept the Planning Board's recommendation that the request be denied.

Zoning Amendment No. 563 – Statement of Consistency and Reasonableness

Case No. ZMA #563  
Applicants: Stephen Cox  
Parcel ID#: 88422  
Location: 400' west of Hwy. 27, 1000' north of Randleman Road  
Proposed  
Amendment: Rezone from R-SF and B-N to R-T

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: The Land Use Plan classifies this area as Suburban Residential.

This proposed amendment is not reasonable and not in the public interest in that: This proposal would extend R-T zoning into an area that's largely zoned R-SF, a more restrictive district.

**Zoning Text Amendment No. 564 – Lincoln County, applicant:** The Planning Board voted 9-0 to recommend approval, with the addition of the underlined word in the following paragraph: *“The owner of the property on which the violation occurs may submit to the Zoning Administrator a written request for extension of the order’s specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot reasonably be corrected within the specified time limit for reasons beyond the control of the person requesting the extension*

Zoning Amendment No. 564 – Statement of Consistency and Reasonableness

Case No. ZMA #564

Applicants: Lincoln County

Parcel ID#: NA

Location: NA

Proposed

Amendment: 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.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: The Land Use Plan supports the enforcement of zoning regulations.

This proposed amendment is reasonable and in the public interest in that: This proposal will add more teeth to the enforcement of zoning regulations, and help in getting violations corrected, thereby protecting neighborhoods and preserving property values.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to accept the Planning Board’s recommendation, with the addition as noted above, and the Statement of Consistency and Reasonableness, and approve Zoning Map Amendment No. 564 – Lincoln County, applicant.

**Zoning Text Amendment No. 565 – Lincoln County, applicant:** The Planning Board voted 9-0 to table the proposal for further study.

**Subdivision Ordinance Amendment No. 31 – Lincoln County, applicant:** Andrew Bryant presented. The Planning Board voted 9-0 to recommend approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept the Planning Board’s recommendation to approve Subdivision Ordinance Amendment No. 31.

**Update from Environmental Review Board:** Henry Fogle gave a Powerpoint presentation as an update from the Environmental Review Board. Mr. Fogle stated that approximately 8 years ago, the Lincoln Natural Resources Committee decided Lincoln County was badly in need of a Soil Erosion and Sedimentation Ordinance. This entailed

developing our own ordinance and enforcement of the ordinance by the county instead of the state.

He stated that on May 1, 2007, Lincoln County adopted the Soil Erosion and Sedimentation Ordinance and he was appointed as Chairman of the Environmental Review Board, who handle appeals and assist in enforcement of the ordinance.

Chairman Anderson thanked Mr. Fogle and the Environmental Review Board for their hard work.

**Update on Burton Creek:** Rick McSwain addressed complaints about Burton Creek. He provided copies of inspections that have been done since the ordinance was adopted. He stated that there have been 17 inspections on this site in a 16-month period.

Commissioner Moore asked about the damage done to the lake and the coves and the bond.

Randy Hawkins stated that he met with Alan Johnson with DENR before Rick McSwain took over soil erosion for the county, and he could not determine that any sediment had reached the lake. It was his opinion that sediment had not reached the lake. It was his determination after the most recent rain event that he could not determine whether sediment had reached the lake and is not sure the consultant will be able to determine that. One of the conditions of the approval of the subdivision was that a company be hired by the developer to monitor the coves for sediment. He said CBC Custom Shorelines Inc. has been doing that and they did another inspection last Thursday and their findings was that there was no significant sedimentation in any of the coves.

Commissioner Moore stated that this is good information for the Board to have so when residents come to Board members, they can tell them.

Commissioner Carlton asked when grass would be planted.

Rick McSwain stated that you have to cover within 21 days of finishing construction. He said there is a fine line as to when construction is finished. He stated that they have been required to do temporary seeding, which is millet during the summer months. They seeded and due to the drought, it did not come up. It is starting to come up now and they will be requiring a permanent seeding at their next visit.

**Erosion Control for the City of Lincolnton:** Rick McSwain stated that the City of Lincolnton has been asking for the County to take over Soil and Erosion for the city.

RESOLUTION #2008-11: A RESOLUTION AUTHORIZING THE LINCOLN  
SOIL AND WATER CONSERVATION DISTRICT STAFF TO ENFORCE  
SOIL EROSION AND SEDIMENTATION CONTROL WITHIN THE CITY OF LINCOLNTON AND  
ITS EXTRATERRITORIAL JURISDICTION AS  
REQUESTED BY THE CITY OF LINCOLNTON

THAT WHEREAS, the Lincoln Soil and Water Conservation District staff is authorized to enforce all County ordinances dealing with soil erosion and sedimentation control within the County, except for that area inside the corporate limits of the City of Lincolnton and its extraterritorial planning jurisdiction (ETJ); and

WHEREAS, soil erosion and sedimentation control measures in this excepted area are currently enforced by the North Carolina Division of Land Quality, but the City of Lincolnton has requested that Lincoln County take over enforcement within its corporate limits and its ETJ in order to standardize enforcement measures throughout the county; and

WHEREAS, the Lincoln Soil and Water Conservation District is prepared to undertake this enforcement, subject to the approvals of the Lincoln County Board of Commissioners and the North Carolina Division of Land Quality;

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

Section 1. That the request from the City of Lincolnton for the Lincoln Soil and Water Conservation District staff to enforce the County's soil erosion and sedimentation control ordinances within the City of Lincolnton and its extraterritorial jurisdiction is hereby approved, subject to the approval of the North Carolina Division of Land Quality, and the amending of said ordinances to include these jurisdictional changes.

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

Adopted this 15<sup>th</sup> day of September, 2008.

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Thomas R. Anderson, PE  
Chairman, Board of Commissioners

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Attested by: Amy S. Atkins  
Clerk to the Board

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Resolution 2008-11.

**Motion to Authorize Repairs to the Roof at Shanklin Branch Library:** Barry McKinnon, P.E., stated that over the past three years, the Florence S. Shanklin Library has experienced several leaks. These leaks have appeared primarily over the "bow string dormers". The worst leak seemed to be over the dormer on the northeast side.

On August 19, 2008, at the County Manager's request, Mr. Dennis Williams of Williams Design, Mr. Brent Farmer of Gastonia Sheet Metal and Mr. McKinnon inspected the roof at the Florence S. Shanklin Library, with the help of a lift, to look at the roof and see if they could devise a long term, permanent solution to this problem. Mr. Farmer, who has had extensive experience with metal roofs, explained the way the dormers are attached to the roof caused water to pool at the seams, which is what causes the leak. When the sections are then caulked, it seals in the moisture that has already leaked in and causes the plywood underneath to rot. The only way to fix the problem is to remove the metal roofing around and on the dormers and redo it so that it allows the water to drain correctly.

Mr. Farmer has submitted a bid of \$33,180.00 for doing the repairs at the Florence S. Shanklin Library. He is prepared to begin working on the project once he has BOC approval.

Commissioner Klein asked where the money will come from. Mr. Wood stated that it will come from the contingency fund. He commented that he doesn't feel there is any choice in this matter.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to authorize staff to execute a contract with Gastonia Sheet Metal in the amount of \$33,180.00 to do the roof repairs described.

**Motion to Approve Budget Amendment #15 for a Library Assistant at the Shanklin Branch Library:** Mr. Wood outlined the positions at each of the libraries. He recommended hiring an additional Library Assistant position for the Shanklin Library.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Library Assistant position.

**Motion to Approve a Change in the Funding for Crimestoppers as recommended by the County Manager:** Currently, the county supports the Crimestoppers of Lincoln-Lincoln County, Inc. with a \$5,000 appropriation (11-4813-5699). In addition, the Sheriff's budget has been paying for vehicle insurance, registration, and fuel. The car is donated by Abernethy Chevrolet.

The Sheriff's Department has questioned whether this vehicle should be on our insurance when multiple people might drive it. There is also the question of whether it would qualify for the lower gasoline price as the county files for reimbursement on sales taxes.

Given this, and the fact that the organization performs a function which directly supports the Sheriff's mission of criminal apprehension, Mr. Wood proposed that the County keep the same level of support, but change it to an annual appropriation. Then, Crimestoppers can get its own insurance, registration, and fuel.

Mr. Wood recommended decreasing the Sheriff Department budget by \$2,631.16, and increase the appropriation to Crimestoppers at Line Item 11-4813-5699 in the General Fund by the same amount, minus any amounts that have been spent for these items from the Sheriff's budget year-to-date, as determined by the Finance Director.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to accept the Manager's recommendation with regards to funding for Crimestoppers.

**Sheriff's Vehicles:** Mr. Harmon stated that at the August meeting, the Board approved going out for bids on a package of 18 law enforcement vehicles. Formal bids were



received using the state specification and two bids were received, Abernathy Chevrolet at \$20,699.75 each and the other was from Idleton Dodge for \$21,096 each. The total for Abernathy Chevrolet is \$372,595.50 for 18 cars.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept the low bid of Abernathy Chevrolet for the purchase of 18 vehicles for the Sheriff's Department.

**Drought Update – Steve Gilbert:** Steve Gilbert gave a drought update saying there have been no significant changes and no recommendations for changes in the restrictions.

Commissioner Klein asked for this to be taken off the agenda unless there are stage changes or significant changes.

**Update on Sewer Plant – Steve Gilbert:** Steve Gilbert gave an update on the sewer plant.

**Capital Project Reports – Steve Gilbert:** Steve Gilbert presented the Capital Project Reports.

Mr. Gilbert made the Board aware that a stop work order has been issued for the waterline at 16/73. Jeff Taylor updated the Board on the stop work order and bond issues.

**Odor Control Update – Steve Gilbert:** Steve Gilbert gave an odor control update. He said the new media is currently working and he is not aware of any complaints since last Thursday.

**Finance Officer's Report:** Leon Harmon presented the Finance Officer's Report.

**County Manager's Report:** Mr. Wood stated that all the animals that were seized have been fostered out and the R-Nell facility will be turned back over to Denver Baptist Church. He stated that a letter of gratitude will be written to the church for allowing the use of this building.

Mr. Wood stated that the Animal Control Ordinance should be ready for approval at the next meeting.

Mr. Wood stated that he hopes to have the Architectural study proposal back at the next meeting.

**County Commissioners' Report:** Chairman Anderson congratulated Commissioner Klein on his election to the NCACC Board.

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report. He stated that with the Hager code enforcement matter, at the last meeting someone asked about a court date. He said it should be mid-October. He said on the other code enforcement matter, he had an offer of backup support from a lawyer in California who does a lot of animal rights litigation.

**Vacancies/Appointments:** **UPON MOTION** by Commissioner Klein, the Board voted 4 – 1 (Moore against) to approve the appointment of Tom Anderson to the Future Forward Economic Alliance as a private sector member.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Rich Permenter to the Lake Norman Marine Commission

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to reappoint GK Davis and Gary Davis to a third term on the Voluntary Ag. District.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to appoint Gary MacGibbon and Steven Secrest to the Voluntary Ag. District Advisory Board.

**Calendar:** Chairman Anderson presented the October 2008 calendar.

**Other Business:** Commissioner Carlton asked if the Highway 16 property at Galway Lane could be looked at for a county office annex building. This could hold several county offices as well as an annex to the Sheriff's Department. He asked about the possibility of looking into a satellite office and working with the magistrate through a video conference system and not take officers off the road for long periods.

Chairman Anderson stated that the Manager will be bringing the Board an agreement with Cooper Stewart that is involved with the overall distribution of buildings and county employees. He stated that this could be added to their charge to see what the site would support and what services could be housed there.

Commissioner Carlton asked about proceeding internally with investigating the possibilities of doing this via video for the Sheriff's Department. Mr. Wood stated that this could be researched.

**Update on Charter School Turn Lane:** Mr. Wood stated that he talked to Richard Vinroot and Jackie McSwain. DOT has approved the plans and they are trying to work out some issues on the bond that the Charter School was going to issue the DOT on the title insurance. Ms. McSwain told him that once they have this, they are ready to approve it.

Commissioner Klein stated that it seems to him that it has been sufficient time for a response to the letter written concerning the Charter School. He stated that this frustrates a number of board members. He suggested a second letter to a higher level audience.

It was the consensus to move forward with writing a letter to our district representative on the Transportation Board and the Chair of the Transportation Board, copying the same people who received the letter before.

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

- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

No action was reported from Closed Session.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners