

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 5, 2001**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 5, 2001 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  
Dr. John R. Gamble, Jr.

Planning Board Members Present:

James "Buddy" Funderburk  
Dean Lutz  
Stanley Roseboro  
Jerry Geymont  
Phil Hunt  
Eddie Sigmon  
Mike Baker

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board  
Lee Lawson, Land Use Coordinator  
Kelly Atkins, Director of BALD  
Shane Stewart, Zoning Administrator  
Leon Harmon, Finance Director

**Call to Order:** Chairman Cochrane called the March 5, 2001 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 with the addition of the summary of the retreat added for approval under Item 2.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARINGS**  
**MARCH 5, 2001**

	6:30 PM	Call to Order
1.	6:30 PM	Adoption of Agenda
2.	6:31 PM	Approval of Minutes - November 28, 2000 - February 19, 2001
3.	6:35 PM	New Business / Advertised Public Hearing

PCUR #76 Michael Fox & Associates, applicant (Parcel ID #34325) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 60.5 acres to Conditional Use Planned Mixed-Use (CU-P-MU) to accommodate a major subdivision with 53 Single Family Dwelling Units, 122 Multi-Family Units, and one five (5) acre business parcel. This parcel is presently zoned Residential Single-Family (R-SF) and Residential 14 (RL-14). The parcel is located on Fairfield Forest Road in the Catawba Springs Township.

PCUR #77 Michael Baker, applicant (Parcel ID #53347) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 1.8 acres from General Industrial (I-G) to Conditional Use Residential Suburban (CU-R-S) to accommodate four (4) duplex units and one (1) triplex for a total of (11) eleven apartment units. The parcel is located off Riverview Road in Lincolnton Township.

PCUR #78 Vastis Development, applicant (Parcel ID #02329) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 27.3 acres to Conditional Use General Business (CU-B-G) to accommodate approximately a 108,000 square foot multi-tenant development. This parcel is currently a multi-zoned parcel with the majority being zoned Neighborhood Business (B-N DH) and the remainder zoned as Residential Single-Family (R-SF). The parcel is located off Highway 16 and Webbs Chapel Road in the Catawba Springs Township.

WSCUP #7 Gary Miller, applicant (Parcel ID #10126) The applicant is requesting a Watershed Conditional Use Permit (WSCUP) in order to disturb more than the allowable impervious ground coverage in the WS-II protected area of the Indian Creek watershed district. The maximum impervious ground coverage in this district is 12%. This request is to disturb 40 percent of the area under the 10/70 option for this watershed district. The 3 acre parcel is located off Highway 27 West in the North Brook Township.

CUP #185 SBA Towers, applicant (Parcel ID #25293) The applicant is requesting a Conditional Use Permit in order to accommodate a monopole telecommunication tower 125 feet in height. The 14.69 acre parcel is currently vacant and is zoned Residential Transitional (R-T). The parcel is located off East Highway 150 and National Way Road in the Ironton Township.

CUP #186 Wade Workman, applicant (Parcel ID #11421) The applicant is requesting a Conditional Use Permit in order to accommodate a single-wide mobile home on a 1.14 acre portion of a 14.3 acre tract that is zoned Residential Suburban (R-S). The parcel is located off Hulls Grove Church Road in the North Brook Township.

ZMA #362 Lincoln County, applicant (Parcel ID #53182) Building & Land Development is proposing to rezone a 2.5 acre parcel owned by John Rosenbaum from Conditional Use General Industrial (CU I-G) with a Designated Highway overlay district (DH) to General Business (B-G) DH.

ZTA #363 Lincoln County, applicant The following text amendment has been proposed: Amend Section 2.4 in the Lincoln County Zoning Ordinance to state: If a private residential quarters is issued as an agricultural exemption, it shall adhere to the following regulations....

ZMA #364 Bryan McClure, applicant (Parcel ID #78416) The applicant is requesting to rezone 14 acres from Residential Transitional with a designated Highway Overlay District (R-T DH) to General Industrial (I-G DH) to accommodate a racing workshop. The parcel is located off NC Highway 73 in the Ironton Township.

4. 7:50 PM Request for Refund – Appeal No. 182 – Michael Smith
5. 8:00 PM Work First Electing County Plan Change and Status – Susan McCracken

6. 8:15 PM Confirmation of Hospital Board Appointments
7. 8:20 PM EMS Rate Change – Ron Rombs
8. 8:25 PM Kate B. Reynolds Grant – Ron Rombs
9. 8:35 PM EMS Base – Ron Rombs and Brad Jewell
10. 8:45 PM Roseland Heights Water Corporation – Bill Resolution – Brad Jewell
11. 9:00 PM Lincoln County Cross Connection Control Ordinance – Brad Jewell
12. 9:10 PM Award of Hoyle Creek Pump Station and Force Main / Optimus Club Road FM – Brad Jewell
13. 9:20 PM Establish W.K. Dickson as Lincoln County's Engineer of Record – Brad Jewell
14. 9:35 PM Resolution Supporting the Construction of New Access Roads in the Lincoln County Industrial Park
15. 9:45 PM Joint Application for School Capital Fund
16. 9:55 PM Resolution Requesting Governor Michael F. Easley to Remit Obligated Funds to Cities and Counties and the North Carolina General Assembly to Enact Legislation Authorizing a Menu of Revenue Sources for Local Government, Including, But Not Limited to a Local Sales Tax of Up to the One (1%) Percent

Adjourn

**Approval of Minutes – November 28, 2000; February 19, 2001, February 28, 2001:**  
 Chairman Cochrane presented the minutes of the November 28, 2000, February 19, 2001 meetings for approval and the summary of the February 28, 2001 for approval as the minutes of the retreat.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to accept the November 28, 2000 minutes as presented.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to accept the February 19, 2001 minutes as presented. Commissioner Gamble questioned the water adjustments and asked that the future minutes reflect whether the leaks are on the side of the customer or the county.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to adopt the February 28, 2001 minutes of the retreat with the addition of the attendees: Beth Saine, Larry Craig, Tom Anderson, Jerry Cochrane, Stan Kiser, Ray Denney, and Leon Harmon, and was facilitated by Debra Henzey.

**New Business: Advertised Public Hearings:** Chairman Cochrane announced that this was the date, Monday, March 5, 2001 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on January 26, 2001 and February 2, 2001.

## NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 6:30 P.M. on Monday, March 5, 2001, to consider the following zoning related matters:

PCUR #76 Michael Fox & Associates, applicant (Parcel ID #34325) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 60.5 acres to Conditional Use Planned Mixed-Use (CU-P-MU) to accommodate a major subdivision with 53 Single Family Dwelling Units, 122 Multi-Family Units, and one five (5) acre business parcel. This parcel is presently zoned Residential Single-Family (R-SF) and Residential 14 (RL-14). The parcel is located on Fairfield Forest Road in the Catawba Springs Township.

PCUR #77 Michael Baker, applicant (Parcel ID #53347) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 1.8 acres from General Industrial (I-G) to Conditional Use Residential Suburban (CU-R-S) to accommodate four (4) duplex units and one (1) triplex for a total of (11) eleven apartment units. The parcel is located off Riverview Road in Lincolnton Township.

PCUR #78 Vastis Development, applicant (Parcel ID #02329) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 27.3 acres to Conditional Use General Business (CU-B-G) to accommodate approximately a 108,000 square foot multi-tenant development. This parcel is currently a multi-zoned parcel with the majority being zoned Neighborhood Business (B-N DH) and the remainder zoned as Residential Single-Family (R-SF). The parcel is located off Highway 16 and Webbs Chapel Road in the Catawba Springs Township.

WSCUP #7 Gary Miller, applicant (Parcel ID #10126) The applicant is requesting a Watershed Conditional Use Permit (WSCUP) in order to disturb more than the allowable impervious ground coverage in the WS-II protected area of the Indian Creek watershed district. The maximum impervious ground coverage in this district is 12%. This request is to disturb 40 percent of the area under the 10/70 option for this watershed district. The 3 acre parcel is located off Highway 27 West in the North Brook Township.

CUP #185 SBA Towers, applicant (Parcel ID #25293) The applicant is requesting a Conditional Use Permit in order to accommodate a monopole telecommunication tower 125 feet in height. The 14.69 acre parcel is currently vacant and is zoned Residential

Transitional (R-T). The parcel is located off East Highway 150 and National Way Road in the Ironton Township.

CUP #186 Wade Workman, applicant (Parcel ID #11421) The applicant is requesting a Conditional Use Permit in order to accommodate a single-wide mobile home on a 1.14 acre portion of a 14.3 acre tract that is zoned Residential Suburban (R-S). The parcel is located off Hulls Grove Church Road in the North Brook Township.

ZMA #362 Lincoln County, applicant (Parcel ID #53182) Building & Land Development is proposing to rezone a 2.5 acre parcel owned by John Rosenbaum from Conditional Use General Industrial (CU I-G) with a Designated Highway overlay district (DH) to General Business (B-G) DH.

ZTA #363 Lincoln County, applicant The following text amendment has been proposed: Amend Section 2.4 in the Lincoln County Zoning Ordinance to state: If a private residential quarters is issued as an agricultural exemption, it shall adhere to the following regulations....

ZMA #364 Bryan McClure, applicant (Parcel ID #78416) The applicant is requesting to rezone 14 acres from Residential Transitional with a designated Highway Overlay District (R-T DH) to General Industrial (I-G DH) to accommodate a racing workshop. The parcel is located off NC Highway 73 in the Ironton Township.

The public is invited to attend this meeting which will be held in the Commissioners' Board Room on the third floor of the Citizens Center, 115 W. Main Street in Lincolnton, NC. For more information, contact the Department of Building and Land Development at (704) 736-8440.

**Parallel Conditional Use Rezoning No. 76 – Michael Fox & Associates, applicant:**  
Having been sworn by the Clerk, Shane Stewart, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 76 – Michael Fox & Associates, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 60.5 acres to Conditional Use Planned Mixed-Use (CU-P-MU) to accommodate a major subdivision with 53 Single Family Dwelling units, 122 Multi-Family units, and one five (5) acre business parcel. This parcel is presently zoned Residential Single-Family (R-SF) and Residential 14 (RL-14).

The parcel is located on Fairfield Forest Road in the Catawba Springs Township and is joined on the north and west by properties zoned Residential Single-Family and Residential Zero Lot Line (RL-ZO), to the south and west by General Business (B-G), and to the east by (RL-14). The Lincoln County Land Development Plan calls for higher residential density development in this area.

Commissioner Anderson questioned information provided in the traffic impact study concerning the new Highway 16 bypass. He stated that this information says that it should open in 2003 and the latest TIP indicates that segments will open from 2001 to 2006. He asked what the impact of the new 16 not opening until 2006 would have on this traffic impact study. Commissioner Anderson stated that northbound Highway 16 at that intersection does not have a turn lane, southbound 16 does. He stated that he feels this development will have some impact on that interchange when it is built out.

Chairman Cochrane opened the Public Hearing on Parallel Conditional Use Rezoning No. 76 – Michael Fox & Associates, applicant.

**Scott Starnes** stated that he is speaking on behalf of the applicant. He stated that the Transportation Study can be revised to reflect a 2006 opening date of Highway 16.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning No. 76 – Michael Fox & Associates, applicant, closed.

**Parallel Conditional Use Rezoning No. 77 – Michael Baker, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No.77 – Michael Baker, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 1.8 acres from General Industrial (I-G) to Conditional Use Residential Suburban (CU-R-S) to accommodate four (4) duplex units and one (1) triplex for a total of (11) eleven apartment units.

The parcel is located off Riverview Road in the Lincolnton Township and is joined on the south, east, and west by properties zoned I-G and to the north by properties zoned Residential Single-Family (R-SF).

Chairman Cochrane opened the Public Hearing on Parallel Conditional Use Rezoning No. 77 – Michael Baker, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning No. 77 – Michael Baker, applicant, closed.

**Parallel Conditional Use Rezoning No. 78 – Vastis Development, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 78 – Vastis Development, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 27.3 acres to Conditional Use General Business (CU B-G) to accommodate approximately a 108,000 square foot multi-tenant development with one principal building 50,000 square feet in size. This parcel is currently a multi-zoned parcel with the majority being zoned

Neighborhood Business with a Designated Highway Overlay (B-N DH) and the remainder zoned as Residential Single-Family (R-SF).

The parcel is located off Highway 16 and Webbs Chapel Road in the Catawba Springs Township and is joined on the north and east by properties zoned R-SF and to the south and west by properties zoned Neighborhood Business (B-N DH).

Commissioner Anderson stated that there is a right turn lane onto Highway 16 that was recently put in, but if he is accessing the drawing correctly that turn lane will basically disappear as far as any usefulness is concerned if this project goes in. He stated that the Board needs comments from DOT as far as Highway 16 is concerned and also their thoughts for extending the turn lane on Webbs Road a little farther to the east.

Chairman Cochrane questioned the adequacy of storm water run-off and asked for this to be addressed when this comes back before the board.

Chairman Cochrane opened the Public Hearing on Parallel Conditional Use Rezoning 78 – Vastis Development, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning 78 – Vastis Development, applicant, closed.

**Watershed Conditional Use Permit No. 7 – Gary Miller, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Watershed Conditional Use Permit No. 7 – Gary Miller, applicant.

The applicant is requesting a Watershed Conditional Use Permit in order to disturb more than the allowable impervious ground coverage in the WS-II protected area of the Indian Creek watershed district. The maximum impervious ground coverage in this district is 12%. This request is to disturb 40 percent of the area under the 10/70 option for the watershed district.

The 3 acre parcel is located off Highway 27 West in the North Brook Township. The property is zoned Neighborhood Business with a designated Highway Overlay District (B-N DH) and is joined on the west side by property also zoned B-N, to the east and north by properties zoned Residential Suburban (R-S), and to the south by properties zoned Residential Single-Family (R-SF). The 10/70 option requires the issuance of a conditional use permit.

Chairman Cochrane opened the Public Hearing on Watershed Conditional Use Permit No. 7 – Gary Miller, applicant.

**Sylvia Holmes** stated that she spent two days this past weekend at a symposium on the Catawba River Basin and learned a lot about some of the restrictions that are going to have to be put on uses of land just to maintain water quality for everybody living in the basin. She advised the Board to be careful of approving these.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Watershed Conditional Use Permit No. 7 – Gary Miller, applicant, closed.

**Conditional Use Permit No. 185 – SBA Towers, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 185 – SBA Towers, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a monopole telecommunication tower 125 feet in height. The 14.69 acre parcel is currently vacant and is zoned Residential Transitional (R-T).

The parcel is located off East Highway 150 and National Way Road in the Ironton Township. The southern and eastern portions of the property abut Residential Suburban (R-S) zoned parcels, while the parcels on the north and southwest are zoned R-T as well. A telecommunication tower over 60 feet in height requires the issuance of a Conditional Use Permit in the R-T zoning district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 185 – SBA Towers, applicant.

**Jonathan Yates** spoke representing SBA Towers. He thanked county planning staff for being so helpful. Mr. Yates stated that SBA Towers whole business is building towers for multiple use. He stated that due to FAA concerns they have to go to a lower height, but additional carriers can be located on this tower. Mr. Yates went through the Ordinance showing how they comply with it.

Commissioner Anderson asked Mr. Yates about lighting on the tower.

Mr. Yates stated that the FAA would not require lighting, but if the county would make it a condition, obviously they would comply. He stated that in this situation, he would suggest a white day light that is intermittent, not a strobe. At dusk, it turns to a red light, which seems to be more pleasing to those around it.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 185 – SBA Towers, applicant, closed.

**Conditional Use Permit No. 186 – Wade Workman, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 186 – Wade Workman, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a single-wide mobile home on a 1.14 acre portion of a 14.3 acre tract that is zoned Residential Suburban (R-S).

The parcel is located off Hulls Grove Church Road in the North Brook Township and is joined on all lot lines by parcels also zoned R-S. The Lincoln County Land Development

Plan calls for low density residential development in this area. A single-wide mobile home requires the issuance of a Conditional Use Permit in the R-S zoning district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 186 – Wade Workman, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 186 – Wade Workman, applicant, closed.

**Zoning Map Amendment No. 362 – Building and Land Development, applicant:**

Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 362 – Building and Land Development, applicant.

Building & Land Development is proposing to rezone a 2.5 acre owned by John Rosenbaum from Conditional Use General Industrial (CU I-G) with a Designated Highway overlay district (D-H) to General Business (B-G) D-H. The property was initially rezoned on December 12, 1994 as a Parallel Conditional Use to accommodate the manufacturing of uniforms. Per section 6.4 of the zoning ordinance, *if a Conditional Use Permit is issued in relation to the rezoning of a property to a Parallel Conditional Use District, the property may only be used for the development for the Conditional Use Permit as approved.* Currently, the parcel contains an automobile sales lot.

The parcel is located off NC Highway 16 in the Catawba Springs Township and is joined on the southwest side by properties zoned I-G; to the south, east, and northeast by properties zoned Residential Single-Family (R-SF); to the north by CU B-G; and to the west by Neighborhood Business (B-N DH).

**Zoning Text Amendment No. 363 – Lincoln County, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 363 – Lincoln County, applicant.

The following text addition has been proposed:

Amend Section 2.4 in the Lincoln County Zoning Ordinance to state:

If a private residential quarters is issued as an agriculture exemption, it shall adhere to the following regulations:

- 1) Must have one (1) parcel containing at least ten (10) acres in actual production for the three (3) years preceding January 1 for which the benefit of this section is claimed and produced an average of at least one thousand dollars (\$1,000) for those three (3) years.
- 2) The application must be renewed every two (2) years with the supporting documentation that a farm worker resides in home.
- 3) Exemptions are for farm employees only and may not extend to a non-farm employee.

- 4) If farm subsides, the structure must be removed or come into compliance within one hundred and eighty (180) days.
- 5) Mobile homes may only be in the form of Class A, B, or C.
- 6) The number of homes for farm exemption status are limited to:

<u>Acreage</u>	<u>Units</u>
10	1
11-100	2
101 +	3

Commissioner Craig asked about number 1 on this list.

Shane Stewart stated that number 1 comes straight from the General Statutes. He stated that the applicant has to meet number 1 to even get a bona fide farm exemption by the State Statutes.

Commissioner Craig stated that he thinks this defeats the purpose having to wait three years to have farm hands that can live on the property. He stated that this needs to be changed.

Chairman Cochrane stated that for this particular purpose, this language could be left out.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 363 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 363 – Lincoln County, applicant, closed.

**Zoning Map Amendment No. 364 – Bryan McClure, applicant:** Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 364 – Bryan McClure, applicant.

The applicant is requesting to rezone 14 acres from Residential Transitional with a designated Highway Overlay District (R-T DH) to General Industrial (I-G DH) to accommodate a racing workshop.

The parcel is located off NC Highway 73 in the Ironton Township and is joined on the north, south, east sides by properties zoned R-T and to the west by properties zoned I-G.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 364 – Bryan McClure, applicant.

**Bryan McClure** stated that he lives in the duplex and owns the remaining acreage in question. He stated that he just wants to build a shop they can do some recreational racing out of and a cabinet shop for a homebuilding business.

Chairman Cochrane asked about noise coming from the shop.

Mr. McClure stated that they will not be building any motors or anything like that.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 364 – Bryan McClure, applicant, closed.

Chairman Cochrane announced that the Planning Board would retreat to the 2<sup>nd</sup> floor balcony.

Chairman Cochrane called for a five minute recess.

Chairman Cochrane called the meeting back to order.

**Request for Refund – Appeal No. 182 – Michael Smith:** Larry Craig presented information concerning the request for refund for Appeal No. 182, Michael Smith, applicant. Commissioner Craig stated that Mr. Smith petitioned for the Board of Adjustments to hear a case that pertained to a barn structure he was building on some property. The Building Inspector went out to this structure to make an assessment on a permit he was requesting. While they were there, they observed that this barn sort of looked like a house, and there was also a bathtub, kitchen cabinets, and several other things that made them suspicious. They confronted Mr. Smith and he assured them that he was not building a house or any facility to live in, he was just building a barn. Commissioner Craig stated that the Inspectors would not give him the permit that was necessary for him to continue on the barn, and therefore he had to apply for the Appeal. The Board of Adjustments ruled in his favor after hearing all the evidence, but they actually ruled in favor of the conditions placed on Mr. Smith, which prevented him from building anything other than a barn. They did not let him have water and only a few electrical outlets, limiting it to a barn or some type farm usage. Based on the fact that Mr. Smith thought he had won by the Board of Adjustments granting him the right to continue with these conditions, he asked for his \$125 back.

Commissioner Craig stated that it is of his opinion that Mr. Smith created the problem that got him to the Board and doesn't feel that he is due a refund.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to deny the request for refund for Appeal No. 182 – Michael Smith, applicant.

**Work First Electing County Plan Change and Status:** Susan McCracken requested a change in the plan that they submitted to the State Office on December 1, 2000. Since that time, they have received comments on the plan.

Ms. McCracken stated that when they wrote the plan, they were asking the State to consider the option of counting SSI benefits that a lot of their families receive. She stated that other counties have been doing this, but have been challenged by Legal Aid and the county may be challenged as well. She asked that they be allowed to change the plan and remove the SSI benefits as income.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to support the Social Services recommendation on these legal issues and waiver requests.

Susan McCracken stated that for the past two years, the county and the agency have benefited greatly by being an Electing County, by earning dollars that they have used to offset any county costs in the Children's Services Program. She stated that they also earned federal dollars by meeting their goals that they used to purchase automation needs and automobiles. She stated that they are now at a spot where they are gambling to continue to be an electing county. She stated that there have been some changes since they sent in their plan in December, and those two changes involve the fact that the economy is not where it was last year and there are some risks. She stated that they don't know what the economy will do or if the state will continue to give the same dollars that they have in the past years. Ms. McCracken stated that their budget estimates for FY 2001-2002 showed only a \$8,000 cut in Cash Assistance, which they can continue to do well with, but they do not know if this number will be the same in July. She stated that if we stay an electing county, we are locked in for two years.

Ms. McCracken stated that if the county decides to become a standard county instead of electing, the cash assistance is no longer in their budget, it becomes part of the state budget. She stated that they don't run any risk of running over, but don't get any additional monies to offset the costs of the Children's Services. This way county dollars have to become part of it.

Ms. McCracken stated that the Board of Social Services discussed this and recommended that we remain an electing county and run the risk, hoping that the economy will stay the same and the state will understand that they cannot cut funds and expect the same services. She stated that Rutherford and Poke Counties are in tremendous trouble this year, Rutherford is in the hole \$200,000 and are at a point of stopping checks. She stated that this is the possibility.

It was the consensus of the Board to delay this decision until the next meeting.

Susan McCracken stated that they have learned that the State will allow them to spend 10% of their maintenance of effort, the county dollars in the block grant, on automation needs. They will be able to spend up to \$47,000 on automation, which would buy everything Social Services needs.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to allow Social Services to proceed with the automation needs for Social Services.

**Confirmation of Hospital Board Appointments:** Stan Kiser stated that the names of Rosalind Welder and Bill Kaplan have been sent over by the Hospital. Rosalind Welder would fill the unexpired term of R. D. Fortenberry and Mr. Bill Kaplan would fill a new three year term because Mr. Peter Acker can no longer serve on the Board.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve Rosalind Welder and Bill Kaplan as appointees to the Hospital Board.

**EMS Rate Adjustment – Ron Rombs:** Ron Rombs EMS Director, stated that the Lincoln County Emergency Medical Services is responsible for providing 24-hour a day advanced life support coverage to the citizens and visitors of Lincoln County within budgetary constraints. After review of the annual Medicaid Cost Report, it is necessary to adjust our rates charged for care rendered to patients of Lincoln County EMS. Mr. Rombs requested that the attached rate plan be implemented as soon as possible to prevent further losses of revenue. He stated that the proposed rates are comparable to the surrounding county EMS rates and rates of services across the state.

### **2001 Rate Increase Proposal**

<b><u>Type of Call</u></b>	<b><u>Current Charges</u></b>	<b><u>Proposed Charges</u></b>
Good Intent / Public Assistance Calls	No Charge	No Charge
Basic Life Support Treatment – No Transport	\$50.00	No Charge
Advanced Life Support Treatment – No Transport	\$50.00	\$200.00
Paramedic Intercept [PI]	No Charge	\$300.00
Basic Life Support (Emergency & Non-Emergency) [BLS] To include IV access	\$375.00	\$375.00
Advanced Life Support (Emergency & Non-Emergency) [ALS1]	\$450.00	\$525.00
Advanced Life Support [ALS2] 3 or more medications and critical skill intervention	\$450.00	\$575.00
Specialty Care Transport (Emergency & Non-Emergency) [SCT]	\$450.00	\$675.00
Mileage (In and Out of County)	No Charge	\$7.00 / mile

Ron Rombs stated that the mileage is loaded mileage, from when you pick the patient up until their destination.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to accept the EMS rate changes.

**Kate B. Reynolds Grant:** Josh Wagner, EMS Training Officer, presented the Board with information regarding the Kate B. Reynolds Grant, which could be used for additional funding to enhance a quick response vehicle program and for data quality management for next year. The amount that could be provided by the K. B. Reynolds

Grant is \$164,758.13 and the minimum amount that would be provided by LCEMS would be for 6 additional employees and would be \$177,858.04 and \$17,618.13 for the Operations Coordinator's salary for one year, half of which would be funded by the Kate B. Reynolds Grant. If the vehicles were not funded by the Grant, the cost of the vehicles would be \$140,000. The Grant could be fully or partially funded. The Grant is due March 20.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to apply for the Kate B. Reynolds Grant.

**EMS Base – Ron Rombs and Brad Jewell:** Brad Jewell stated that staff is recommending that the new Emergency Medical Services Administrative Base be located at the site of the New County Jail. The site has been evaluated with three other locations. Site evaluations forms are included with this request. Staff is of the opinion that the New County Jail site will provide the best access to the existing highway structure, with the least impact on the surrounding neighborhoods.

In addition, Staff is requesting approval to begin negotiations with the Jail Architect to begin preliminary design of the Emergency Medical Services Administrative Base. By using the same architect, the County will be able to use site plans developed during the design of the jail. The preliminary design will provide Staff with the most cost effective layout for the base. During this preliminary work, future expansions of Jail, Animal Shelter, and EMS Base will be taken into consideration.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to direct Staff to negotiate preliminary architectural services with the jails' architect to determine the layout of the proposed Emergency Medical Services Administrative Base which will be located at the new jail site.

**Roseland Heights Water Corporation – Bill Resolution – Brad Jewell:** Brad Jewell, County Engineer, presented the Board with the following information.

In summary, the Roseland Heights Subdivision's water system was connected to Lincoln County's water distribution system several years ago. The system is connected via a master meter to Lincoln County's distribution system (this created one account). The Roseland Heights Water Corporation was formed to collect fees from each resident and to pay the group's water bill to Lincoln County. This concept was not successful at Roseland Heights. The defunct water corporation as of February 21, 2001, owes Lincoln County over \$14,353.88. Some residents and the Roseland Heights Church have been making some payments on this account, but the majority of the residents have not made any payments.

At the Board's request, Staff has developed a plan to recover this outstanding balance, replace the existing water mains in the community, and recoup the costs for the new mains. Attached is a detailed letter to the residents that outlines the proposal. In summary,

1. Staff will present the letter to the residents at a meeting to be held at the Roseland Heights Baptist Church. The date for this meeting will be set after the Board approves the proposal.
2. The residents will be informed that the County cannot waive any portion of the existing bill. If this is done, it may set precedence for other customers who have not been paying their bills. Attached is a revised break down on how the bill will be apportioned based upon consumption. This bill will need to be adjusted to reflect any payments that have been made by individuals over the past five years. A good example of this is the Church. Their members have been making payments on their portion of the water bill, which should be current. Staff has kept written records of these payments in receipt books, but we cannot guarantee that the past payments will all be located. Each customer that was given a receipt was informed to keep it for his or her future records. Staff will ask each customer to produce these before the final bills are calculated. The formula used to calculate each customer's outstanding bill is as follows:
  - The customer's consumption between March 25, 1999 (the only past meter reading that we have for all of the residents) and the date of the agreement will be divided by the total of all the customers' consumptions for this period. This will generate a percent responsibility for the total bill. The existing master meter will not be used to calculate this percentage due to the leaks that have occurred in the system. If the reading from the master meter was used, any water leak that occurred between the master meter and the individual meters would be unaccounted for.
  - The total water bill for the community would be calculated from November 1996 until the date of the agreement. November 1996 is the last month that the bill was paid in full.
  - Each customer's percent responsibility would be multiplied by the total bill calculated back to November 1996. From this bill, any payments made by the customer between November 1996 and the date of the agreement will be subtracted out. Any remaining portion of the bill will be the customer's current responsibility. In the event that the customer has over paid their portion of the bill the money would be refunded. Since some of these bills will be in excess of \$1,000, it is suggested that the bills be broken down into 12 monthly payments. These payments would be in addition to the customer's regular monthly bill.
  - Any money that has been paid on the overall account, and cannot be tracked back to a customer shall be applied to the cost to install the new water mains.
  - If the customer was not responsible for the water bill for the entire period, and can provide proof (lease agreement or deed) their bill will be adjusted proportionally.
  - If the customer does not agree to these terms their service will be terminated on the date of the agreement.
3. After the date of the agreement and before the County assumes responsibility for the new mains in the community, the water bills will be calculated as follows;

- The customer's individual meter reading will be divided by the total of all the customers' consumptions for this period. This will generate a percent responsibility for the total bill.
- This percentage will be multiplied by the master meter reading to produce total gallons responsible for.
- From this the customer shall be billed just as any other customer in the system is billed (\$20 for the first 2,500 gallons, \$4.35 per 1,000 gallons thereafter).
- If the customer fails to pay this bill within 60 days, the service will be terminated.

4. The estimated cost to install a new water main and provide fire protection to the community is \$56,250. This reduces to a cost of \$1,875 per house. Grant money is not available to install this main, since there are no documented sanitary hazards associated with the system (just a lack of payment). Grants maybe available to some of the low-income residents to connect to the system. This grant procedure is still be developed by the State and is undocumented at this time. I do not believe that everyone in the community will be eligible for a grant if they are available. To help the residents pay for these improvements, Lincoln County could offer a five-year payment plan to repay these costs. Based upon the current bond rate of 6%, the monthly payment for each homeowner would be \$36.25. These improvements would need to be secured by a lien against the house that service is provided to. Without the liens against the house, it is possible that a future buyer would not be aware of the outstanding balance until after they had bought the property and requested the service to be placed into their name.

5. Two months after the residents are notified that the distribution system is in place, and that they must connect to the new system, the existing master meter will be removed, and the old system will no longer be usable. Lincoln County will have not responsibility for the old system.

Staff is requesting approval by the Board to implement this plan.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to allow staff to set up the meeting with the Roseland Heights Community. Commissioner Craig asked to be notified of this meeting so he can attend it.

**Lincoln County Cross Connection Control Ordinance:** Brad Jewell, County Engineer, presented the Board with the following information

The request is for Board of Commissioner authorization to begin the process to establish a Lincoln County Cross Connection Control Ordinance. The Lincoln County Water Department currently relies upon both State and National Standards for cross connection control. The establishment of an ordinance, which will be required by State Officials in 2003, will provide for uniform compliance.

Cross Connection Control or Backflow Prevention is required to protect the County's water distribution system from contamination. There are documented cases (not in Lincoln County) of residential, commercial, and industrial contaminants being inadvertently introduced into drinking water system. This has been as simple as a hose being left in a container of fertilizer siphoning back into the water system during a main break, to as complex as contaminants being pumped directly into the system. All water meters installed in Lincoln County over the past three years have approved backflow prevention devices. All industries within the County have voluntarily installed backflow prevention devices also. The passage of the ordinance would simply provide a uniform code for plumbers to follow, and require the maintenance of the devices (by the owner) after the installation.

It should be noted that the ordinance does not provide for any fines if it is not complied with. Staff does not believe that fines are necessary at this time. Lincoln County's customers have been routinely complying with both the State and National Standards. During the budget process Staff will evaluate the need to establish a fee structure to monitor these devices. It is Staff's desire at this time to establish the ordinance to provide direction and uniformity in backflow prevention requirements.

Commissioner Craig suggested that language be incorporated into the Ordinance to establish a fee or to be able to turn water off.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to set a public hearing for April 2, 2001 at 8:00 PM.

**Award of Hoyle Creek Pump Station and Force Main/Optimus Club Road FM –**

**Brad Jewell:** Brad Jewell stated that staff is requesting authorization to award the Hoyle Creek Pump Station and Force Main/Optimus Club Road FM project to TranState Construction Company, Inc. in the amount of \$523,381.00 contingent upon the approval from the Local Government Commission. Three bids were received Hickory Sand Company's bid was \$695,585, Castor Plumbing Co., Inc. bid was \$579,115.69, and TransState Construction Company was \$523,381.00.

Stan Kiser stated that \$150,000 was put into the CIP fund for design and construction services.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve TranState Construction Company's bid in the amount of \$523,381.00 for the Hoyle Creek Pump Station contingent upon approval of financing.

**Establish W.K. Dickson as Lincoln County's Engineer of Record – Brad Jewell:**

Brad Jewell presented the following information to the Board.

Staff is requesting permission to establish WK Dickson as Lincoln County's Engineer of Record. The County Engineer's resignation will be effective on March 9, 2001 and Lincoln County will be in need of engineering support. The County Engineer is currently responsible for the review of all water and wastewater private development plans, as well

as all capital improvements in Lincoln County. The County Engineer is of the opinion that the current remaining Staff will be capable of performing these responsibilities with minimal direction from an outside engineering firm. Water and Wastewater Department Staff's responsibilities will now include:

1. Plan review of all developer requested and paid improvements for conformance with Lincoln County standards.
2. Construction oversight of development to insure that the agreed upon improvements are properly executed.

No additional staffing should be required to perform these responsibilities. WK Dickson's role will be reserved for engineering review of lift station design and capacity calculations. They will also provide engineering assistance when necessary. Although WK Dickson has offered to take a more active role in the operations of the Department, this will not be necessary in Staff's opinion.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to accept this proposal for Engineering Support Services.

**Resolution Supporting the Construction of New Access Roads in the Lincoln County Industrial Park:** Chairman Cochrane stated that DOT has to have this Resolution right away. They are having a board meeting next week and in order for them to approve this, they have to have this resolution. The funding is going to be a third by DOT, a third by the House, and a third by the Pro-tem Senate.

#### **RESOLUTION SUPPORTING THE CONSTRUCTION OF NEW ACCESS ROADS IN THE LINCOLN COUNTY INDUSTRIAL PARK**

**WHEREAS**, the Lincoln County Board of Commissioners believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development through the recruitment of new industries; and

**WHEREAS**, the Cataler Corporation plans to construct a new manufacturing facility in the Lincoln County Industrial Park; and

**WHEREAS**, the Lincoln County Commissioners support the construction of new access roads in the Lincoln County Industrial Park to serve the new Cataler facility; and

**WHEREAS**, the Department of Transportation has funding to construct roads of this type.

**NOW THEREFORE BE IT RESOLVED** that the Lincoln County Board of Commissioners fully support the expenditure of Department of Transportation Industrial Access funds and Statewide Contingency Funds to partially fund the construction of these new streets.

Approved this 5<sup>th</sup> day of March, 2001.

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Jerry Cochrane, Chairman  
Lincoln County Commissioners

ATTEST:

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Amy S. Long, Clerk  
Lincoln County Commissioners

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to execute this Resolution promptly.

**Joint Application for School Capital Fund:** Leon Harmon stated that back in the 1980s when the Inventory Tax was done away with, the State increased the corporate tax on corporate income corporations slightly. Some of this money goes to counties across the state to help with school construction. The way to get access to these funds is a joint Resolution between the Board of Education and the Board of Commissioners. This use would be for the new high school and the request would be for \$245,874.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to request the approval of the above project and release of the \$245,874 with the attached application.

**Resolution Requesting Governor Michael F. Easley to Remit Obligated Funds to Cities and Counties and the North Carolina General Assembly to Enact Legislation Authorizing a Menu of Revenue Sources for Local Government, Including, But Not Limited to a Local Sales Tax of Up to the One (1%) Percent:** Chairman Cochrane presented the following Resolution for the Board's approval.

**RESOLUTION SUPPORTING THE CONSTRUCTION OF NEW ACCESS ROADS IN THE LINCOLN COUNTY INDUSTRIAL PARK**

**WHEREAS**, the Lincoln County Board of Commissioners believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development through the recruitment of new industries; and

**WHEREAS**, the Cataler Corporation plans to construct a new manufacturing facility in the Lincoln County Industrial Park; and

**WHEREAS**, the Lincoln County Commissioners support the construction of new access roads in the Lincoln County Industrial Park to serve the new Cataler facility; and

**WHEREAS**, the Department of Transportation has funding to construct roads of this type.

**NOW THEREFORE BE IT RESOLVED** that the Lincoln County Board of Commissioners fully support the expenditure of Department of Transportation Industrial Access funds and Statewide Contingency Funds to partially fund the construction of these new streets.

Approved this 5<sup>th</sup> day of March, 2001.

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Jerry Cochrane, Chairman  
Lincoln County Commissioners

ATTEST:

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Amy S. Long, Clerk  
Lincoln County Commissioners

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the Resolution and forward it to the Governor.

Chairman Cochrane stated that he would like the Board to approve requiring that people submit agenda items no later than Tuesday at noon prior to a meeting. He stated that the only exception to this would be at the request of a County Commissioner, which would be kept to a bare minimum. Chairman Cochrane stated that he would like for the packets to be out by Thursday at noon, or earlier if possible. He stated that he has asked the Clerk to keep a log of the person submitting the item, the agenda item, and when it's logged in. Chairman Cochrane also requested that when staff would like to appear on the agenda for a presentation that they give the time requirements and honor that time.

It was the consensus of the Board to go along with this proposal.

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

Chairman Cochrane stated that in Closed Session the Board discussed a personnel matter and a real estate matter. No decisions were reached.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to have a lease-purchase plan for the old Winn Dixie Shopping Center, with lease payments of \$5,000 per month and a purchase price of \$700,000, which will be valid for a three year period, and contingent on the absence of any environmental problems.

**Recess:** **UPON MOTION** by Commissioner Craig, the Board voted unanimously to recess until Thursday night.

Commissioner Gamble stated that he has a prior commitment and will not be able to make it Thursday night.

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Amy S. Long, Clerk  
Board of Commissioners

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Jerry W. Cochrane, Chairman  
Board of Commissioners