

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 7, 2001

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 7, 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
David P. Choate

Planning Board Members Present:

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

Others Present:

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

Call to Order: Chairman Cochrane called the May 7, 2001 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present. He announced that Parallel Conditional Use Rezoning No. 79 has been withdrawn by the applicant and there will not be a public hearing at this meeting.

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 removing Parallel Conditional Use Rezoning No. 79, The Denver Group, applicant.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
MAY 7, 2001

- | | | |
|----|---------|--|
| | 6:35 PM | Call to Order |
| 1. | 6:36 PM | Adoption of Agenda |
| 2. | 6:37 PM | Approval of Minutes
- April 16, 2001 |
| 3. | 6:40 PM | Address Awareness Month Campaign Kickoff – Madge Huffman |
| 4. | 6:55 PM | New Business/Advertised Public Hearing |

PCUR #79 The Denver Group, applicant (Parcel ID #70215) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 26.7 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU-P-R) to accommodate a major subdivision with 84 single-family homes. The parcel is located off Hagers Ferry Road and Club Drive.

ZMA #374 James Williamson, applicant (Parcel Id #73954) The applicant is requesting to rezone a .64 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to Neighborhood Business (B-N DH). The request is to allow an expansion of the current landscaping supply/retail sales business located off Highway 16.

ZMA #375 Donna Key, applicant (Parcel ID #33802 & 33808) The applicant is requesting to rezone two (2) parcels totaling one (1) acre from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Business (B-G DH). The request is to allow a small business at some point in time. The parcel is located off Highway 16.

ZMA #376 Lincoln County, applicant (Parcel ID #01829, 01830, 01831, 01832, 01833, 01834, 01835, 01836, 01837, 01838, 01839, 01840, 01841, 01842, 01843, 53077, & 53078) Building and Land Development is proposing to rezone seventeen (17) parcels in the Windsor Woods subdivision from General Business with a Designated Highway Overlay District (B-G DH) to Residential

Suburban (R-S DH). These parcels are located off Windy Hill Road, Windsor Woods Drive, and Broad River Lane.

ZTA #377 Lincoln County, applicant

The following text amendment has been proposed:

Amend section 8.36 and 8.36.1 to state.....

5. 7:35 PM Tax Requests for Refunds
 - More than \$100 – February 16 – March 15, 2001
 - Less than \$100 – February 16 – March 15, 2001
6. 7:40 PM Safe Kids Week Proclamation – Mike Futrell
7. 7:50 PM Home and Community Care Block Grant Fund Plan Summary for FY 2002 – Erma Deen Hoyle
8. 8:00 PM Update on East Lincoln Community Center – Erma Deen Hoyle
9. 8:10 PM Arson Awareness Week Proclamation – Mike Futrell
10. 8:20 PM Financing of DSS Building – Leon Harmon
 - 1 – Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20
 - 2 - Reimbursement Resolution
11. 8:30 PM Resolution to Declare Former Animal Shelter Property Surplus and Authorize Sale – Jeff Taylor
12. 8:40 PM Consideration of School Board Tender of Real Property
 - 1 – Portion of G. E. Massey Elementary School Property
 - 2 – Timken Drive Lots
13. 8:50 PM Budget Presentation – Stan Kiser, County Manager
14. 9:20 PM Other Business
15. 9:30 PM Commissioners' Report

Adjourn

Approval of Minutes – April 16, 2001: Chairman Cochrane presented the minutes of the April 16, 2001 meeting for the Board's approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the April 16, 2001 minutes as presented.

Address Awareness Month Campaign Kickoff – Madge Huffman: Madge Huffman stated that she is here tonight to kick off the Address Awareness Campaign. She shared the artwork that was drawn by Devin Nelson of North Brook Elementary School, who was the winner of the contest for a poster for Address Awareness Month Kickoff.

Chairman Cochrane congratulated the winners of the contest and presented them with certificates.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, May 7, 2001 and the time, which was advertised in the *Lincoln Times-News* on April 27 and May 4, 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, May 7, 2001, to consider the following zoning related matters:

PCUR #79 The Denver Group, applicant (Parcel ID #70215) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 26.7 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU-P-R) to accommodate a major subdivision with 84 single-family homes. The parcel is located off Hagers Ferry Road and Club Drive.

ZMA #374 James Williamson, applicant (Parcel Id #73954) The applicant is requesting to rezone a .64 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to Neighborhood Business (B-N DH). The request is to allow an expansion of the current landscaping supply/retail sales business located off Highway 16.

ZMA #375 Donna Key, applicant (Parcel ID #33802 & 33808) The applicant is requesting to rezone two (2) parcels totaling one (1) acre from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Business (B-G DH). The request is to allow a small business at some point in time. The parcel is located off Highway 16.

ZMA #376 Lincoln County, applicant (Parcel ID #01829, 01830, 01831, 01832, 01833, 01834, 01835, 01836, 01837, 01838, 01839, 01840, 01841, 01842, 01843, 53077, & 53078) Building and Land Development is proposing to rezone seventeen (17) parcels in the Windsor Woods subdivision from General Business with a Designated Highway Overlay District (B-G DH) to Residential Suburban (R-S DH). These parcels are located off Windy Hill Road, Windsor Woods Drive, and Broad River Lane.

*ZTA #377 Lincoln County, applicant
The following text amendment has been proposed:
Amend section 8.36 and 8.36.1 to state.....*

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.

Zoning Map Amendment No. 374 – James Williamson, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 374 – James Williamson, applicant.

The applicant is requesting to rezone a .64 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to Neighborhood Business (B-N DH). The request is to allow an expansion of the current landscaping supply/retail sales business located off Highway 16.

The parcel is located off Cherry Point Drive in the Catawba Springs Township and is joined on the west by B-N; to the north by R-SF; and to the south and east by Residential Suburban (R-S).

Paul Ritchie asked all of the Cherry Point residents to stand. He stated that to place the dirt 100 feet closer to them will extend the quantity of dirt handled and decrease the distance from the homes in the subdivision and this dirt that drifts over their community. He stated that on a day when they are loading and unloading there is a cloud of dust over this operation. Mr. Ritchie stated that the Cherry Point subdivision has set forth in restrictive covenants that it is for residential use only. He read the restrictive covenants. Mr. Ritchie presented the Board with a petition and the restrictive covenants.

Jeff Taylor stated that if there has been a failure to comply with deed restrictions, it is a private matter between the landowners. He stated that this is not something the County has any authority to get involved in.

Mr. Ritchie stated that in 1995, in exchange for lot 11, which the Sigmon's deeded over to the Cherry Pointe Homeowner's Association, giving them access to the lake, they agreed to change the restrictions on lot 1 by the majority of the property owners. They allowed them to change the zoning to commercial, except for the 100 feet that is in discussion. Mr. Ritchie stated that the applicant has already put dirt on the property. He presented pictures of this.

Commissioner Craig asked the attorney if the evidence Mr. Ritchie has presented is applicable to the Board to take into advisement and consideration to make a judgement on this particular case.

Jeff Taylor stated that the applicant has the right to have his application considered on the basis of whether it's good policy for the county and in the best interest. He stated that private deed restrictions are private deed restrictions and it would be dangerous for the board to base a decision solely on the existence of private deed restrictions.

Kathy Cape stated that she lives directly across from the establishment. She stated that when she bought her home she was told that there would be a buffer between her house and the business. She stated that there is an extreme amount of dirt and noise, and if it is extended, it will just make it worse.

Sam Kelly stated that this gentleman owns two lots there and only uses one for the landscaping business. He stated that dust is a big issue.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 374, James Williamson, closed.

Zoning Map Amendment No. 375 – Donna Key, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 375 – Donna Key, applicant.

The applicant is requesting to rezone two (2) parcels totaling one (1) acre from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Business (B-G DH). The request is to allow a small business at some point in time.

The parcel is located off Highway 16 in the Catawba Springs Township and is joined on the north, east, and west sides by properties also zoned Residential Suburban (R-S) and to the east and south by Neighborhood Business (B-N DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 375 – Donna Key, applicant.

Donna Key, applicant, stated that adjoining property is already zoned general business. She stated that the restrictions on the community have been released.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 375 – Donna Key, applicant, closed.

Zoning Map Amendment No. 376 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 376 – Lincoln County, applicant.

Building and Land Development is proposing to rezone 12 (twelve) parcels in the Windsor Woods subdivision from General Business with a Designated Highway Overlay District (B-G DH) to Residential Suburban (R-S DH). Windsor Woods subdivision contains a total of twenty-four (24) lots of which seven (7) are currently zoned R-S. Although single-wide mobiles currently make up the majority of this subdivision, this request would bring the property more into compliance since B-G does not allow mobile homes but would require conditional approval for any additional single-wide mobile homes.

These parcels are located off Windy Hill Road, Windsor Woods Drive, and Broad River Lane in the Lincolnton Township and are joined on the north, south, and west side by properties also zoned B-G and to the east by R-S.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 376 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 376 – Lincoln County, applicant, closed.

Zoning Text Amendment No. 377 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 377 – Lincoln County, applicant.

The following text amendment has been proposed:

Amend Section 8.36 Land Clearing and Inert Debris Landfills / Construction / Demolition and Land Clearing and Inert Debris Landfills

8.36.1

As a condition of issuance of a permit under this section, the applicant shall be required to make provisions for the closure of a land clearing and inert debris landfill or construction/demolition and land clearing and inert debris landfill. If said landfill has not been closed within the prescribed time limit approved by the Lincoln County Board of Commissioners, the cash bond or letter of credit shall be used for the closure of said landfill. The cash bond or letter of credit shall be in effect for the length of the property lease and any successive leases. The cash bond or letter of credit provided shall be in effect for the length of the property lease and any successive leases.

All such agreements and guarantees shall be subject to approval by the Lincoln County Board of Commissioners and shall be made payable to Lincoln County, and such agreement shall be secured by one of the following methods, in an amount of \$10,000 per acre of said dump area:

1. Surety performance bond(s): a performance bond issued by a surety bonding company duly authorized to do business in North Carolina; and such bond(s) shall remain in effect until the landfill is closed and covered to the satisfaction of Lincoln County.
2. Cash or equivalent security; cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value. Such security shall be deposited with the County or in escrow with a financial institution designated as an official depository of Lincoln County.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the responsible party shall then file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the depositor in any other matter during the term of the escrow; and
- (ii) That in case of a failure on the part of the responsible party to properly close said landfill, the financial institution shall immediately either pay to the County the funds (at the sum stated herein) to complete the closure, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

Upon default, meaning failure on the part of the responsible party to complete closure in a timely manner as spelled out by the Board of Commissioners, then the surety, or the financial institution holding the escrow account, shall if requested by the Board of Commissioners, pay all or a portion of the bond or escrow fund to Lincoln County. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required closure. The County shall return to the bonding firm any funds not spent in completing the closure. Should the amount of funds needed to complete the closure exceed the amount in the bond or escrow account, the responsible party shall nonetheless be responsible for providing the funds to cover such costs. The responsible party shall at all times bear the financial burden for the required closure.

Upon completion of the closure, the Board of Commissioners shall authorize the County Manager to release any remaining portions of any security posted by the responsible party. Such funds shall be released within ten (10) days after the closure has been approved.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 377 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 377 – Lincoln County, applicant, closed.

Chairman Cochrane announced that the Planning Board would retreat to the conference room at the end of the hall.

Requests for Refunds – February 16 – March 15, 2001:

LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS ANNUALS

PERIOD COVERED (February 16 – March 15, 2001)
G.S.#105-381(B) ALL REFUNDS LESS THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Anderson, Albert W.	2000	CRFD	02139	\$4.14
Bank of America	2000	PCFD	0140422	2.00
Bank of America	2000	DFD	0123711	2.00
Bumgarner, Julie Davis	2000	HCFD	48737	2.89
Butler, James B. & Grady M.	2000	CITY	0063860	4.44
D R Horton, Inc.	2000	ELFD/ELSD	0129665	85.08
Dean, Clark D.	2000	ELFD/ELSD	0144134	36.87
Dillard, Richard & Monica	2000	BCFD	0064734	1.20
Fox, Charles C. Jr. & Brenda	2000	N321	17138	7.28
Frasier, Trent Leigh & Elizabeth	2000	ALFD	0069847	7.57
Heavner, Jefferson Rush	2000	NBFD	0118662	15.00
Herman, Richard Steven & Patsy	2000	CITY	06588	3.11
Homeside Lending	2000	N321	0137271	1.98

Jones, Daniel & Carolyn	2000	BCFD	0097494	2.07
Knight, David	2000	CRFD	0100457	9.01
Leonhardt, Jonathan E.	2000	NBFD	0076938	2.07
Lowery, Charles E.	1999	UNFD	03898	26.06
Market Street Mortgage	2000	DFD	0122397	2.00
Milner, Carol T.	2000	CRFD	0097291	2.07
Mobley, Henry L. & Virginia	2000	UNFD	0077767	1.93
Motes, Charles W. Jr. & Denise M.	2000	ALFD	0110768	1.98
Ocwen Federal Bank	2000	ELFD	0118756	2.00
Putnam, Rhonda	2000	ELFD/ELSD	20544	2.24
Ramseur, Shirley A.	2000	N321	0079085	3.80
Richardson, Ruffin Jr.	2000	UNFD	00736	4.81
Saunders, Ruby Bishop	2000	SFFD	0105818	27.28
Shanks, James & Rebecca	2000	NBFD	0134236	2.90
Sherrill, Lonnie R & Linda N.	2000	ELFD	19618	6.56
Smith, Bobby W. & Leslie	2000	CITY	0119719	2.04
Smith, Bobby W. & Leslie	2000	CITY	0119719	2.04
Smith, Bobby W. & Leslie	2000	ELFD/ELSD	0119719	2.04
Tate, Steven G.	2000	PCFD	0140429	6.52
Tillman, Mrs. Helen R.	2000	BCFD	08782	1.52
West, Wilford V. IV, Law Office of	2000	DFD	20862	2.00
TOTAL				\$286.50

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

NAME	YEAR	DIST	A/C#	AMOUNT
Associates Housing Finance LLC	2000	DFD	0131951	\$140.00
Hovis, Danny Wayne	1998-2000	CITY	07358	334.67
Jenkins, Timothy A.	1996-1999	BCFD	12342	341.52
Lankford, Eric William	1996-2000	BCFD	15161	345.00
Meadowlands, Inc.	2000	SFFD	36837	136.31
Nolan, Kara L.	2000	UNFD	0066872	100.27
Tatum, Joel Daniel & Angela	2000	ELFD/ELSD	0133276	825.67
TOTAL				\$2,223.44

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

NAME	YEAR	DIST	A/C#	AMOUNT
Aldridge, Donald James & Christopher	2000	N321	0141047	\$2.87
Anderson, Nathan	1999	ELFD	0095695	4.41
Anker, Cynthia Carol	2000	CRFD	0148905	11.74
Anthony, Bobby Gene	2000	HPFD	0099425	2.24
Atlantic Coast Contractos Inc.	2000	ELFD	0113813	57.37
Baker, Jeffrey James	2000	BCFD	0137194	7.60
Ballard, Larry Dean	2000	NBFD	0117629	1.47
Bares, John Thomas Jr.	2000	CITY	0148885	5.19
Beard, Gene Ramson	2000	DFD/ELSD	18313	26.34
Brady, David Eugene	2000	NBFD	0102147	7.58
Brawley, Steven Guy	2000	ELFD/ELSD	0130020	18.60

Brittain Enterprises	2000	NBFD	0146346	26.06
Cable, Danny William	1999	ALFD	0101851	44.54
Cagley, Richard Kevin	2000	SFFD	0086790	6.17
Camp, Anna Miriah	2000	BCFD	0124774	8.18
Canipe, Paul Charley	2000	CITY	0067125	7.63
Cannon, Bennett Junieus	2000	BCFD	0079805	43.32
Cannon, Bennett Junieus	2000	BCFD	0079805	1.02
Cantrell, Michael Aaron	2000	DFD	20654	7.55
Carpenter, Lisa Michael	2000	CITY	0148438	2.13
Castillo, Ruben & Patricia	2000	BCFD	0141620	33.51
Clarke, Walter Haldeman	2000	ELFD/ELSD	0149616	67.96
Cooke, Kenneth Leroy	2000	ELFD/ELSD	0117675	65.36
Correll, Forney J.	2000	CITY	05038	2.99
Costner, Connie Jeanna	2000	ELFD/ELSD	0092351	2.17
Davis, Patricia Wise	2000	UNFD	0138512	1.80
Detter, Carla Renee	2000	HCFD	30266	5.79
Devine, Billy Joe	2000	ALFD	12860	9.00
Dragoi, Ionica	2000	ELFD/ELSD	0127429	18.79
Dunn, Harry Glenn & Debra M.	2000	ELFD/ELSD	0130009	44.81
Earnhardt, Paula Sigmon	2000	DFD/ELSD	0103374	1.31
Fire Management Systems	2000	DFD/ELSD	0126099	5.25
Gantt, Caroly Beam	1999	NBFD	0094658	11.89
Gibson, Gerald & Patsy	2000	BCFD	43629	41.78
Gibson, Gerald & Patsy	2000	BCFD	0082583	37.58
Gonzalez, Loria Deloach	2000	N321	0143771	39.45
Gore, Richard Ray	2000	SFFD	0129073	68.00
Gray, John Sidney	2000	N321	0093346	10.29
Grembecki, Michael R.	2000	ELFD/ELSD	0131803	14.88
Harwood, Sylvia Martin	2000	CITY	0118220	84.75
Helle, Angela keaton	2000	CITY	0133954	3.61
Helms, Tammy Gay	2000	N321	0079859	4.51
Hermann, James Howard	2000	BCFD	0111901	51.53
High, Lorri Beth	2000	CRFD	0079751	1.80
Horne, Cheryl Brewster	2000	HCFD	0148804	16.89
Houser, Nancy Boyles	2000	NBFD	0127607	7.44
Hoyle, Carolyn Sue	2000	UNFD	0080634	1.37
Hullette, Jerry D.	1999	HCFD	31641	81.46
Hullette, Jerry D.	2000	HCFD	0065307	8.50
Johnston, John Harold	2000	DFD/ELSD	0138679	26.65
Jones, Debra Ann	2000	ALFD	0146254	1.98
Lampe, James Anthony	2000	UNFD	0090442	18.14
Laughrun, Anthony Ward	2000	ELFD/ELSD	0145233	10.86
Leatherman, Patrick & Donna	2000	NBFD	00272	6.25
Logan, Matthew	2000	PCFD	42530	5.41
Lowery, Lewis M. & Teretha B.	2000	ELFD	0118754	23.42
Marjanus, Tara M. Waits	2000	CITY	011891	4.79
Martin, Herbert Thomas Jr.	1999	N321	35782	7.95
Mason, Shana Danielle	2000	SFFD	0132664	1.72
McCurry, Tina Marie Barlow	1999	N321	0143483	3.46
McDonald, Marvin Neil Jr.	2000	DFD/ELSD	0067649	41.22
Mitchem, Tona G.	2000	CITY	08392	41.72
Neal, Crystal Overcash	2000	DFD	17762	9.69
Norris, Allen	2000	ELFD/ELSD	41236	3.78
Propst, Reba S.	2000	N321	11382	1.25
Riddle, merle Joy	2000	ELFD/ELSD	27717	2.72
Ridgway, Robert Andrew	2000	ELFD/ELSD	0092734	45.86
Riley, Christopher Paul Eugene	2000	CITY	0119657	5.70

Sailor, Linda Kay & Billy J. Cagley	2000	CITY	0111284	1.42
Sain, Rena Henderson	2000	CRFD	0066444	3.30
Soles, Ricky Dale	2000	ELFD	0121180	1.13
Storey, Helen J.	2000	SFFD	11038	35.70
Sullivan, Beverly	2000	DFD	0114215	21.90
Sutphin Construction	2000	BCFD	0117681	3.84
Tate, Steven G.	2000	N321	0072401	3.57
Thompson, Michael Patrick	2000	ELFD/ELSD	0074526	47.39
Towery, Robert Wayne	2000	CRFD	0147482	1.49
Turner, Larry David	2000	ELFD/ELSD	0077234	14.67
Wallen, Farland	2000	DFD/ELSD	0116663	33.05
Woods, Robert Jerry	2000	DFD/ELSD	0094883	2.39
Wright, Barbara Nanette	2000	CITY	0137307	82.84
TOTAL				\$1,551.74

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

NAME	YEAR	DIST	A/C#	AMOUNT
Conner, Robert Gaines Jr.	2000	ELFD/ELSD	0121126	\$170.47
Conroy, Dennis P.	2000	CITY	04957	111.93
Ford Motor Credit Company	1999	CITY	0121032	507.15
Ford Motor Credit Company	2000	ELFD	0145357	329.32
Ford Motor Credit Company	2000	ELFD	0109337	437.74
Lexus Financial Services	2000	ELFD/ELSD	0101930	187.00
Zulough, Marina	2000	CITY	0083826	231.21
TOTAL				\$1,974.82

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Requests for Refunds – More than \$100.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Request for Refunds – Less than \$100.

Safe Kids Week Proclamation – Mike Futrell: Mike Futrell, Fire Marshal, presented the following Safe Kids Week Proclamation for the Board's approval.

PROCLAMATION

WHEREAS, unintentional injury is the number one killer of children ages 14 and under; and

WHEREAS, each year nearly 6,000 children ages 14 and under die from unintentional injuries; and

WHEREAS, each year nearly 120,000 children are permanently disabled and 1 out of every 4 children is hurt requiring emergency medical attention; and

WHEREAS, 90% of these are preventable; and

WHEREAS, 41% of these occur during “Trauma Season,” the months of May, June, July, and August; and

WHEREAS, emergency rooms experience nearly 3 million visits from children ages 14 and under each summer; and

WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, the National SAFE KIDS Campaign with the support of Founding Sponsor Johnson & Johnson, launches SAFE KIDS Week 2001, “Make it a SAFE KIDS Summer”, which focuses on the five deadliest warm weather risk areas of motor vehicles, drownings, pedestrian, biking, and falls; and

WHEREAS, The Lincoln County SAFE KIDS Coalition has planned special childhood injury prevention activities and community-based events for SAFE KIDS Week 2001 in an effort to educate families about summer safety;

NOW, THEREFORE, I Jerry W. Cochrane, Chairman of the Lincoln County Board of Commissioners do hereby proclaim May 5 – 12, 2001, as

NATIONAL SAFE KIDS WEEK

In Lincoln County, and call upon all the residents of this county to join with me in supporting the efforts and activities of the Lincoln County SAFE KIDS Coalition to prevent childhood injury.

UPON MOTION by Commissioner Choate, the Board voted unanimously to accept the Proclamation for National Safe Kids Week for May 5 – 12, 2001.

Home and Community Care Block Grant Fund Plan Summary for FY 2002 – Erma Deen Hoyle: Erma Deen Hoyle presented the Board with the Home and Community Care Block Grant Funding Plan Summary. She presented a correction for the chart presented, which should be \$297,703.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Funding Plan as presented with the correction that was made.

Update on East Lincoln Community Center: Erma Deen Hoyle gave the Board an update on the East Lincoln Community Center and presented two change orders. The first change order request is for ceramic tile in the bathrooms and hallway, which was in the original plan. The area will get a lot of wear and tear. Ms. Hoyle showed the Board

the addendums that were sent out in May of last year, which she did not see until April of this year. This will be a net cost of \$8,672 for this item.

There is a \$240 charge for fire extinguishers in recessed cabinets in the gymnasium.

Ms. Hoyle stated that on three of the walls in the gymnasium itself, the main basketball court area, the architect had proposed using a combination of gypsum drywall or drywall with a fire retardant plywood backing. One wall was left without studs and wall covering. She stated that it is not necessary to have both if they can use a high impact gypsum board. The high impact resists the penetration of a basketball or baseball that might be thrown in the facility. The first ten feet of the interior wall is block and she is proposing to use high impact for the first course of drywall above the blockwork. The drywall would be turned on end, so there would be eight feet of high impact and from there up would have just regular 5/8" drywall. This change would have a net increase of \$9068.

The total for all the changes will be \$17980.

Commissioner Anderson stated that he feels the Board should have some discussion with the architect about why the changes were made without contacting the county and why one wall in the gym was not finished at all.

UPON MOTION by Commissioner Craig, the Board voted unanimously to move forward with what is necessary and needed to keep the project on track, which is \$17980.

Arson Awareness Week Proclamation – Mike Futrell: Mike Futrell presented the following Proclamation for the Board's approval.

PROCLAMATION "NATIONAL ARSON AWARENESS WEEK"

WHEREAS, Arson is a serious that affects each and every person and can only be stopped when citizens realize the severe damage that arson causes; and

WHEREAS, Cities, communities and neighborhoods are blighted by Arson which results in erosion of the tax base and loss of employment; and

WHEREAS, Arson has disrupted our educational and manufacturing systems with destruction irreplaceable buildings and artifacts; and

WHEREAS, Natural resources are rendered useless for long periods of time or are completely destroyed; and

WHEREAS, Countless human injuries and deaths result in the needless tragedies caused by acts of Arson; and

WHEREAS, A large percentage of property insurance premiums are used to cover the losses from Arson, and tax dollars must be used to pay for fire extinguishment and the investigation of the malicious acts, which is a senseless waste of our precious resources when the majority of the public must directly bare the burden of an individual's criminal action; and

WHEREAS, The financial loss annually due to Arson reaches billions of dollars, which does not include indirect losses, both emotional and financial, including funerals, medical and legal cost, wages, business interruption, fire fighting and law enforcement efforts which together exceed the direct losses many fold; and

WHEREAS, Public awareness is one of the specific responsibilities of the International Association of Arson Investigators, Inc.

NOW, THEREFORE, BE IT PROCLAIMED, THAT The International Association of Arson Investigators, Inc., Board of Directors meeting in Executive Session on November 1, 1985, in Atlanta, Georgia hereby proclaims the week beginning on May 4, 1986, as "National Arson Awareness Week," and the first full week in May shall be so designated each year thereafter.

Now, therefore, I, Jerry W. Cochrane, Chairman of the Lincoln County Board of Commissioners do hereby proclaim May 5th thru 12th, 2001, as

NATIONAL ARSON AWARENESS WEEK

In Lincoln County, and call upon all the residents of this county to join with me in supporting the efforts and activities of the Lincoln County Fire Marshal's Office to prevent arson.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Proclamation for "National Arson Awareness Week".

Chairman Cochrane called for a five-minute recess.
Chairman Cochrane called the meeting back to order.

Financing of DSS Building – Leon Harmon: Leon Harmon, Finance Director, presented the following bids and recommended taking the low bid from Bank of America for the non-Bank qualified rate of 5.89% for 15 years.

Mr. Harmon presented copies of the following Resolutions for the Board's approval.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Lincoln, North Carolina desires to purchase a shopping center and renovate the shopping center into office space suitable for Lincoln County Department of Social Services. This would provide adequate office space for Social Services to enable them to provide services in a more efficient manner; and

WHEREAS, The County of Lincoln desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its finding of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Lincoln County, North Carolina, meeting in regular session on the 7th day of May 2001, make the following findings of fact:

1. The proposed contract for \$4,000,000 dollars is necessary and expedient to allow for the purchase of a building and renovation of the building into office space for Lincoln County Department of Social Services. The Department of Social Services needs adequate office space in order to provide mandated services for the citizens of Lincoln County. The project will also free up existing space for the Lincoln County Health Department which is also in need for additional office space.
2. The proposed contract is preferable to a bond issue for the same purpose for the following reasons. The financing is preferred over general obligation bonds because of the comparable interest rate and lower issuance cost associated with private placement. This is also preferable to two-thirds debt issuance because currently there is no two-thirds debt authorization available. Furthermore, this form of financing is faster than general obligation bonds and needs to be completed within the next few months since reasonable bids have been received. The proposed financing is also preferable because there are not adequate funds in the current budget to finance the total cost of this project. Lincoln County has endeavored to improve its fund balance to an amount acceptable to the NCLGC and consistent with sound financial management. The current fund balance is not adequate to pay for this project without spreading the payments over several years.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because they are reasonable for the proposed project.
4. The County of Lincoln's debt management procedures and policies are good because such practices have been carried out in strict compliance with the law as evidenced by the additional general obligation debt that has been issued over the past several years for school projects.
5. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be no more than one cent per \$100 valuation and is not deemed to be excessive. Revenues such as growth in sales taxes and property valuations will be available to help meet the debt payments. After the project is completed the County will also be eligible for federal and state participation in the cost of this space through social services cost reporting.

6. The County of Lincoln is not in default in any of its debt service obligations.
7. The attorney for the County of Lincoln has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners and/or the County Manager is hereby authorized to act on behalf of the County of Lincoln in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 7th day of May, 2001.

The motion to adopt this resolution was made by Commissioner_____, seconded by Commissioner _____, and passed by a vote of _____ to _____.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the
Board of Commissioners

This is to certify that this is a true and accurate copy of Resolution No. _____ Adopted by the Lincoln County Board of Commissioners on the 7th day of May, 2001.

Amy S. Long, Clerk to the
Board of Commissioners

Date

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20.

REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer [has paid, beginning no earlier than March 7, 2001 and] will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the purchase and renovation of a shopping center to be used as office space for the Lincoln County Department of Social Services (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys [previously advanced no more than 60 days prior to the date hereof and] to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Installment Financing for the Expenditures with respect to the Project made on and after [March 7, 2001, which date is no more than 60 days prior to] the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure [was and] will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Installment Financing expected to be issued for the Project is \$4,000,000.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 7th day of May, 2001.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

EXHIBIT A

DESCRIPTION OF PROJECT

Capital Improvement Program - Purchase of former Winn Dixie shopping center on East Main Street in Lincolnton and remodeling of this building to make facility suitable for Department of Social Services office space. The project also includes the purchase of two adjoining parcels one owned by John Anderson and another parcel owned by Fleetwood Homes. This public purpose project is needed in order to provide much needed space for Social Services to be able to more efficiently provide mandated services.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept Leon Harmon's recommendation to use Bank of America at 5.89% for 15 years.

Chairman Cochrane set the public hearing for Approving Financing for the DSS Building for May 21, 2001 at 6:45 PM.

Resolution to Declare Former Animal Shelter Property Surplus and Authorize Sale – Jeff Taylor: Jeff Taylor presented the following Resolution for the Board's approval.

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 3.298 acres, such tract having been conveyed to Lincoln County in deeds recorded in Book 499, Page 728, and Book 340, Page 413, Lincoln County Public Registry, and having been assigned Tax Parcel Identification #00287 by the Lincoln County Tax Department; and

WHEREAS, the said tract is generally located on the south side of Boy Scout Road near Indian Creek, Howards Creek Township, Lincoln County, North Carolina; and

WHEREAS, the tract is the former site of the Lincoln County Animal Shelter, which has recently relocated to its new facility; and

WHEREAS, the said tract is of a relatively small size and is located in a flood plain and is therefore of limited, if any, further usefulness to Lincoln County; and

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

WHEREAS, Lincoln County has received an offer to purchase the said tract for the sum of \$5,000.00, and the offeror has secured his bid by depositing with the County the sum of \$250.00, representing five percent of his 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, subject to 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 3.298 acres having Lincoln County Tax Parcel Identification #00287 and described in deeds recorded in Book 499, Page 728, and Book 340, Page 413, Lincoln County Public Registry, to be surplus property and authorizes and directs the sale of said tract as hereinafter resolved.

2. The Board of Commissioners acknowledges receipt of the offer to purchase said tract for the sum of \$5,000.00 and further acknowledges receipt of the deposit from the offeror of the sum of \$250.00, representing five percent of his bid as required by the procedures of N. C. G. S. Chapter 160A.

3. The said deposit of the offeror shall be forfeited and withheld by Lincoln County in the event that he prematurely withdraws his bid.

4. The County Manager is 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 offeror on these terms unless his 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 and 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. ***The deposit must be in the correct amount, and the bidder bears all responsibility for errors.***
 - 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 within 30 days 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. This resolution shall be effective upon adoption.

This 7th day of May, 2001.

Jerry W. Cochrane, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

UPON MOTION by Commissioner Saine, the Board voted unanimously to proceed with the Resolution to Declare Certain Real Property Surplus.

Consideration of School Board Tender of Real Property – Portion of G. E. Massey Elementary School Property: Jeff Taylor presented the following Resolution for the Board's approval.

**RESOLUTION TO DECLINE OFFER TO PURCHASE
CERTAIN REAL PROPERTY OWNED BY
LINCOLN COUNTY BOARD OF EDUCATION AT
G. E. MASSEY ELEMENTARY SCHOOL**

WHEREAS, the Lincoln County Board of Education is the owner in fee simple of a certain tract of real property consisting of approximately 0.25 acre located at the extreme southeastern corner of the campus of G. E. Massey Elementary School and adjacent to the Abernethy Chevrolet property; and

WHEREAS, the said tract is to be carved out of the property described in Book 465 at Page 679, Lincoln County Public Registry; and

WHEREAS, by resolution adopted on January 3, 2001, the Board of Education has declared said tract to be surplus property; and

WHEREAS, the Board of Education has received an offer to purchase said tract for \$8,450.00 from a private citizen; and

WHEREAS, the provisions of N. C. G. S. 115C-518 require that the Board of Education offer the first opportunity to obtain the property to the Lincoln County Board of Commissioners at a fair market price; and

WHEREAS, the Board of Education believes that the \$8,450.00 offer is a fair market price for said tract and has offered to the Board of Commissioners the opportunity to purchase said tract for the sum of \$8,450.00; and

WHEREAS, the Board of Commissioners does not choose to obtain the said tract as offered or to negotiate a different price with the Board of Education;

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

1. That the Lincoln County Board of Commissioners does not choose to obtain the said tract as offered or to negotiate a different price, and the Board of Education may proceed to dispose of the said tract in accordance with N. C. G. S. 115C-518.

2. This resolution shall be effective upon adoption.

This 7th day of May, 2001.

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 approve the Resolution to Decline Offer to Purchase Certain Real Property Owned by Lincoln County Board of Education at G.E. Massey Elementary School.

Consideration of School Board Tender of Real Property – Timken Drive Lots: Jeff Taylor presented the following Resolution for the Board's approval.

**RESOLUTION TO DECLINE OFFER TO PURCHASE
CERTAIN REAL PROPERTY OWNED BY
LINCOLN COUNTY BOARD OF EDUCATION ON TIMKEN DRIVE**

WHEREAS, the Lincoln County Board of Education is the owner in fee simple of certain tracts of real property consisting of two lots, one containing approximately 0.835 acre and another containing 0.576 acre, both tracts being located on Timken Drive in the City of Lincolnton, North Carolina, and both tracts being described in deed recorded in Book 465 at Page 679, Lincoln County Public Registry; and

WHEREAS, by resolution adopted on March 7, 2001, the Board of Education has declared said tracts to be surplus property; and

WHEREAS, the Board of Education has received an offer to purchase said tracts for \$50,000.00 from a private citizen; and

WHEREAS, the provisions of N. C. G. S. 115C-518 require that the Board of Education offer the first opportunity to obtain the property to the Lincoln County Board of Commissioners at a fair market price; and

WHEREAS, the Board of Education believes that the \$50,000.00 offer is a fair market price for said tracts and has offered to the Board of Commissioners the opportunity to purchase said tracts for the sum of \$50,000.00; and

WHEREAS, the Board of Commissioners does not choose to obtain the said tracts as offered or to negotiate a different price with the Board of Education;

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

1. That the Lincoln County Board of Commissioners does not choose to obtain the said tracts as offered or to negotiate a different price, and the Board of Education may proceed to dispose of the said tracts in accordance with N. C. G. S. 115C-518.

2. This resolution shall be effective upon adoption.

This 7th day of May, 2001.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

Commissioner Craig asked to be excused from voting on this matter due to the fact that this property will be purchased by his business partner.

UPON MOTION by Commissioner Choate, the Board voted unanimously to excuse Commissioner Craig from voting on this matter.

UPON MOTION by Commissioner Anderson, the Board voted 4 – 0 to approve the Resolution to Decline Offer to Purchase Certain Real Property Owned by Lincoln County Board of Education on Timken Drive.

Budget Presentation: Stan Kiser, County Manager, gave the budget presentation.

Other Business: Chairman Cochrane asked the County Manager to try and contact Duke Power concerning the Beatties Ford Access Area and bring closure to this matter.

Closed Session: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to go into Closed Session to discuss a legal and real estate matter.

Nothing was reported from Closed Session.

Recess: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to recess the meeting until May 8 at 3:30 PM

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners