

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 1, 2002

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on July 1, 2002 at the Citizens Center, Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Beth H. Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Planning Board Members Present:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Stanley Roseboro
Gerald Johnson
John Pagel
Terry Whitener

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 July 1, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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 Recommendations of the Planning Board.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

JULY 1, 2002

	6:30 PM	Call to Order
1.	6:31 PM	Adoption of Agenda
2.	6:32 PM	Recognition of Stanton Shirley – Ron Rombs and Mike Futrell
3.	6:40 PM	Approval of Minutes - June 17, 2002
4.	6:42 PM	New Business/Advertised Public Hearings

CUP #204 Nina Bumgardner, applicant (Parcel ID# 19739) The applicant is requesting a conditional use permit to accommodate a Class D mobile home in the Residential Transitional (R-T) district. The 0.47-acre parcel is located at 207 Nicholson Road, Lincolnton.

ZMA #420 Peggy Bingham, applicant (Parcel ID# 10903 and 10904) The applicant is requesting to rezone approximately 24 acres from Rural Residential (R-R) to General Business (B-G). The property is located at the intersection of Highway 27 and Highway 18 in North Brook Township.

CUP #205 Charles B. Brown, applicant (Parcel ID# 32421) The applicant is requesting a conditional use permit to place a triplewide mobile home in the Residential Suburban (R-S) district. The 2.9-acre parcel is located on Sweet Bubby Lane off Mack Ballard Road in Ironton Township.

PCUR #87 Gene Ross, applicant (Parcel ID# 53308) The applicant is requesting a parallel conditional use rezoning to rezone 57.8 acres from Residential Transitional (R-T) to Planned Residential (P-R) to allow an additional 25 lots to be created as part of a major subdivision (Doe Park). The property is located on Alf Hoover Road in Howard's Creek Township.

ZTA #422 Lincoln County, applicant. Amendments to Section 2.4 of the Lincoln County Zoning Ordinance are proposed to add new appearance criteria for mobile homes, including requirements that homes placed on individual lots have masonry underpinning, that homes have a deck or porch not less than 36 square feet in area on all front and rear entrances, that homes have a shingled roof, and that Class B doublewides have a roof pitch with a minimum vertical rise of 2½ feet for each 12 feet of horizontal run.

5. 7:40 PM Hazard Mitigation Plan Public Hearing – Kelly Atkins

6. 7:55 PM Resolution to Apply for 2002 Local Law Enforcement Block Grant – Sheriff Barbara Pickens

7. 8:05 PM DSS Building Bids – Dennis Williams

8. 8:20 PM Contract with Chase Real Estate – Bill Amann

9. 8:35 PM Waterline Extension Policy – Steve Gilbert

10. 8:50 PM Resolution Concerning Funding for North Carolina Human Services Programs – Susan McCracken

11. 9:00 PM Other Business

Recess

Recognition of Stanton Shirley: Stanton Shirley, a 12 year old boy who saved a drowning girl on Lake Norman, was recognized by Ron Rombs and Mike Futrell.

Approval of Minutes – June 17, 2002: Chairman Cochrane presented the minutes of the June 17, 2002 meeting for the Board's approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the June 17, 2002 minutes with the following correction.

Page 18

Calendar: ~~Chairman Cochrane~~ ***Commissioner Craig*** informed the Board that the Ramsour's Mill Battle Site Celebration went great.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, July 1, 2002 and the time, which was advertised in the *Lincoln Times-News* on Friday, June 21, 2002, and Friday, June 28, 2002.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, July 1, 2002, at 6:30 p.m. to consider the following zoning-related matters:

CUP #204 Nina Bumgardner, applicant (Parcel ID# 19739) The applicant is requesting a conditional use permit to accommodate a Class D mobile home in the Residential Transitional (R-T) district. The 0.47-acre parcel is located at 207 Nicholson Road, Lincolnton.

ZMA #420 Peggy Bingham, applicant (Parcel ID# 10903 and 10904) The applicant is requesting to rezone approximately 24 acres from Rural Residential (R-R) to General Business (B-G). The property is located at the intersection of Highway 27 and Highway 18 in North Brook Township.

CUP #205 Charles B. Brown, applicant (Parcel ID# 32421) The applicant is requesting a conditional use permit to place a triplewide mobile home in the Residential Suburban (R-S) district. The 2.9-acre parcel is located on Sweet Bubby Lane off Mack Ballard Road in Ironton Township.

PCUR #87 Gene Ross, applicant (Parcel ID# 53308) The applicant is requesting a parallel conditional use rezoning to rezone 57.8 acres from Residential Transitional (R-T) to Planned Residential (P-R) to allow an additional 25 lots to be created as part of a major subdivision (Doe Park). The property is located on Alf Hoover Road in Howard's Creek Township.

ZTA #422 Lincoln County, applicant. Amendments to Section 2.4 of the Lincoln County Zoning Ordinance are proposed to add new appearance criteria for mobile homes, including requirements that homes placed on individual lots have masonry underpinning, that homes have a deck or porch not less than 36 square feet in area on all front and rear entrances, that homes have a shingled roof, and that Class B doublewides have a roof pitch with a minimum vertical rise of 2½ feet for each 12 feet of horizontal run.

SR #54 Waterside Group, LLC., applicant (Parcel ID# 70345) The applicant is seeking relief from Section 405.4 of the Lincoln County Subdivision Ordinance, which requires that development of property along a principal arterial road use reverse frontage on a minor street rather than multiple driveways. The applicant seeks relief to install two driveways into a proposed business/retail multi-tenant development. This 1.5 acre parcel, which is zoned Neighborhood Business (B-N) and is located in a Designated Highway (DH) overlay district, is located on the east side of Highway 16 about a third of a mile north of Highway 73.

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.

Conditional Use Permit No. 204 – Nina Bumgardner, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 204 – Nina Bumgardner, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 204 – Nina Bumgardner, applicant.

The applicant is requesting a conditional use permit to allow a Class D mobile home (a 1973 singlewide) in the Residential Transitional (R-T) zoning district. She was granted a conditional use permit to place the home on the lot in 1997, but because of a change in plans, she didn't obtain a building permit and the conditional use permit expired.

The 0.47-acre parcel is located at 207 Nicholson Road, Lincolnton. It is surrounded by property zoned Residential Transitional. A number of mobile homes are located in the area along with some site-built homes.

The mobile home was in Lincoln County in late 1993. Mobile homes constructed before 1976 had to be in Lincoln County by December, 1993 in order to be moved in the county.

Randy Hawkins presented pictures of the mobile home stating that the applicant will leave the mobile home where it is and get the power turned on. This will be the applicant's residence.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 204 – Nina Bumgardner, applicant.

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

Commissioner Craig stated that he had received two calls on this, one for and one against it.

Zoning Map Amendment No. 420 – Peggy Bingham, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 420 – Peggy Bingham, applicant.

The applicant is requesting to rezone approximately 24 acres from Rural Residential (R-R) to General Business (B-G).

The property is located at the intersection of Highway 27 and Highway 18 in the North Brook Township. It is adjoined on the north by property zoned General Business and on the east and south by property zoned Rural Residential. It borders Cleveland County on the west. The property lies in a WS-III Protected Area watershed district, so any development will be limited to a maximum of 24% built-upon area (or possibly 70% under the 10/70 option). A portion of the larger tract lies west of Highway 18, but that part isn't included in the rezoning request.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No.420 – Peggy Bingham, applicant.

Glen Bingham stated that he is Peggy's husband and they would like this property changed to general business, possibly so his son could open some kind of business there.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 420 – Peggy Bingham, applicant, closed.

Conditional Use Permit No. 205 – Charles Brown, applicant: Having been sworn by the Clerk, Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 205 – Charles Brown, applicant.

The applicant is requesting a Conditional Use Permit to place a triplewide mobile home in the Residential Suburban (R-S) district.

The 2.9-acre parcel is located on Sweet Bubby Lane off Mack Ballard Road in Ironton Township. The parcel was recently subdivided from a 24-acre tract. It is adjoined on the east, west, and north by property zoned Residential Suburban and on the south by property zoned Residential Transitional (R-T).

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 205 – Charles Brown, applicant.

Charles Brown stated that this situation started in February when they pulled the maps to get a plat of the property. During that time, they made a commitment on a triple wide mobile home. They also met with Building and Land Development and basically got caught in the middle. He stated that the septic tank and well are ready to go. He stated that the neighbors have no opposition to this.

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

Parallel Conditional Use Rezoning No. 87 – Gene Ross, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 87 – Gene Ross, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone 57.8 acres from Residential Transitional (R-T) to Planned Residential (P-R) to allow an additional 25 lots to be created as part of a major subdivision. The Doe Park subdivision currently has 38 lots, so the proposed expansion would put it over 50 lots, triggering the requirements for a planned district.

The property is located on Alf Hoover Road in Howard's Creek Township. It is adjoined on the north, south, and west by property zoned Residential Transitional and the east by property zoned Residential Single-Family (R-SF).

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 87 – Gene Ross, applicant.

Floyd Dean stated that they allowed 2 doublewide mobile homes in the subdivision, but have added a restriction to the deed to not allow mobile homes in the future.

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

Zoning Text Amendment No. 422 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 422.

Amendments to Section 2.4 of the Lincoln County Zoning Ordinance are proposed to add new appearance criteria for mobile homes, including requirements that homes placed on individual lots have masonry underpinning, that homes have a deck or porch not less than 36 square feet in area on all front and rear entrances, that homes have

a shingled roof, and that Class B doublewides have a roof pitch with a minimum vertical rise of 2 1/2 feet for each 12 feet of horizontal run.

This proposal would upgrade the appearance standards for mobile homes and bring the regulations in line with the rules in other counties. Currently, we only require mobile homes to have skirting. We don't require that homes have a deck or porch. We also allow homes with metal roofs.

This proposal keeps our current classification scheme for mobile homes by simply adding to the definitions for each class. It incorporates the special Class A requirements listed in the Residential Suburban (R-S) section into the Class A definition.

The proposed definitions include different rules for mobile homes that are placed on parcels with multiple spaces for mobile homes. Because homes are moved in and out of spaces, they wouldn't be required to have masonry underpinning. Approved mobile home parks already have a requirement that homes have a pad or deck at least 80 square feet in area at the front entrance, so that wouldn't be changed.

The proposal also creates a new category of "grandfathered mobile homes" to apply to homes with metal roofs that are currently located in the county. They could be moved to other locations, but homes with metal roofs couldn't be brought into Lincoln from other counties.

Mr. Hawkins read a letter from the NC Manufactured Housing Institute pointing out concerns with the amendment.

Beth Saine stated that she has noticed a lot of metal-type roofs on stick built houses. She presented information concerning these metal roofs.

There was a discussion on metal roofs and defining

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 422.

Buddy Funderburk stated that his concerns were with the metal roofs on mobile homes.

Steve Witt, with the NC Manufactured Housing Institute, stated that the decks and porches are very reasonable. He stated that his concerns were addressed in the letter that was read.

Ken Huss stated that metal roofs that are traditionally on mobile homes last for years, are cost effective, and they work. He stated that he doesn't see why mobile homes are picked on. He stated that he would like to put some stuff together and come to another meeting to address this again.

Steve Isaac stated that his concern is that he is going to have to put brick underpinning on rental units. He stated that he doesn't think it should be put upon people who are trying to provide affordable housing to put this brick under them.

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

Public Hearing – Hazard Mitigation Plan: Barry McKinnon gave a Powerpoint presentation on the Hazard Mitigation Plan.

Chairman Cochrane opened the Public Hearing concerning the Hazard Mitigation Plan. Being no one wishing to speak, Chairman Cochrane declared the Public Hearing closed.

Chairman Cochrane declared a short recess.

Chairman Cochrane called the meeting back to order.

Resolution to Apply for 2002 Local Law Enforcement Block Grant – Sheriff

Barbara Pickens: Sheriff Pickens stated that she would like to apply for a grant for \$18,468 with a local match of \$2,052. This money would be to provide security at the Courthouse.

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

Resolution to Apply for 2002 Local Law Enforcement Block Grant

WHEREAS, Lincoln County is open to investigating certain government grants that the County could potentially receive,

WHEREAS, the Local Law Enforcement Block Grant (LLEBG) must be spent in accordance with one or more of the seven “purpose areas”, including “enhancing security measures . . . in and around other facilities or locations that the unit of government considers special risks for incidents of crime”,

WHEREAS, Lincoln County has received the LLEBG in recent years with the knowledge that a 10% County match is required and that by applying for this grant the County is under no obligation to later accept the grant,

WHEREAS, the County has used the LLEBG in the past to help purchase security equipment at West Lincoln High School and last year’s LLEBG will be used to help purchase security equipment at Lincolnton High School,

WHEREAS, the 2002 LLEBG would provide the County \$18,468, and would require a County match of \$2052,

THEREFORE BE IT RESOLVED, That Lincoln County shall apply for the 2002 LLEBG.

Adopted this the _____ day of July, 2002.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

Sheriff Pickens also commended Scott Cook, in Finance, for his help with these grants. She stated that he is great to work with and keeps them informed of money available.

DSS Building Bids – Dennis Williams: Dennis Williams stated that on Thursday, June 20, 2002, the bids were opened for the office up fit project for the Department of Social Services to convert the existing Town Square Shopping Center into the new Department of Social Services office building. The bids that were received were substantially less than the anticipated budgets and appear to be an excellent opportunity for Lincoln County to complete this project.

The low bidder for the project was Street Construction Company of Charlotte, with a base bid of \$2,107,325. Alternate bids 1, 2, 3, and 4 total an additional \$100,205.00, for a total of projected project bid, including all alternates of \$2,207,530, with a construction time of approximately 195 days after point of beginning.

Due to the excellent pricing and the very tight range of the overall bid tabulations, I recommend the award of the contract, including all alternate bids, to Street Construction Company of Charlotte in the amount \$2,207,530.

UPON MOTION by Commissioner Craig, the Board voted unanimously to award the bid to Street Construction Company of Charlotte, with a total price (including alternates) of \$2,207,530.

Contract with Chase Real Estate – Bill Amann: Bill Amann with Chase Real Estate, representing Verizon Wireless, presented information concerning the wireless telecommunications facility they are proposing to place on the roof of the Citizens Center. He also answered questions from the Board concerning the lease and equipment.

There was a discussion about the antennae on the Courthouse and whether they could be removed or not.

Resolution Concerning Funding for North Carolina Human Service Programs – Susan McCracken: Susan McCracken, Director of Social Services, presented the following Resolution for the Board's approval.

A CALL FOR ADEQUATE FUNDING FOR NORTH CAROLINA HUMAN SERVICES PROGRAMS

WHEREAS, the State of North Carolina has experienced a significant increase in population including the nation's fastest growing Latino population, many of whom require support and assistance, and;

WHEREAS, the State of North Carolina has experienced a devastating economic downturn with some counties facing the highest unemployment rate in the nation, and;

WHEREAS, the State of North Carolina's economy has been dependent upon textiles and manufacturing industries which have lost thousands of jobs, leaving employment opportunities very scarce, and;

WHEREAS, Human services Agencies in North Carolina, including the Departments of Social Services have experienced increased demands on all public assistance programs; Work First Family Assistance, Child Care Subsidy, Food Stamps, Medicaid, Child Support, Transportation, and Emergency Assistance programs, and;

WHEREAS, these same North Carolina County Departments of Social Services have also experienced increased demands on all service programs, as unemployment and economic stresses contribute to increases in crime, juvenile delinquency, child neglect and abuse, elder neglect and abuse, drug/alcohol abuse, and an erosion in the quality of life for all citizens, and;

WHEREAS, the Governor of the State of North Carolina has withheld millions of dollars from county governments forcing many counties to increase property taxes and with legislative approval a one-half cent in sales tax, and;

WHEREAS, the Senate Human Resources Appropriations Committee's Budget includes a reduction of \$5.5 million for County Departments of Social Services for the administration of programs of public assistance. The State funds are used to leverage federal fund and support staff who deliver direct services to the State's most vulnerable citizens. The reduction of \$5.5 million equates to an \$11 million cut and the reduction of 392 positions. The reduction will severely hinder our ability to provide essential services.

WHEREAS, the State of North Carolina operates Social Services programs in partnership with county government but the portion of cost paid by county governments places us in the top 10% of counties nationwide, and;

WHEREAS, the State of North Carolina has seen a 60% reduction in Work First Family Assistance caseloads county governments have maintained the same level of financial support to this program while the State reduced its financial commitment to the Work First Program.

THEREFORE BE IT RESOLVED, the State of North Carolina shall explore all avenues to increase revenues, including tax on tobacco and alcohol to invest in all the State's children, families, disabled and elderly individuals so that they can all fully participate in the American Dream

WHEREAS BE IT FURTHER RESOLVED, the Lincoln County Board of Commissioners advocates for courageous leadership from our State leaders to assure that our State offers the best quality of life for all of its citizens.

Jerry W. Cochrane, Chair
Board of Commissioners

Amy S. Long, Clerk to the Board

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

Utility Extension Policy – Steve Gilbert: Steve Gilbert presented the Board with the Utility Extension Policy that was adopted in 1997. He reviewed the policy with the Board.

Tax Refunds and Releases: **UPON MOTION** by Commissioner Choate, the Board voted unanimously to approve the refunds and releases.

NAME	YEAR	DIST	A/C NO	AMOUNT
Ballenger, Steven Paul	2001	SFFD	0122760	\$11.20
Batson, Stacey Darron	2001	PCFD	12092	\$62.24
Bingham, Mary Reinhardt	2001	City	0114011	\$85.80
Brewer, Joel Edwin Jr.	2001	ELFD/ELSD	0066575	\$31.57
Bridges, John Marcus	2001	Crouse	41707	\$32.01
Buchanan, Ralph Donnel	2001	DFD	30874	\$82.44
Centura Bank	2001	BCFD	0114177	\$4.15
Dixon, Billy Wayne	2001	City	0125308	\$12.98
Fox Play, Inc.	1999-01	BCFD	0110463	\$38.83
Garza, Juan	2001	N-321	0125562	\$13.70
Gibson, Johnny Landy	1997	NBFD	43180	\$47.77
Goodson, Linda C. (Pottery)	1999-01	City	0129312	\$9.28
Lyons, Jack	2001	HCFD	42174	\$2.21
Melendez, Eric Christopher	1999-01	DFD	0108772	\$78.96
Odom, Tina	2000	N-321	0130795	\$47.71
Sherer, Mark Jeffrey	2001	ALFD	33325	\$6.34
Spencer, Charles H.	2001	N-321	0064743	\$68.01

United Companies Lending Corp	2001	PCFD	0060960	\$67.51
Walker, James Christopher	2001	N-321	38626	\$41.86
			TOTAL	\$744.57

NAME	YEAR	DIST	A/C NO	AMOUNT
Barkley, Henry Clay Jr.	2001	DFD/ELSD	18009	\$345.13
Bowers, Vickey K.	2001	ELFD	0155735	\$166.29
Brackett, Grace Ledwell	2001	City	0158065	\$142.66
Craig, Frances Waldrop	2001	City	0100604	\$122.13
Craven, Robin Nantz	2001	BCFD	0157058	\$108.54
Fowlkes, Ann L.	2001	City	0158111	\$101.38
Hedgepeth, Richard Allen	2001	City	0079697	\$255.23
Hopp, Darlene Elizabeth	2001	City	0159032	\$184.44
Huffstetler, Jeffrey Wayne	2001	SFFD	0120983	\$117.42
Johnson, Blane	2001	N-321	0146649	\$105.32
Lindsay, Melissa Stallings	2001	City	0158703	\$152.45
McAllister, Robert Dwayne	2001	City	0146487	\$161.19
Miller, Robin Gilbert	2001/02	City	0157630	\$151.75
Nationsbanc Leasing Corp.	2002	City	0148392	\$242.85
Talley, Clarence Olin	2001	DFD	0098814	\$116.12
Timdon, Inc.	2001	DFD/ELSD	0086240	\$308.46
Wolfe, Mark Robert	2001	City	0106921	\$129.98
			TOTAL	\$2,911.34

NAME	YEAR	DIST	A/C NO	AMOUNT
Ambler, Eric James	2001	ELFD	0102841	\$14.91
Barnette, Scott Frank	2001	HCFD	0129095	\$2.35
Beal, Stacy Deanna	2001	Crouse	0145100	\$64.30
Beam, Florence M.	2001	City	06079	\$13.87
Behner, Richard T.	2000	DFD/ELSD	0135406	\$29.19
Behner, Tamara Penney	2000	DFD/ELSD	0144849	\$18.97
Blackburn, Helen R.	2001	SFFD	06435	\$32.75
Bollinger, Edward	2001	NBFD	12694	\$7.20
Boyles, Phillip M.	2001	ELFD/ELSD	0130126	\$10.07
Braddy, Bobby James	2001	HCFD	0082177	\$8.60
Braddy, Christopher Steven	2001	SFFD	0122888	\$39.76
Bridges, Carl Lee	2001	NBFD	0093332	\$8.76
Burgess, Von Walter	2001	Crouse	0078622	\$17.90
Cagle, Thomas J.	2001	BCFD	30684	\$87.84
Cash, Barbara Faulkner	2001	City	0113655	\$8.90
Catawba Rental Co.	2002	City	24510	\$75.19
Clark, Charles Murphy	2001	City	0155489	\$11.70
Clark, Marilyn Rose	2001	City	0158902	\$78.59

Conway, Wanda	2001	DFD	32820	\$3.63
Craig, Linda Margie	2001	N-321	0069026	\$25.09
Craig, Nellie Sue	2001	NBFD	0150586	\$10.45
Crooks, Jeffrey Joseph	2001	PCFD	0107068	\$91.85
Delgado, Christian Vindas	2001	City	0153617	\$25.47
Dover, Angela Bradshaw	2001	City	0124307	\$4.33
Drum, Joey Dean Jr.	2001	PCFD	0109353	\$45.23
Dyer, Rita Mosteller	2001	City	0066187	\$10.56
Easter, Andre Alexander	2001	ALFD	0114275	\$14.77
Flaskrud, Jeffery Todd	2001	City	0157587	\$55.44
Floyd, Clinton Lee Wayne Sr.	2001	SFFD	0110439	\$36.05
Furr, Gary W.	2001	ALFD	0098910	\$51.96
Garay, Shellie L.	2001	ELFD	0154465	\$67.46
Gerlits, John Craig	2001	Union	0101902	\$6.61
Gladden, Kemp Ayden	2001	City	0099568	\$68.44
Graham, Joel Robert	2001	DFD/ELSD	0084675	\$16.72
Grigg, Kathy Jane	2001	N-321	0106993	\$1.69
Grovestone & Sand Co.	2002	City	0112420	\$74.69
Hansley, Misty E.	2001	BCFD	0131346	\$54.60
Harkey, Steve M.	2001	BCFD	14126	\$32.30
Harris, Paul Allan	2001	BCFD	0134554	\$30.10
Hedrick Industries	2001	ELFD	0093177	\$33.48
Hilario, Leticia Vergara	2001	N-321	0135077	\$12.32
Humphrey, Tony L.	2000	SFFD	0141988	\$25.47
Hurt, Gregory Boyce	2001	BCFD	0122468	\$17.28
Irwin, Jon Harry	2001	BCFD	0068853	\$20.09
Johns, Gary L.	2001	ELFD	31820	\$6.67
Josey, Wendy Dawn	2001	ELFD/ELSD	0158258	\$1.74
Keene, Timothy M.	2001	ELFD/ELSD	0136038	\$56.98
Keever, David Kenneth Jr.	2001	City	0100997	\$40.60
Keever, Jeffrey S.	2001	BCFD	0138107	\$38.91
Lockman, John Daniel	2001	City	0136674	\$49.91
Long, Andy Lee	2001	City	0156909	\$58.41
Long, Nancy Ritch	2001	ELFD	0087761	\$4.23
Louttit, Joan Simmons	2001	ELFD/ELSD	0142796	\$69.79
Ly, Luisa Maria	2001	City	0104804	\$32.96
Madrigal, Guillermo Alberto	2001	City	0126932	\$72.92
Mahon, Thomas Anthony III	2001	PCFD	0132551	\$5.47
Mark Wolfe Electric Co.	2001	City	0148877	\$12.78
Martin, Bruce William	2001	HCFD	0155046	\$12.91
Martin, Nathan Jess	2001	ELFD	0142276	\$12.55
Mathewson, Jennifer Michelle	2001	ALFD	0139717	\$3.10
McNeely, Michael Wayne	2001	NBFD	0136000	\$7.02

Miller, Jeffrey Todd	2001	N-321	0073796	\$4.96
Miller, William Rodney	2001	Crouse	0065080	\$20.01
Neal, Stephen Wayne	2001	City	0111508	\$28.92
Nicholson, J. C. Sr.	2001	N-321	0071402	\$70.60
Palm Tree Heights Inc.	2001	NBFD	0122941	\$68.17
Pangurn, Robert P.	2001	N-321	0144839	\$22.23
Patterson, Eric Gordon	2001	NBFD	0134593	\$30.62
Philbeck, Tami Michelle	2001	City	0111752	\$53.92
Pope, Raymond	2001	HCFD	0061217	\$8.70
Powell, James Lee	2001	City	0106735	\$2.01
Proctor, Carolyn W.	2001	SFFD	0129429	\$4.65
Puntch, Andrew Ransom	2001	City	0158804	\$68.56
Randall, Michael	2001	BCFD	14230	\$4.72
Robinson, Garry Martinous	2001	DFD/ELSD	0123986	\$45.81
Schrone, Herman R.	2001	DFD	19284	\$5.41
Sears, Paul Phillip	2001	City	0129037	\$43.78
Sepahrom, Rose Mary	2001	ELFD/ELSD	0143826	\$23.77
Shelton, Margaret Cooper	2001	City	0079466	\$24.63
Shultz, Judy Adams	2001	HCFD	0080902	\$10.36
Smith, Jeffery Scott Jr.	2001	SFFD	0131738	\$17.88
Solano, Samuel Habacuc	2001	DFD/ELSD	0158841	\$93.33
Stalvey, Wesley Jordan	2001	City	0158095	\$33.16
Stolzenberg, Amanda Leah	2001	City	0151442	\$13.85
Stroupe, Coy Lee	2001	ALFD	0158054	\$18.36
Swartz, Jonathan Patrick	2001	DFD	0151726	\$33.23
Taylor, Lori Riley	2001	City	0157522	\$58.89
Teronde, Paul Jay	2001	City	0158980	\$42.64
Vanalstyne, William P.	2001	City	0157492	\$74.34
Walker, Jessica Linda	2001	City	0137494	\$62.14
Watts, Rita Proctor	2001	City	0092190	\$4.97
Weaver, Craig Kenneth	2001	ELFD/ELSD	0134670	\$53.45
Weaver, Jack D. & Hazel	2001	City	09518	\$74.09
Wilkinson, Kevin Dwayne	2001	N-321	0068006	\$19.11
Wilkinson, Steven Randall	2001	PCFD	0070631	\$40.14
Willix, Tanya Denise	2001	N-321	0150659	\$12.99
Woodard, Regina Ann	2001	ELFD/ELSD	0119132	\$18.57
Zimmer, John A.	2000	N-321	0143929	\$29.69
			TOTAL	\$3,096.54

NAME	YEAR	DIST	A/C NO	AMOUNT
Brown, Jery	1999	ELFD/ELSD	0140606	\$113.14
Clippard, Barbara Smith	2002	Union	0079506	\$505.51
Cobb, Everette R. Jr.	1992-97	ALFD	26842	\$287.12

Coleman, Patrick J.	2001	ELFD/ELSD	0115525	\$162.36
Conseco Finance Service	2000	DFD	0142688	\$127.78
Ewing, Eddie Charles	2000/01	Union	03682	\$320.77
Family Service	1999-01	City	0133066	\$190.58
Hall, Jimmy Wayne	2001	PCFD	0091660	\$106.13
Hayes, Carol	1999	ELFD/ELSD	0140616	\$181.12
Hester, Dale	2002	Crouse	0156597	\$148.40
Ingle, William M.	2001	HPFD	0115617	\$281.80
Karriker, Larry S.	2001	DFD	0122616	\$125.60
Mackenzie, Robert John	2000/01	DFD/ELSD	0148173	\$139.52
Matthews, Lindsay	1999	ELFD/ELSD	0115691	\$111.31
McKinney, Terry Lee Sr.	2001	NBFD	31416	\$104.65
Morse, John Wayne	2001	N-321	0145389	\$144.10
Pendleton, Donnie	2001	N-321	0139968	\$158.22
Perkins, Reginald Joel	2001	City	0150919	\$108.00
Rucker, Anthony L.	2002	DFD	0137644	\$322.52
Shipes, David	2001	ELFD/ELSD	0115634	\$117.16
Turner, Scott	2001	ELFD	0088423	\$161.84
Warren, Jodelle I.	2001	N-321	0110893	\$119.06
		TOTAL	\$4,036.69	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVER (May 18, 2002 to June 14, 2002)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Arredondo, Jose Monasterio	2001	CFD	0139544	\$4.77
Astley, Terry	2001	CITY	31054	\$7.49
Avery, Robert Wayne	2001	BCFD	0104252	\$7.77
Bartus, John Andrew	2001	ELFD/ELSD	0129262	\$68.11
Beaver, J. C.	2001	SFFD	06164	\$6.13
Branch, Tanya Jo	2001	ELFD	0149000	\$17.03
Bridges, Carl Lee	2001	NBFD	0093332	\$2.72
Carter, Frank Hill	2001	BCFD	0064962	\$3.09
Clodfelter, Mitchell B.	2001	ELFD/ELSD	0128889	\$18.80
Craft, Tony James	2001	NBFD	0146854	\$9.76
Christopher, Billy Joe	2001	SFFD	0079904	\$5.83
Estate Of William Ballard	2001	DFD/ELSD	17912	\$22.12
Fletcher, Jonathan Paul	2001	BCFD	0155167	\$17.05
Goodson, Michael Lee	2001	PCFD	0087697	\$8.91
Hardy, Hugh Dan Jr.	2001	DFD/ELSD	0147307	\$4.90
Hartsell, Deborah Hester	2001	SFFD	0096216	\$19.25
Huffstetler, Harold John	2001	SFFD	0077812	\$4.92
Huss, Lois Scronce	2001	HCFD	0101139	\$7.68
Jenkins, John Frederick	2001	DFD	0088929	\$3.30
Little, James Junior	2001	SFFD	0096047	\$5.34
McDermet, Doris Elizabeth	2001	CITY	0081286	\$63.07
Messer, Shannon Tony	2001	HCFD	0081267	\$20.46
Payne, Richard Charles	2001	CITY	0080449	\$8.84
Rex, Mark Alan	2001	ELFD/ELSD	0068229	\$22.32

Shields, Carol Ann	2001	DFD	0158247	\$67.34
Shirley, Robert Patrick	2001	DFD	0105918	\$5.96
Stamey, Janice Simmons	2001	BCFD	15966	\$16.52
Tapley, Ronald R.	2001	ELFD	0135840	\$7.74
Willis, Lawrence William	2001	CITY	0072238	\$5.21
Woodward, Karen Rebecca	2001	BCFD	0116230	\$12.26
			TOTAL	\$474.69

Chairman Cochrane stated that the Board needed to appoint a voting delegate for the North Carolina Association of County Commissioners meeting in August.

Commissioner Choate nominated Chairman Cochrane.

UPON MOTION by Commissioner Craig, the Board voted unanimously for Chairman Cochrane to be the voting delegate for the meeting.

Commissioner Craig asked if the citizens whose wells have dried up could go to the fire departments and get some water for drinking, etc.

Steve Gilbert stated that he will talk to the Fire Marshal about this.

Steve Gilbert spoke concerning the Town of Cherryville's water situation. He stated that they tested the water system and can provide around 400,000 gallons per day from one fire hydrant to another at the county line. He presented a copy of a contract with Cherryville that has been used in the past.

Recommendations from the Planning Board from May 6, 2002:

Conditional Use Permit No. 204 – Nina Bumgardner, applicant: Randy Hawkins stated that the Planning Board voted 5 – 0 to recommend approval.

Application # CUP# 204 Date 7/01/02

Applicant's Name Nina Bumgardner

Applicant's Address 207 Nicholson Road
Lincolnton, NC 28092

Property location: 207 Nicholson Road

Existing Zoning R-T

Proposed Conditional Use Class D mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Will not endanger public health or safety.

2. The use meets all required conditions and specifications. YES X NO

Factual Reasons Cited: Will meet all required conditions and specifications if permit is obtained for power

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO
Factual Reasons Cited: There are other mobile homes in area.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES X NO
Factual Reasons Cited: Will be in harmony with other structures in area.

UPON MOTION by Commissioner Saine, the Board voted unanimously to accept Conditional Use Permit No. 204 based on the findings of fact submitted by the Planning Board.

Zoning Map Amendment No. 420 – Peggy Bingham, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to recommend approval of the request.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 420.

Conditional Use Permit No. 205 – Charles Brown, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to recommend approval.

Application # CUP #205 Date 7/01/02

Applicant's Name Charles Brown

Applicant's Address 5188 Sweet Bubby Lane
Maiden NC

Property location: Sweet Bubby Lane

Existing Zoning: R-S

Proposed Conditional Use Class B Mobile Home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Septic permit has been approved.
2. The use meets all required conditions and specifications. YES X NO

Factual Reasons Cited: Meets all required conditions and specifications.

12. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO

Factual Reasons Cited: Based on what we've seen of the surrounding property.

13. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES X NO

Factual Reasons Cited: Is in general harmony with area.

UPON MOTION by Commissioner Saine, the Board voted unanimously to concur with the findings of the Planning Board and approve Conditional Use Permit No. 205.

A MOTION by Commissioner Saine to refund the fee for the Conditional Use Permit. There was a discussion about refunding the fee.

Commissioner Saine withdrew her motion.

Parallel Conditional Use Rezoning No. 87 – Gene Ross, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to recommend approval.

Application # PCUR #87 Date 7/01/02

Applicant's Name Gene Ross

Applicant's Address 1181 Hwy 27 West
Lincolnton, NC

Property location: Alf Hoover Road

Existing Zoning: R-T

Proposed Conditional Use Major subdivision with over 50 lots

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO

Factual Reasons Cited: Won't endanger public health or safety.

2. The use meets all required conditions and specifications. YES X NO

Factual Reasons Cited: Meets all required conditions and specifications.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO

Factual Reasons Cited: Will be a nice subdivision and add to adjoining property values.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES X NO

Factual Reasons Cited: Is in general conformity with land use plan.

UPON MOTION by Commissioner Choate, the Board voted unanimously to allow Commissioner Saine not to vote on this issue due to a possible conflict.

UPON MOTION by Commissioner Craig, the Board voted unanimously to grant the rezoning from for PCUR #87 from R-T to P-R.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the conditional use and agree with the findings of fact for PCUR #87.

Zoning Text Amendment No. 422 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to table this request to further study the roof and rental lot requirements.

Zoning Map Amendment No. 415 – Kenneth Mundy, Ronald Crane, Betty Carpenter, Susan Harrison, Edward Coker, Brian Walker, Joel Benton Barker, Joel Bradley Barker, Hollis Hamilton, Kenneth Tucker, Raymond Hoover, and Robin Hoover, applicants: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to recommend approval of this request.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 415.

Zoning Map Amendment No. 416 – Boyd Dellinger, Walter Blair Dellinger, Lois Dellinger, Joseph Howard, Steven Schronce, Helen Turbyfill, James Snuffer, Mihail Pitsikoulis, James Cash, James Rich, Christine Brown, Darlene Banis, Linda Bryson, Ed Page Dellinger, Jerry Dellinger, Henry Coleman Dellinger, Kemp Dellinger, and Burgin Goodson, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 5 – 0 to recommend approval of this request.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 416.

Hazard Mitigation Plan: Kelly Atkins, Director of Building and Land Development, stated that the Planning Board unanimously recommended approval of the Plan as presented.

UPON MOTION by Commissioner Choate, the Board voted unanimously to accept the Hazard Mitigation Plan as recommended by the Planning Board.

Chairman Cochrane asked if the Board was interested in canceling the July 15 meeting, since all business had been taken care of tonight and he will be out of town then.

UPON MOTION by Commissioner Choate, the Board voted unanimously to cancel the July 15, 2002 meeting.

Stan Kiser, County Manager, stated that Dante' Patterson has requested to reclassify his 2 temporary positions to full-time positions. This would add \$26,800 to the MIS budget from contingency.

UPON MOTION by Chairman Cochrane, the Board voted unanimously to make the 2 positions in Data Processing permanent full-time positions.

Commissioner Craig stated that Renee' Newton, who worked in the Personnel Department, missed the death \$20,000 death benefit by 6 weeks. He stated that Ms. Newton had a 9 year old son. Commissioner Craig asked staff to check into establishing a college fund for this child that employees could voluntarily contribute to.

Jeff Taylor, County Attorney, stated that he has talked with George Margo, the Project Manager for the Riverwalk Apartments. Summit Contractors is in the process of buying out the project from the current owner. They expect to complete six buildings and the clubhouse by August. The water and sewer fees are a total of \$316,000. They are requesting to pay these fees on a per building basis, as each building is complete.

Chairman Cochrane stated that he sees no problem as long as they pay all of the money by August 31 and they pay their fine.

Commissioner Anderson stated that he feels they should have a letter of agreement spelling it out.

UPON MOTION by Commissioner Anderson, the Board voted unanimously that the incoming owner would assume responsibility for the \$3,000 fine, pay the appropriate fees for the clubhouse, and 100% of the fees would be paid by August 31 regardless of whether the buildings are complete or not. On that basis, the Board authorizes the County Manager to enter into a letter agreement for a fee arrangement.

Jeff Taylor stated that Barry Matherly contacted him concerning a purchase offer they have received concerning one of the lots in the Industrial Park. It's a 10 – 11 acre site that is marked as parcel number 12 for the park. It has 321 frontage and is a prime site. The proposed purchaser does not have a specific project in mind yet. The upset bid procedure should be used with this sale. The proposed price is \$20,000 per acre or about \$200,000 total.

UPON MOTION by Commissioner Anderson, the Board approved the following Resolution.

**RESOLUTION TO DECLARE CERTAIN REAL PROPERTY
OWNED BY LINCOLN COUNTY TO BE SURPLUS
PROPERTY AND AUTHORIZE SALE OF SUCH PROPERTY**

WHEREAS, Lincoln County is the owner in fee simple of a certain tract of real property consisting of approximately 10 acres, such tract having been designated as Parcel 12 on the Master Plan for the Lincoln County Industrial Park; and

WHEREAS, the said tract is generally located on the east side of the right-of-way of U. S. Highway 321 North in the Lincoln County Industrial Park; and

WHEREAS, the Lincoln County Board of Commissioners believes that the said tract should be declared surplus property and sold; and

WHEREAS, the said tract has been previously offered for sale by Lincoln County through the Lincoln Economic Development Association for \$15,000.00 per acre; and

WHEREAS, Lincoln County has received an offer to purchase the said tract for the sum of \$200,000.00, or \$20,000.00 per acre, which offer has been secured by a deposit with the County of the sum of \$10,000.00 representing five percent of the bid as required by the provisions of N. C. G. S. Chapter 160A; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of Lincoln County and its citizens to sell the said tract, and the Board proposes to accept the said bid of \$200,000.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey and compliance with the procedures of N. C. G. S. Chapter 160A;

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

1. The Lincoln County Board of Commissioners declares the tract of real property consisting of approximately 10 acres described as Parcel 12 on the Master Plan for the Lincoln County Industrial Park, to be surplus property and authorizes and directs the sale of said tract as hereinafter resolved.

2. The Board of Commissioners acknowledges receipt of a bid to purchase said tract for the sum of \$200,000.00, or \$20,000.00 per acre, subject to verification of the exact acreage by survey, and further acknowledges receipt of the deposit from the bidder of the sum of \$10,000.00, representing five percent of its bid as required by the procedures of N. C. G. S. Chapter 160A.

3. The said deposit shall be forfeited and withheld by Lincoln County in the event that the bidder prematurely withdraws its bid.

4. The County Manager and Clerk to the Board are hereby directed to place an appropriate newspaper advertisement in accordance with the requirements of N. C. G. S. Chapter 160A to inform the public of the Board's action in declaring this property to be surplus and the Board's receipt of this bid and intention to sell the said property to the bidder on these terms unless its bid is upset as provided by law.

5. Any party, person, firm, or other entity wishing to place an upset bid shall file such upset bid with the Lincoln County Finance Department before the close of business on the 10th day following publication of the newspaper advertisement herein specified.

6. Any such upset bid must comply with the following conditions:

- a. The upset bid must raise the original bid by an amount equal to at least ten percent of the first \$1,000.00 of that bid plus five percent of the remainder.
- b. The upset bid must be made in writing and be sealed.
- c. The purported upset bidder must deposit cash or certified funds with the Lincoln County Finance Department in an amount equal to at least five percent of its bid.
- d. The deposits of any unsuccessful upset bidders shall be returned within five days after completion of the upset bid process. The deposit of a successful upset bidder who withdraws without completion of its purchase shall be forfeited and withheld by Lincoln County.

7. No upset bids shall be opened until after the close of business on the 10th day following publication of the newspaper advertisement herein specified. Upon opening of any upset bids and verifying receipt of a qualifying upset bid, the County Manager shall arrange for publication of a further advertisement of the receipt of such qualifying upset bid and providing for a further upset bid procedure as set forth herein.

8. Upon the passing of the ten-day upset bid period without a qualifying upset bid having been received, the highest qualifying bid received shall be deemed accepted, and the Chairman of the Board of Commissioners and the Clerk to the Board shall be authorized to execute all documents necessary to consummate the sale and conveyance of the property to the highest qualifying bidder.

9. The conveyance of the property shall occur at such reasonable time as the parties shall agree after receipt of the highest qualifying bid and shall be made

contemporaneously with receiving cash or certified funds in the full amount of the purchase price.

10. In the event that no qualifying upset bid is received by the close of business on the 10th day following publication of the aforesaid notice, the offer of \$200,000.00, or \$20,000.00 per acre, referred to hereinabove shall be accepted and the said property sold and conveyed to the bidder on the terms stated herein.

11. This resolution shall be effective upon adoption.

This 1st day of July, 2002.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

UPON MOTION by Commissioner Craig, the Board voted unanimously to go into Closed Session for the following purposes which are confidential pursuant to N. C. G. S. 143-318.11: to discuss a real estate matter and to consult with the County Attorney.

Nothing was reported from Closed Session.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners