

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 18, 2002**

The Lincoln County Board of County Commissioners met in regular session on November 18, 2002 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Others Present:

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

Call to Order: Chairman Cochrane called the November 18, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the agenda removing Zoning Text Amendment 435 and 436 under the Recommendations from the Planning Board.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 18, 2002

6:30 PM	Call to Order
6:31 PM	Invocation – Rev. Jerry Goodman, Lincolnton Pentecostal Holiness
6:35 PM	Pledge of Allegiance
1. 6:36 PM	Adoption of Agenda

2. 6:40 PM Approval of Minutes
 - November 4, 2002
3. 6:45 PM Consent Agenda
 - Tax Requests for Releases
 - Less than \$100 – September 16 – October 15, 2002
 - More than \$100 – September 16 – October 15, 2002
 - Tax Requests for Refunds
 - Less than \$100 – September 14 – October 18, 2002
 - More than \$100 – September 14 – October 18, 2002
 - Budget Adjustments 33 - 35
 - Sponsored Group Status for Auditorium
 - Having Compassion Committee
4. 6:50 PM Public Comments
5. 7:05 PM Recommendations from Planning Board – Randy Hawkins
 - CUP #209 – AT&T Wireless, applicant
 - CUP #107 – Lake Norman Landfill, applicant
 - ZTA #437 – Lincoln County, applicant
 - ZTA #438 – Lincoln County, applicant
 - U.S. Highway 321 Corridor Plan
 - WSTA #3 – Lincoln County, applicant
 - ZTA #435 Lincoln County, applicant
 - ZTA #436 Lincoln County, applicant
6. 7:30 PM Public Hearing on a Proposed Ordinance and Agreement to Award a Franchise for the Operation of a Construction and Demolition Debris Landfill to BFI
7. 7:40 PM Community Development Block Grant Public Hearing – Steve Austin
8. 7:50 PM East Lincoln Park Lights – Erma Deen Hoyle
9. 8:00 PM Lease Agreement for Beatties Ford and Little Creek Access Areas – Erma Deen Hoyle
10. 8:10 PM Lincoln County Courthouse Lighting – Susan Spake
11. 8:20 PM Lincoln County Courthouse Antennae Discussion – Susan Spake
12. 8:30 PM Bond for Sheriff
13. 8:40 PM Bond for Register of Deeds
14. 8:50 PM Work First Plan – Susan McCracken

15. 9:00 PM Selection of Moving Company for DSS Move – Susan McCracken
16. 9:10 PM Environmental Health Fee Proposal – Food Plan Review – Maggie Dollar and Scott Sneed
17. 9:25 PM Finance Officer's Report – Leon Harmon
18. 9:35 PM Resolution Providing for the Issuance of \$9,000,000 General Obligation School Bonds, Series 2002A
19. 9:45 PM Rental Policy for Citizen Center
20. 9:55 PM Capital Project Report – Steve Gilbert
21. 10:05 PM Car Farm Road Water Tank Bids– Steve Gilbert
22. 10:15 PM East Lincoln Water Tank Bids– Steve Gilbert
23. 10:25 PM East Lincoln Water System Improvement Bids– Steve Gilbert
24. 10:35 PM Vacancies
25. 10:40 PM Appointments
26. 10:45 PM Calendar
27. 10:50 PM County Commissioners' Report
28. 11:00 PM County Manager's Report
29. 11:10 PM County Attorney's Report
30. 11:20 PM Other Business

Adjourn

Approval of Minutes – November 4, 2002: Chairman Cochrane presented the minutes of the November 4, 2002 meeting for the Board's approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the November 4, 2002 minutes as presented.

Consent Agenda: Chairman Cochrane presented the consent agenda for the Board's approval.

NAME	YEAR	A/C NO	AMOUNT
Abernathy, Tangela Dawn	2002	0161033	\$ 137.83
Bellack, Jack H.	2002	38833	\$ 115.98
Bolynn, Tony Lee	2002	0159428	\$ 116.53
Brooks, David Morton	2000/01	0133461	\$ 262.31
Dobbins, Steven L.	2002	41002	\$ 281.66
Fortenberry, Paul Scott	2002	0145897	\$ 211.58
Gilmore, Tommy Michael	2002	0092886	\$ 124.44
Hensley, Rick Thomas	2002	0098961	\$ 120.33
Holland, Caroline Elizabeth	2002	0138525	\$ 150.21
Lane, Brad Michael	2002	0161215	\$ 134.88
Lincoln County	2002	0136309	\$ 304.80
Parker, Pamela Hovis	2002	42045	\$ 194.78
Perkins, Craig David	2002	0109250	\$ 238.13
Redmond, Berniece E. MD	2002	0123283	\$ 184.52
Reep, Cathy Lineberger	2002	0074283	\$ 105.08
Simmons, Lonnie Henry	2001/02	0156195	\$ 336.78
Terres, Beth Carpenter	2002	0153907	\$ 128.98
Veitch, Edward Stephen	2002	0160965	\$ 109.34
		TOTAL	\$ 3,258.16

NAME	YEAR	A/C NO	AMOUNT
Abernathy, Debbie Ann	2002	0117992	\$ 5.81
Acevedo, Rafael	2002	0086175	\$ 22.78
Akers, Paul Carroll	2002	0099358	\$ 6.53
Anastasi, Thomas	2002	0143199	\$ 76.53
Ballard, Kathey Jean (Jones)	2001	08044	\$ 17.08
Barnes, Windell	2002	0119559	\$ 10.14
Beatenhead, Sharon Lanier	2001	0145205	\$ 21.24
Beaver, J. C.	2002	06164	\$ 6.24
Beaver, Marie Nelson	2002	0159569	\$ 35.96
Berchem, Hubert C.	2002	0117487	\$ 3.30
Bingham, Yugonda Suzette	2001	0089154	\$ 22.10
Boyles, Phillip M.	2002	0130126	\$ 15.08
Broome, William L. & Juanita	2002	19486	\$ 91.00
Burchett, Lisa Lynn	2001	0157577	\$ 17.18
Butler, John Douglas	2002	07891	\$ 30.71
Caldwell, Harry Douglas	2001	0098332	\$ 29.70
Caldwell, Macfie Anderson	2001	28758	\$ 5.64
Caldwell, Tiffany Renae	2002	0105699	\$ 27.93
Cash, Randy Gene	2002	0139179	\$ 64.32
Comarzan, Edward	2002	0146502	\$ 61.96
Connell, David Scott	2000	0131832	\$ 63.70

Cook, Keith Philip	2002	0124835	\$ 3.97
Dameron, Mark Alexander	2002	0152588	\$ 17.11
Davis, Jeffrey Lane	2002	0145059	\$ 20.36
Davis, Michael Trucking	2002	31904	\$ 23.77
Deal, Thomas Andrew	2002	0116681	\$ 26.69
Dehart, William Mike	2002	44896	\$ 64.85
Dejong, Douglas J.	2002	0146672	\$ 66.33
Dobbins, Steven Lamar	2002	0161479	\$ 2.36
Dunn, John Joseph Jr.	2002	0121320	\$ 16.20
Ebenezer United Methodist	2002	0160569	\$ 9.11
Erwin, Stephen P. Jr.	2002	0149228	\$ 37.03
Fitzgerald, Douglas E.	2002	0147411	\$ 82.21
Flowers, Gary Eugene	2002	0132958	\$ 31.15
Franklin, Hugh Wayne	2002	0161101	\$ 77.00
Friday, Jerry Jr.	2002	0107148	\$ 51.06
Gaus, John	2002	41191	\$ 4.57
Gilmore, Lynn McCarn	2002	0096219	\$ 26.13
Goodman, Timothy Wayne	2002	0117261	\$ 36.66
Goodson, Joey Douglas	2001	0089249	\$ 7.73
Greene, Danny Wayne	2001	0150748	\$ 20.42
Grigg, Edmond A. Jr.	2002	37188	\$ 4.69
Gryglewicz, Gregory P.	2002	0154848	\$ 4.02
Harkey, Benny Taylor Jr.	2002	0067820	\$ 43.02
Harris, Marvis A. & Suzanne	2001	26384	\$ 16.03
Hawkins, Roy Lee & Shirley	2002	05916	\$ 36.26
Helms, Rathmul	2002	06384	\$ 59.74
Helms, William D.	2002	01138	\$ 32.44
Hester, Annie	2002	06669	\$ 70.11
Hoffman, David Scott	2002	0159679	\$ 3.19
Hogan, Daniel Franklin	2002	0160987	\$ 57.70
Houser, Jerry Dean	2002	0114029	\$ 30.07
Hovis, James D. Jr.	2002	0135954	\$ 78.31
Hoyle, Adam David	2002	0119957	\$ 9.26
Hughes, Barbara Ann	2002	0160331	\$ 25.90
Hunter, Harold Robert Jr.	2002	0099527	\$ 27.92
Ingle, Dormie Brown	2002	0144829	\$ 61.20
Jeffords, Richard A. Jr.	2002	0124299	\$ 9.19
Johnson, William Lee Jr.	2002	0142751	\$ 64.49
Karlson, Robert A.	2002	0100791	\$ 36.67
Kennedy, Matthew Douglas	2002	0152691	\$ 50.46
Kiser, Tony Reeves	2001	0074281	\$ 1.75
Leonhardt, Larry Andrew	2002	10261	\$ 73.73

Lidman, Ernest J.	2002	15744	\$ 15.87
Link, Richard S.	2002	10560	\$ 20.46
Linker, Steven Van	2002	0111910	\$ 67.32
Love, Crystal Melanie	2002	0161705	\$ 24.90
Love, Jack Lewis & Marie	2002	19687	\$ 27.07
Love, Marie Black	2002	0142356	\$ 72.16
Madriz, Jose Alfredo Guillen	2002	0152775	\$ 17.38
Marsh, Gary Lee	2002	0161612	\$ 16.08
McGugan, Michael Dale	2002	0155831	\$ 86.95
McGuire, Thomas A.	2002	21429	\$ 19.34
Melesh, Edward J. Jr.	2002	0155980	\$ 18.95
Metts, William Davis	2002	0094581	\$ 27.37
Milam, Robert T.	2001	0134424	\$ 3.24
Miller, John Edward	2002	49504	\$ 11.94
Mozina, Richard G. Jr.	2001	0130220	\$ 3.13
Mullen, Marcus	2002	09611	\$ 16.10
Painter, William Elliott	2002	0131529	\$ 12.87
Patterson, Richard	2002	0130128	\$ 43.43
Petree, Wesley Barnes	2002	0152784	\$ 19.37
Pinkerton, Charlotte Ann	2002	0125392	\$ 57.52
Pinkerton, Ray Dennie	2002	0146119	\$ 50.81
Poarch, Ned Lester	2002	20181	\$ 38.77
Poole, Donald Dean	2002	13915	\$ 6.30
Pooler, Marjorie Darling	2002	0159355	\$ 12.59
Powell, Toney Lee	2002	0110524	\$ 21.91
Randle, Roxann Nicole	2002	0145800	\$ 13.30
Ray Ann Farms	2002	0146828	\$ 50.08
Reep, Lonnie Daren	2001	0103334	\$ 37.01
Rhyne, Neal Herbert	2002	0071518	\$ 5.95
Robinson, Donnie Irvin	2002	15338	\$ 46.85
Robinson, Pamela Burrell	1995/96	0104474	\$ 17.96
Rose, Richard Holmes	2002	0096655	\$ 79.73
Rudisill, Julian C.	2002	21449	\$ 32.79
Sain, Ester Hovis	2002	0146431	\$ 8.91
Schronce, Jacqueline I.	2002	0143058	\$ 91.13
Schronce, Steven Eric	2002	0093131	\$ 15.94
Shaffer, Eve N.	2002	0161746	\$ 65.57
Sherrill, Anita Jo (Robinson)	2001	37339	\$ 5.92
Sides, Richard D. Sr.	2002	03220	\$ 3.80
Sigmon, Carol Edward	2002	0160951	\$ 11.09
Slaughter, Jean E.	2001	0135706	\$ 44.33
Smith, Tommy Evoid	2002	0069635	\$ 7.92

Smith, William Albert	2002	0069366	\$ 70.10
Solano, Martin Loaiza	2002	0087155	\$ 21.27
Spencer, Carroll	2002	10626	\$ 7.48
Spivey, Brenda Kay	2002	0090323	\$ 64.52
Stamey, Geogry Kenneth	2002	0097585	\$ 18.50
Stroupe, Dennis A.	2002	11141	\$ 6.55
Triple M Farm	2001	0067551	\$ 43.38
Turner, Darlene G.	2002	0117748	\$ 44.69
Turner, Philmon Michael	2002	0117617	\$ 27.41
Vandiver, Jeffrey	2002	0157222	\$ 20.00
Waters, Basel Franklin	2002	0092853	\$ 7.90
West, Alice M.	2002	0128907	\$ 17.12
White, Billy Franklin	2002	0085683	\$ 27.08
Whitewolf, David Majick	2002	0070344	\$ 7.97
Willis, Kerry Lynn	2002	0088211	\$ 15.55
Wrenn, Lori Ann	2002	0159367	\$ 48.24
		TOTAL	\$3,753.66

NAME	YEAR	A/C NO	AMOUNT
American Licensed Products	1998	0106380	\$383.16
Crawley, Jackson Kenneth	2002	03235	\$841.99
Hush, Nathaniel	1992	43957	\$108.42
Kistler, William Yates Jr.	2002	09836	\$782.35
Lawson, Paul D.	2002	0161879	\$142.10
Linder, Mary Sandra W.	2002	0129331	\$134.00
Los Amigos	1999-01	0133105	\$190.58
McAlister, Worth III	2002	0098692	\$815.21
Munday, John T.	2002	09660	\$276.00
Republic Leasing Co.	2002	0088811	\$119.74
Reynolds, Shirley	2002	0076732	\$3,224.13
Rhyne Heights Methodist	2002	33662	\$813.76
Stidham, Charles	2001/02	0128865	\$267.29
Talbert, Terry Lee	2001/02	13632	\$229.50
		TOTAL	\$8,328.23

NAME	YEAR	A/C NO	AMOUNT
Anderson, William B.	2001/02	17561	\$13.30
Blackburn, Barrett M.	2002	0135375	\$51.59
Brennan, James Joseph	2002	0161825	\$3.61
Cunningham, Cynthia D.	2000-02	0137239	\$18.64
Davis, Jeffrey Lane	2002	0073035	\$45.23
Foster, Edith	1995	0105903	\$60.87
Gales, Robert W.	2000-02	41929	\$23.30
Gilmore, Michael	2002	0161828	\$25.98

Hawkins, Kathleen Martin	2002	0094410	\$69.00
Jermalowicz, Glenn R.	2001/02	0133247	\$16.40
Lankford, Natherne Lewis	1999-02	0079518	\$44.07
Lovelace, Sherry (Adams)	2002	0130228	\$36.11
Mashburn, Hester Conley	2001	0091836	\$7.98
Monaco, John E.	2002	0135392	\$57.25
Payne, Edward F.	1997-02	19916	\$74.33
Randall, Mitchell Leroy	2002	38341	\$69.00
Sigmon, Graham B.	2000-02	0136557	\$55.92
Stamey, Jimmy	2002	15940	\$4.63
Stilwell, Claude Jr.	1997-02	20736	\$51.12
Waycaster, Buster B. & Jean B.	1997-00	41046	\$27.82
		TOTAL	\$756.15

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVER (September 14 – October 18, 2002)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Blethen, Samantha Ann	2001	ELFD	0151550	\$11.04
Britt, Eddie Hester	2001	HCFD	0068780	8.17
Chaves, Mario Morales	2002	CITY	0123405	43.31
Classe, Bernard	2001	UNFD	0143814	4.47
Ewing, Stacy	2002	CITY	0142977	3.03
Ford Motor Credit Corp	1997	ALFD	0111929	82.98
Gordon, Johnny Douglas	2001	ELFD	0092295	10.89
Grogg, Brian Keith	2001	PCFD	0157581	7.76
James, Minnie Ledford	2001	DFD	0142914	3.84
Leonhardt, Sumner	2002	SFFD	10317	5.08
Morgado, Torres Miguel Angel	2001	CITY	0149005	4.37
Pendley, Billy Dean	2001	UNFD	40168	11.26
Rector, Roxie L.	2002	BCFD	0074915	13.02
Rhyne, Helen R.	2001	HCFD	0135605	52.55
Saine, Krista	2001	CITY	0130531	97.54
Sarabia, Robert Michael	2002	ELFD/ELSD	0116801	3.28
Schweitz, Carole Bingman	2002	PCFD	0138467	10.37
Schweitz, Oscar	2001	PCFD	43782	3.56
Small, Betty Clanton	2001	HCFD	0068293	1.05
White, Terry Lee	2002	N321	0152695	32.97
Wise, Charles Melton	2002	UNFD	0070375	11.92

TOTAL \$422.46

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (September 14 – October 18, 2002)

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

NAME	YEAR	DIST	A/C#	AMOUNT
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Hastings, Cecil Dean	2002	CITY	0131541	\$9.47
Hastings, Cecil Dean	2002	CITY	0105485	85.47
Hastings, Cecil Dean	2002	CITY	0072007	44.39
Hastings, Cecil Dean	2002	CITY	0072007	44.39
Hastings, Cecil Dean	2002	CITY	0121109	44.44
			TOTAL	\$228.16

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

NAME	YEAR	DIST	A/C#	AMOUNT
Bean, Brenda G.	1997-2002	DFD	18296-PID#29524	\$57.06
Caldwell, Mary Sue	2000-2002	DFD/ELSD	45086-PID#32170	35.55
Cromartie, Eric T.	1997-2002	ELFD	0072890-PID#32258	55.09
Cunningham, Cynthia	2002	ELFD/ELSD	0137239-PID#72072	18.64
Eaker, Dwight D.	2000-2002	ELFD/ELSD	17982-PID#30120	14.82
Eaker, Dwight D.	2000-2002	ELFD/ELSD	17982-PID#30121	16.44
Eaker, Dwight D.	2000-2002	ELFD/ELSD	17982-PID#30122	16.45
Henkle, James J. & Pauline Sr.	1997-2002	ELFD	17874-PID#33268	56.07
Hoyle, Clairene S.	1997-2002	ELFD/ELSD	18321-PID#34453	83.48
Lee Family Real Estate LTD Par	2000-2002	ELFD/ELSD	0104089-PID#02474	18.38
Lee Family Real Estate LTD Par	2000-2002	ELFD/ELSD	0104089-PID#31863	18.38
Lee Family Real Estate LTD Par	2000-2002	ELFD/ELSD	0104089-PID#57400	18.38
Sigmon, Robert A.	2000-2002	ELFD/ELSD	19972-PID#32790	34.70
Smith, Zelma W.	2000-2002	ELFD/ELSD	20363-PID#30544	18.69
Watson, James H.	2000-2002	ELFD/ELSD	21745-PID#31712	18.71
			TOTAL	\$480.84

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (September 14 – October 18, 2002)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Hastings, Cecil Dean	2002	CITY	0131541	\$9.47
Hastings, Cecil Dean	2002	CITY	0105485	85.47
Hastings, Cecil Dean	2002	CITY	0072007	44.39
Hastings, Cecil Dean	2002	CITY	0072007	44.39
Hastings, Cecil Dean	2002	CITY	0121109	44.44

TOTAL \$228.16

Budget Adjustment No. 33 by Finance to budget for Emergency Medical Facility as approved in Capital Projects resolution less architect fees paid in previous fiscal year.

Budget Adjustment No. 34 for Social Services to increase expenditure and revenue line items for additional allocation of funds for Child Day Care Program through State funds (no county funds involved)

Budget Adjustment No. 35 for EMS for an increase in expenditures authorized by the Board of Commissioners for the addition of 3 full-time Paramedics positions to expand the QRV program, Grant dollars from the Carolinas Community Health Institute for temporary data entry operator position, and an increase in revenues relating from dramatic increase in call volume.

Sponsored Group Status
- Having Compassion

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

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

Sylvia Holmes stated that the library furnishing fund committee has raised over \$225,000 and are at 91% of the goal. She requested a county flag for the new east Lincoln library.

Commissioner Tom Anderson presented the flag to Ms. Holmes.

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

Recommendations from the Planning Board: Randy Hawkins presented the following Planning Board's recommendations.

Conditional Use Permit No. 209 – AT & T Wireless, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 8 – 0 to recommend approval with the condition that minimal lighting be placed on the tower.

Application # CUP #209 Date 11/18/02

Applicant's Name AT&T Wireless
2729 Prospect Park Dr.
Rancho Cordova, CA 95670

Applicant's Address 5786 Vesuvius Furnace Road

Property location: same as above

Existing Zoning: R-T

Proposed Conditional Use 200 foot telecommunication tower

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: Minimal lighting to be required.
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: Adjoining property owners have no objections with minimal lighting, conforms with zoning regulations.
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: This will be in harmony with land use plan.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Planning Board's recommendation and findings of fact for Conditional Use Permit 209 – AT&T Wireless, applicant, with the condition that the lighting be in accordance with what the Airport Authority recommends.

Conditional Use Permit No. 107 – Lake Norman Landfill, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 8 – 0 to recommend approval with this language: "In the event of a traffic tie-up or other circumstances that delay the arrival of trucks, the landfill may remain open for up to an hour past its scheduled closing time upon written notification to the county. The county shall have the authority to approve, on a temporary basis, expanded operating hours in the wake of a natural disaster or other event that causes extensive property damage."

Application # CUP #107 Date 11/18/02

Applicant's Name Lake Norman Landfill, Inc.
5105 Morehead Road
Concord, NC 28027

Property location: 7099 Quarry Lane, Stanley

Existing Zoning: I-G

Proposed Conditional Use Change in Schedule, allowance for variance

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: Consistent with current hours of operation, had not constituted a problem.

2. The use meets all required conditions and specifications. YES X NO __
Factual Reasons Cited: Meets objectives concerning traffic, use of areas, neighbors.
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: Adjoining businesses operate at same hours.
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: This will be in harmony with land use plan.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Planning Board's recommendation and findings of fact for Conditional Use Permit 107 – Lake Norman Landfill, applicant, with the findings of fact with the conditions that are attached.

Zoning Text Amendment No. 437 – Lincoln County: The Planning Board voted 8 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Text Amendment No. 437 – Lincoln County, applicant.

Zoning Text Amendment No. 438 – Lincoln County: The Planning Board voted 8 – 0 to recommend approval.

Commissioner Anderson suggested tabling this to look at the Subdivision Ordinance in conjunction with this amendment.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to table Zoning Text Amendment No. 438 – Lincoln County, applicant.

U.S. Highway 321 Corridor Plan: The Planning Board voted 8 – 0 to recommend approval.

Chairman Cochrane deferred this item to the December meeting.

Watershed Text Amendment No. 3 – Lincoln County, applicant: The Planning Board voted 5 – 0 (on 1/07/02) to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Watershed Text Amendment No. 3 – Lincoln County, applicant.

Public Hearing on a Proposed Ordinance and Agreement to Award a Franchise for the Operation of a Construction and Demolition Debris Landfill to BFI:

Jeff Taylor, County Attorney, presented the Ordinance for the Board's consideration and outlined changes made. The law requires the Board to vote on this at 2 different meetings. He stated that the Board can have the public hearing on this tonight and can act on it at the next two meetings. This ordinance basically gives the county more control over the operation of the landfill.

Chairman Cochrane opened the Public Hearing concerning the Franchise Ordinance.

Chairman Cochrane asked Mr. Schotsch how we know how much debris goes into the landfill.

Tim Schotsch stated that on an annual basis, they automatically report these tonnage's to the state and the county receives a copy of it. He stated that every vehicle is weighed upon going in the landfill and leaving.

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

This item will be back on the December agenda.

Community Development Block Grant Public Hearing: Jeff Vernon stated that this is the second public hearing on the CDBG.

Mr. Vernon presented a proposed list of the Committee members for Scattered-Site Housing Grant Selection Committee.

Commissioner Anderson stated that under the Federal Certifications, paragraph Q, it states that the county has adopted the policies mentioned. He asked if Lincoln County has adopted all of these.

Jeff Vernon stated that he will research this.

Commissioner Anderson asked about tap fees and assessment for water and sewer. He asked if this would necessitate a change in the county's policy.

Steve Austin, with Benchmark, stated that the grant would pay for the tap fees, so he didn't think there would need to be a change.

Jeff Vernon stated that he will speak with the Water Department on this.

Chairman Cochrane opened the public hearing.

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

East Lincoln Park Lights – Erma Deen Hoyle: Erma Deen Hoyle presented the following Memorandum of Understanding – Lighting at East Lincoln Park.

MEMORANDUM OF UNDERSTANDING
LIGHTING AT EAST LINCOLN PARK

This agreement and understanding is made and entered into by and between Lincoln County (hereinafter referred to as the County) and East Lincoln Optimist Club (hereinafter referred to as Club).

Whereas, the County owns and operates the East Lincoln Park and wishes to encourage use of the facilities, but respects the concerns of facility neighbors; and

Whereas, the Club operates a youth sports program in eastern Lincoln County and wishes to assist in the development of said park with the installation of lights for activities on the existing multipurpose field in the East Lincoln Park; and

Whereas, the parties mutually agree that the best interest of all the citizens of Lincoln County will be served by cooperation between governmental and private groups in a concerted effort to provide such improvements to the Park;

Now, therefore the parties agree as follows:

1. **INSTALLATION OF LIGHTS:** The Club agrees to install the lights on the playing field at their expense, and will secure all permits, etc. necessary for such installation. Note: All wiring must be underground as per requirement of the PARTF and LWCF grants used for portions of the park's development. Also, the project must meet all requirements of the County's building and zoning codes and ordinances.
2. **UTILITY FEES AND MAINTENANCE:** The Club agrees to pay all startup costs, as well as the regular monthly utility bill for the lights. Should the club decide at a future point that they are no longer willing or able to pay the monthly cost or cover repairs, the County makes no guarantee to continue such payments. At such time, the issue must be brought back before the Board of County Commissioners for further action.
3. **PRIORITY OF USE:** In exchange for the Club's provision of the costs above, the Club will be given priority use of the field with lights. The Club will submit a copy of its planned schedule at the beginning of each season, so that the Recreation Dept. may schedule other uses and/or groups during the times not requested by the Club.
4. **FEES FOR USE BY OTHER GROUPS OR AGENCIES:** A fee (to be determined annually by the Club and the Recreation Department upon review of preceding months' utility bills) will be charged to any group other than the club that uses the lights. This fee will be collected by the Recreation Department and forwarded to the Club.

5. **CONDITIONS FOR INSTALLATION AND USE:** The following conditions will apply to use of the lights by all groups, including the Club.

All activities will cease by 9:30 p.m. and lights will be turned off by 10:00 p.m. A timer must be installed by the club to insure meeting this time requirement.

Club volunteers (or group leaders for other groups using the facility) will be responsible for general maintenance (picking up trash, equipment, etc.) during the times they are using the facility.

6. **AMENDMENTS AND/OR ADDITIONAL CONDITIONS:** The parties retain the right to amend this agreement. It is foreseeable that additional conditions may be necessary as field use increases. Any such conditions will be discussed and approved by both the Recreation Department and the Club before implementation. The parties pledge their assistance and cooperation in making such amendments to this agreement that may be in the best interest of the parties and the community.

Commissioner Craig asked about insurance liability.

Erma Deen Hoyle stated that she will ask that the County is listed as additional insured on the insurance policy.

Commissioner Craig asked about allowing exceptions on the time limit, in the event that there is a need, such as a game that goes into overtime.

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

Lease Agreement for Beatties Ford and Little Creek Access Areas: Erma Deen Hoyle presented the Lease Agreements for Beatties Ford Access Areas. The initial lease will be for 30 years.

Erma Deen Hoyle also asked for the Board's approval to apply for a \$125,000 grant from PARTF. The County would need to come up with \$125,000 in matching funds. \$100,000 is already in the Recreation Capital Improvement Fund. \$25,000 would be due in the 03-04 budget year if the grant was approved.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to authorize the Chairman to sign the lease agreement and authorize the County Manager or Erma Deen Hoyle to proceed with the grant application, certifying the match.

Lincoln County Courthouse Lighting/Antennae Discussion: Susan Spake spoke concerning the Courthouse lighting. She suggested doing the lighting and moving the antennae so they are complimenting each other and not tearing up the yard several times.

Mr. Kiser stated that if the City runs lines underground at the Courthouse, Dennis Williams believes there will be an outside transformer we may be able to hook into. This could possibly be a cost savings over running it inside to the old COMM center.

Ms. Spake stated that they are pursuing the possibility of grants that may be available through the City for downtown development. Jeff Vernon spoke on the possibility of getting some grant funds and different grants he has researched.

Commissioner Craig suggested drafting a letter to the Historic Properties Commission concerning changes to the Courthouse.

Bond for Sheriff/Register of Deeds: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to continue the existing bond for the Sheriff and Register of Deeds.

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

Work First Plan – Susan McCracken: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the Work First Plan.

Selection of Moving Company for DSS Move: Susan McCracken presented a comparison of the vendors that submitted bids for the DSS Move. She recommended approving Commercial Movers at a cost of \$36,953.38 if staff prepares files for the move. If not, the cost will be \$44,453.38.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Commercial Movers, Inc.

Environmental Health Fee Proposal – Food Plan Review: Scott Sneed, Environmental Health Supervisor, presented information concerning the amendments to the fee proposal.

Due to the amendments of **Section 29A.16. of G.S. 130A-248** allowing the local health departments to charge up to \$200.00 for food establishment plan review, the Lincoln County Division of Environmental Health is requesting the addition of this fee to the current schedule.

Also, the on-site section of environmental health would like to have a wasted trip fee of \$50.00 added to the current fee schedule. Environmental health is experiencing a lot of wasted trips to sites for lot evaluations. This is happening when the applicant calls the office and says their site is ready. When they make the trip, the site is not ready. The applicant receives a copy of the policy at the time of their application and a staff member explains this policy to them. The Lincoln County Building and Land Development

Department was experiencing the same problem until they included a \$75.00 wasted trip fee. This cut down on these.

Maggie Dollar stated that after informing the Board of this proposed change, the Health Department shall notify the public of this fee proposal via a legal notice posted for 10 days in the local newspaper, stating the sites where copies of the fee proposal can be viewed. Written comments from members of the public must be submitted to the Health Director by a certain date. The Board of Health will meet to review the public comments and make a final recommendation to the Board of Commissioners, who then vote whether to adopt the proposed fees.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the fees, in essence, as presented.

Finance Officer's Report: Leon Harmon gave the Finance Officer's Report for October. He mentioned that the state has not budgeted to give the county the \$468,086 ADM funds that we were expecting. Instead, we will get \$562.12 of interest.

Resolution Providing for the Issuance of \$9,000,000 General Obligation School Bonds, Series 2002A: Chairman Cochrane introduced the Resolution Providing for the Issuance of \$9,000,000 General Obligation School Bonds, Series 2002A, which is herein incorporated by reference. This was read by title and summarized by the Finance Director.

UPON MOTION by Commissioner Craig, seconded by Commissioner Anderson, the Resolution Providing for the Issuance of \$9,000,000 General Obligation School Bonds, Series 2002A.

Rental Policy for Citizen Center: Stan Kiser, County Manager, recommended the following changes:

Theater Rental	Sunday – Thursday	\$500
	Sponsored Group	\$250
	Friday – Saturday	\$900
	Sponsored Group	\$450
	25% discount for consecutive days	
	Most expensive day will count as first	
Lobby fee		\$100
Piano Tuning		Current Market Rates
Small Piano		\$35
		Sponsored Group – Free
Large Piano		\$150

Sponsored Group \$75

Labor Rates
(Time to set up) \$10 per hour

Security \$15 per hour

Mr. Kiser stated that we will honor the old rates for individuals who have already booked the center or have gotten the rates quoted.

Commissioner Craig stated that the Citizen Center is a facility built with taxpayers money for the citizens of the county. He stated that the Board gives it to the Rotary and other groups and then charges others. He stated that he feels some groups that use the auditorium could use another facility, such as the second floor balcony.

Chairman Cochrane suggested charging everyone for use of the auditorium to try to encourage use of other county facilities.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the fee schedule and let the County Manager work on free use and out-of-county rates.

Capital Project Report: Chris Henderson, Utility Maintenance Supervisor, presented the Capital Project Report for the Public Works Department.

He also presented the Board with the revised customer complaint response procedure.

Car Farm Road Water Tank Bids: Mike Wolfe stated that on November 8, 2002, the Public Works Department received bids for a 750,000 Gallon Elevated Storage Tank to be constructed on the County Convenience Site located on Car Farm Road. This tank has been identified as being an essential part of increasing flows and pressures in the central section of the County, particularly in the Lincoln County Industrial Park, which is continuing to grow and develop.

The low bid was submitted by Phoenix Fabricators and Erectors, of Avon, Indiana, in the amount of \$843,680.00. Construction time allowed in the contract is 270 calendar days from the Notice to Proceed, which can be issued when all contract documents are properly executed. WK Dickson has reviewed the bids and has made a recommendation to award the contract to Phoenix Fabricators.

East Lincoln Water Tank: Mike Wolfe stated that on November 8, 2002, the Public Works Department received bids for a 500,000 Gallon Elevated Storage Tank to be constructed on the East Lincoln Park property on Optimist Club Road. This tank has been identified as being an essential part of increasing flows and pressures in the eastern section of the County, particularly in the Triangle area along NC 16, which is experiencing rapid growth.

The low bid was submitted by Phoenix Fabricators and Erectors, of Avon, Indiana, in the amount of \$729,710.00. Construction time is 270 calendar days from the Notice to Proceed, which can be issued when all contract documents are properly executed. WK Dickson has reviewed the bids and has made a recommendation to award the contract to Phoenix Fabricators.

East Lincoln Water System Improvement Bids: Mike Wolfe stated that on October 31, 2002, the Public Works Department received bids for the East Lincoln Water System Improvements. These improvements, which consist of approximately 10 ½ miles of new water lines at various locations, have been identified as being essential to increase flows and pressures in the eastern section of the County, an area that is experiencing rapid growth and development.

The project was divided into three separate parts for bidding purposes because of loan application requirements, with the option of having one contractor perform all three parts. Low bids were submitted as follows:

Part 1 – Hickory Sand Company - \$499,863.10 -----Contract time=135 days
Part 2 – Trans State Construction - \$462,102.30-----Contract time=150 days
Part 3 – Atlantic Coast Contractors - \$361,314.25---Contract time=160 days

The low bid for doing the project under one contract was submitted by Atlantic Coast Contractors in the amount of \$1,340,730.24, with a contract time of 300 days. If the work is split into three contracts, there will be a financial savings of \$17,450.59. It may seem that having three contracts going on at once might require additional time and money for construction inspection, but inspection is more closely related to the length of water lines to be constructed, so the cost of inspection should not be significantly different for either method of construction. The main advantage to awarding three separate contracts is that all of the work will be completed and the lines placed in service approximately 4 ½ months earlier than if we go with one large contract. WK Dickson has reviewed the bids and has made a recommendation to award the contract in three parts to the bidders outlined above.

Mike Wolfe stated that the bid approval should be contingent upon loan approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Car Farm Road Water Tank Bid, East Lincoln Water Tank Bid, and East Lincoln Water System Improvement bid contracts as presented.

The Board approved by consensus to hear the bids from the East Lincoln County Water and Sewer District. According to County Attorney Taylor, the Board can by consensus approve these bids and it can be ratified at the December 16 East Lincoln County Water and Sewer District Meeting.

Mike Wolfe stated that they received bids on November 6, 2002 for the standby power for the wastewater pump stations. Via Electric Co. was the low bidder for the project, with a bid of \$404,370. They would like to begin work in early December.

Stan Kiser stated that there is more than enough money to cover all generators that were bid and they may do an add-on later for the one remaining pump station.

It was the consensus of the Board to proceed with this project.

Mike Wolfe stated that they received bids on October 31, 2002 for the South Little Egypt Road Force Main. Carolina Construction of Rutherford was the low bidder, with a bid of \$110,808.58. References turned out great for this company. He recommended this award be made to Carolina Construction of Rutherford. They would like to begin work in early December.

It was the consensus of the Board to proceed with this project.

Mike Wolfe stated that bids were received for the Governor's Island project, but they are not ready to make a recommendation at this time.

Vacancies: Commissioner Craig presented the following vacancies.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee	6
Personnel Board	1
Recreation Commission – Union North	1
Region F Aging Advisory Committee	1

The following are Commissioner Craig's recommendations:

APPOINTMENTS

- Appoint *Audra Baucom Ellis* and *Mike Futrell* to the Community Child Fatality Protection and Fatality Review Team.
- Appoint *Robert Siler* to Lincoln Natural Resources Commission
- Appoint *Daniel Houser, Gary Davis, Ford Keith Gilbert, John P. Beam, Jr., Kenneth C. Dellinger Jr., Jerry Wyant, and G. K. Davis* to the Agricultural District Advisory Board.
- Appoint *Ann Dellinger* to the Historic Properties Commission.
- Appoint *Bobbi Baker* to the Recreation Commission to the North Brook Township.
- Reappoint *Delaine Davis, David Machado, and Boyce Lynch* to the Recreation Commission.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint and reappoint the above names.

Calendar: Chairman Cochrane presented the calendar for the month of December, 2002.

County Commissioners' Report: Commissioner Choate and Commissioner Saine stated that they have enjoyed serving on the Board and have learned a lot.

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

County Attorney's Report: Jeff Taylor reviewed the different procedures for selling the Highway 16 property.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to use the upset bid procedure to sell the land on Highway 16 with a \$650,000 minimum bid.

UPON MOTION by Commissioner Choate, the Board voted unanimously to go into Closed Session to consider personnel matters and consult with the County Attorney.

UPON MOTION by Commissioner Craig, the Board returned to open session.

Nothing was reported from Closed Session.

Adjourn: **UPON MOTION** by Commissioner Saine, the Board voted unanimously to recess.

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman