

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 20, 2001**

The Lincoln County Board of County Commissioners met in regular session on August 20, 2001 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Others Present:

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

Call to Order: Chairman Cochrane called the meeting to order.

Invocation: The Invocation was given by Rev. Lynne Caldwell of Boger City United Methodist Church.

Pledge of Allegiance

Adoption of Agenda: UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AUGUST 20, 2001

- | | |
|------------|----------------------|
| 6:30 PM | Call to Order |
| 6:31 PM | Invocation |
| 6:33 PM | Pledge of Allegiance |
| 1. 6:34 PM | Adoption of Agenda |

2. 6:35 PM Approval of Minutes
 - August 6, 2001
3. 6:40 PM Consent Agenda
 - Tax Requests for Releases
 - Less than \$100 – June 16 – July 15, 2001
 - More than \$100 – June 16 – July 15, 2001
 - Tax Requests for Refunds
 - Less than \$100 - June 16 – July 15, 2001
 - More than \$100 - June 16 – July 15, 2001
 - Sponsored Group Status
 - New Life Baptist Church
 - Requests for Water Adjustments
 - Late Pay Penalty Removal
 - Budget Adjustments 11 - 19
4. 6:45 PM Public Comments
5. 7:00 PM Recommendations from Planning Board from August 6, 2001
 - Conditional Use Permit No. 190 – Martin Marietta, applicant.
 - Conditional Use Permit No. 191 – Crown Castle, applicant.
 - Zoning Map Amendment No. 384 – Jerald Collins, applicant.
 - Zoning Map Amendment No. 385 – Donna Key, applicant.
 - Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.
6. 7:45 PM Public Hearing – Road Naming
7. 8:00 PM Public Hearing – Proposed Fire Prevention and Protection Ordinance
8. 8:20 PM Requested Addendum to Section VII in the Animal Control Ordinance Regarding Shelter from the Weather – Bob Richardson, Humane Society
9. 8:35 PM Apple Festival Proclamation
10. 8:40 PM Financial Information for Water Improvements
11. 9:10 PM Flexible Benefits Plan
12. 9:20 PM Utility Reduction Contract
13. 9:30 PM Vacancies
14. 9:35 PM Appointments

15. 9:40 PM Calendar
16. 9:45 PM County Commissioners' Report
17. 9:55 PM County Manager's Report
18. 10:05 PM County Finance Officer's Report
19. 10:15 PM Other Business

Adjourn

Approval of Minutes – August 20, 2001: Chairman Cochrane presented the minutes of the August 20, 2001 meeting for approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to adopt the minutes as presented.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the Consent Agenda as presented.

RELEASES FOR JUNE 16TH THRU JULY 15TH, 2001

More than \$100 – Motor Vehicles

NAME	YEAR	A/C NO	AMOUNT
Buff, Bobby Joe	2001	0152245	\$158.36
Burgess, Jeffery Scott	2000	0128809	\$134.53
First Union National Bank	2001	0132242	\$125.92
Lutz, Ginger Voyles	2000	0074709	\$124.18
Schwans Sales Enterprises	2001	0114481	\$302.05
Sposit, Michael Kenneth	1998	0137634	\$112.75
Surbeck, Matthew Stephen	2000	0079418	\$251.34
Water Ink Technologies Inc.	2000	0092910	\$113.42
Whistlehunt, Curtis Eugene	2001	0101390	\$208.65
Zeitler, Martha Putnam	2000	0145777	\$301.08
TOTAL			\$1,832.28

Less than \$100 – Motor Vehicles

Abernathy, Dewey W.	2001	0150417	\$46.10
Anders, Linda G.	1998	37600	\$8.62
Anderson, Bertha Misher	2000	0074748	\$8.10
B & B Construction	1999	0149267	\$38.30
Baerman, M. Charles	2001	0104985	\$2.80
Barker, Dallas Trent	2000	0121937	\$41.84

Bingham, Daniel Joseph	2000	0103367	\$8.04
Bollinger, Edward	2000	06546	\$2.87
Brown, Dorothy B.	2001	0134750	\$82.28
Butler, Sheila Heavner	2000	0116403	\$23.10
Calvo-Ortega Rafael	2001	0133934	\$25.76
Carolina Cross Connection	2001	0074605	\$27.82
Carpenter, Gene Nelson	2000	0104727	\$16.05
Childers, David Orlando	2001	0077209	\$46.28
Clark Insurance Agency	2001	39207	\$14.12
Classic Properties	2001	0060426	\$54.48
Cook, James Ray	2000	0070560	\$57.36
Davis, Craig Richard	2000	0098317	\$4.39
Davis, Donita Helms	2000	0089632	\$65.66
Deese, Paul	2001	37345	\$1.07
Deschamps, Jennifer Lynn	2000	0149896	\$51.78
Faulkner, Jeremy Arnold	2000	0082170	\$40.63
Gantt, Lewis Neil	2000	0094696	\$1.02
Gantt, Regina Darlene	2000	0132745	\$12.39
Geerken, Cornelius Christian	2000	0090066	\$5.59
Goodwin, Carolyn Heavner	2001	0070689	\$8.28
Goodwin, Tammy Lynn	2000	0143419	\$13.87
Gray, Tshanena Michelle	1999	0125788	\$10.79
Guy, David L.	2000	0143089	\$21.05
Hank Parker Productions LLC	2001	0133501	\$3.67
Hatley, Ken Alexander	2001	0081313	\$23.32
Helton, Olie James	2001	17837	\$14.50
Holmes, Alan L.	2000	0121925	\$18.74
Holtsclaw, James Leroy	2001	0093548	\$74.79
Horton, C. Neal	2001	0150293	\$34.62
Houser, Robert Curtis Jr.	2001	0146474	\$52.96
Hubbard, Nancy Jane S.	2000	0092668	\$48.59
Hunter, Charles Clifton	1999	16669	\$12.26
Ingram, Martin J. Sr.	2000	0109684	\$5.28
Komas, Basil John	2001	0082032	\$6.12
Kyles, Teresa Moore	2000	0151465	\$39.52
Labauch, Phyllis Hoffman	2000	0150491	\$39.98
Lackey, Kermit	2001	03540	\$5.34
Leonhardt, Charles W.	2001	10254	\$39.34
Leonhardt, Coy Ray	2000	0141940	\$8.75
Leonhardt, Jack Theron	2000	0065945	\$10.21
Lilley, Kathryn Holiday	2000	0146455	\$55.77
Lindsey, Julian A.	2001	0105005	\$15.92
Lockman, Hattie Ballard	2001	0066287	\$23.92
Mauldin, Donald Martin	2000	0069705	\$12.00
McGarr, Christopher S.	2000	0113019	\$65.29
McMurry, Bobby Gene Jr.	2001	0095524	\$19.44
Melby, Stephen Donald	2001	30441	\$57.28
Metz, Zane Lee III	2000	0149006	\$47.47
Miles, Steven F.	2001	0127098	\$7.45
Moffat, Glenn Robert DBA	2001	0086260	\$23.66
Morrison, Frances Rhyne	2001	0150476	\$1.74
Owen, Llewellyn	2001	13429	\$68.62
Powell, Fairley L.	2000	11290	\$31.87
Pries, Peter Christopher	2000	0145159	\$4.49
Ray, Johnny Franklin	2001	0069520	\$2.14
Rice, Tammy Wynette	2000	0121550	\$55.48
Rickner, Wayne	2001	0137662	\$15.63

Roberts, Barrance Todd	2001	0110278	\$34.92
Schleicher, Edward Allen	2000	0142989	\$26.91
Schoenberg, Betsy	2001	0075528	\$65.69
Shealy, Faith Guy	2001	0105816	\$36.12
Stephens, Robert Lewis	2001	0070122	\$60.69
Stolzenberg, Amanda Leah	2000	0151442	\$24.19
Summey, Furman L. Sr.	2001	11199	\$32.18
Truett, Charles Wayne	1998	0136404	\$6.08
Vargas, Ronald Rodrigo C.	2000	0133526	\$50.31
Waits, Helen Jody	2000	0070816	\$18.04
Walker, Jerry A.	2000	14708	\$19.24
Ward, Michael Wayne	2000	0108439	\$4.08
Wease, Timothy Dmitri	2000	0143002	\$81.46
Whisnant, Kathy Frances	2000	0151468	\$7.96
Whitaker, Grady Eugene	2000	0151533	\$73.77
Woodard, James Hayes	2001	0088190	\$1.39
Woodard, William Arnold	2001	0124345	\$41.76
Woodie, Joseph Alexander	2001	0074581	\$3.30

TOTAL			\$2,274.69
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NAME	YEAR	A/C NO	AMOUNT
Alexander, Lynn Scott	2000/01	0062884	\$115.50
American Business Leasing	2001	0135297	\$242.91
Angle, Kenneth	1998/99	48314	\$183.22
Barringer, Donna Kelsey	2001	0146756	\$168.50
Beason, Dorothy S.	2001	0110948	\$168.50
Carpenter, Frances W.	2001	0146779	\$168.50
Cook, David Kenneth	2000/01	0096859	\$257.07
Denver Hardware	1995-00	40450	\$815.31
Geer Technical Corp.	2001	0151851	\$311.27
Gilbert Keith Dairy	2001	25027	\$138.00
Gilbert, Ford Keith	1999/00	03879	\$138.00
Grigg, Edmond A. Jr.	2001	37188	\$143.11
Liberty, Deborah Helms	2000/01	0125295	\$201.11
McDowell, Frances A.	2000	44151	\$123.20
N E Race Cars	2001	0148143	\$891.00
Parker, John J. Jr.	2001	0149653	\$165.53
Parker, Ronald L. & Jame E.	2001	00615	\$1,060.69
Penwarden, Walter	2001	0113533	\$174.20
Peterson, Gary R.	2001	0105050	\$904.04
Richter, Joan	2000/01	0139379	\$270.60
Rowland, Bill C.	2000	09776	\$138.00
Roy, Everette R. Jr.	1995-01	02752	\$119.26
Shelton, Frank	2001	0149690	\$178.20
Simmons, James Dennis	2001	0067608	\$146.02
Smith, Kim Wilson	2001	0134070	\$144.18
Smith, Sam	1996-01	0115847	\$263.86
Smith, Shannon	1997-99	0119108	\$205.28
Sronce, Jennifer H.	2001	0134864	\$124.61
Tarbush, Terry L. (Weddle)	2001	29160	\$140.11
Thompson, Jeffrey Scott	2000/01	0117865	\$187.68
Triplett, William C. & Lois E.	2000/01	21550	\$259.54

Voit, Louis L.	2001	0105008	\$129.20
		TOTAL	\$8,676.20

NAME	YEAR	A/C NO	AMOUNT
Abernathy, Steven Craig	2001	11568	\$11.06
American Drywall	2001	0151832	\$36.85
Berry, Barbara	2001	0115884	\$7.26
Brown, Jamie Rodger	2001	0116271	\$33.54
Burns, Maryann Oddy	2001	0066897	\$33.88
Chaney, Nicole	2001	0128203	\$30.94
Flowers, Scottie Glynn	2000/01	0079255	\$2.64
Freeman, Rena	2000	16954	\$69.00
Garrett, Janet	2001	19377	\$34.50
Griffin, Thomas F.	2001	0132306	\$42.99
Hair Shapers The	2001	25067	\$17.88
Harkey, Timmy Allen	2001	0072248	\$47.27
Helton, Anna M.	2000	15041	\$7.55
Hovis, Danny Wayne	2001	07358	\$87.62
Hudson, Danny Ray	2001	0064063	\$81.13
J Jay's Inc.	2001	25256	\$5.84
Johnson, Donna Marie	2001	0114716	\$7.83
Kistler, Pearlie S.	2001	09835	\$7.84
Lee, Robert Wayne DBA	2001	0114485	\$3.63
Locistics Pro Inc.	2000	0140566	\$58.85
Lynn, William Carol	2001	0068788	\$3.02
Martin, Lisa M.	2001	20188	\$11.57
McLean, Benjamin Jr.	2001	0114501	\$48.09
Mitchell, Guy V.	2000/01	0061790	\$49.52
Nierman, Robert	2001	43070	\$80.38
Odonoghue, James A. (Alva)	2000/01	0064795	\$5.20
Old Lineman Electric Co. Inc.	2001	0151285	\$3.31
Pate, James	2001	0061119	\$14.28
Pope, Robert Mace	2000	35690	\$25.29
Powell, Fairley	2000	0117741	\$24.26
Price, Dawn Sossamon	2001	0147600	\$56.49
Schram, David R.	2001	0139386	\$60.28
Sefchick, Joseph Scott	2001	0129619	\$69.17
Short, John W. Jr.	2001	0133370	\$97.50
Short, John Wayne Jr.	2001	0098346	\$54.96
Woodard, William Arnold	2001	0124345	\$50.64
Wysocki, Richard E.	2001	0119172	\$39.25
		TOTAL	\$1,321.31

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (June 16 – July 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
Brittain, Danny A.	2001	UNFD	0126742	\$9.17
Brooks, Troy Eugene	2001	SFFD	07251	1.13
Buff, Neil T.	2001	N321	0143997	15.54
Burgess Transport Inc.	2001	CRFD	39863	10.37
Caldwell, Luther	2000	ALFD	20140	28.19
Carswell, Ronnie Gene	2001	NBFD	0072452	11.44
Cole, Thomas Richard	2001	CITY	0079900	17.64
Crouse Handy Mart (dba)	2001	CRFD	24696	28.89
Culp, Jerry E.	2001	ELFD/ELSD	0062321	47.05
Daniels, L. V.	2000	DFD	17278	30.00
Dean, Floyd & Motz, Troy	2001	CRFD	0135930	10.25
Denton, Hubert R. (Heirs of)	2001	CRFD	05691	48.93
Fitzgerald, J. H.	2001	N321	06496	9.84
Friday, Mary Louise	2001	SFFD	07102	3.65
Hamilton, Anthony Alan	1999	ALFD	0117462	67.63
Jackson, James E.	2001	ALFD	0131809	44.05
Jonas Law Firm	2001	BCFD	10945	15.88
King, Neil M.	2000-2001	DFD/ELSD	0126798	29.40
Long, Franklin Donald & Jodena	2001	HCFD	03880	14.26
McMurray, Larry Dewayne	2000	UNFD	0092029	57.17
Parham, Horace E. & Willena D.	2001	BCFD	11000	3.78
Parker, Cathryn R.	2000	PCFD	19662	67.82
Payne, Cynthia P. & Billy Joe Jr.	2001	CRFD	0117210	6.29
Pendleton & Pendleton	2001	N321	07800	15.56
Pendleton & Pendleton	2001	CITY	0078016	8.60
Pinckey, Beth	2000	PCFD	0123927	5.00
Pratt, Marion James	2001	PCFD	14005	33.44
Punch, Benjamin Aaron	2001	NBFD	0117505	24.14
Reynolds, Alfred E. & Catherine	2001	CRFD	08910	8.41
Riley, William Charles	2001	PCFD	0124864	6.17
Yarber, Gregory Andrew & Ann M.	2001	ELFD/ELSD	0074834	23.26

**LINCOLN COUNTY TAX DEPARTMENT
ANNUALS**

REQUEST FOR REFUNDS

PERIOD COVERED (June 16 – July 15, 2001)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Angle, Kenneth	2000	N321	48314	\$172.97
Dysart, Carl E.	2001	CITY	0134827	140.37
Fredell, Laura	2001	UNFD	0119093	164.79
Jarrett, June	2001	CITY	0076749	263.12
Morgan, Joel Taylor	2000	NBFD	0068314	146.95

**LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES**

REQUEST FOR REFUNDS

PERIOD COVER (June 16 – July 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
Allen, Eric Kent	2000	ELFD	0143453	\$44.53
Ballard, Roland Craig Jr.	2000-2001	ALFD	0065058	51.54
Bates, Kay Sigmon	2000	DFD/ELSD	0074497	31.28
Bedingfield, Charles Henry	2000	ELFD/ELSD	0097320	4.53
Bering Financial Service	2001	PCFD	0150062	7.44
Beutel, William Dean	2000	CITY	0104857	71.49

Boyles, Louis Micah	2000	CRFD	0101653	12.76
Brown, Josephine Shannon	2000	ELFD	0137506	1.60
Bryant, Christine Church	1996	ELFD	0120923	1.69
Cook, Harold Ross	2000	ELFD/ELSD	0116529	60.44
Davis, Robert W.	2000	UNFD	0134355	3.83
Dial, Ronald	2000	ELFD	0074087	2.03
Flowers, Gay Laree	2000	HCFD	0089952	34.88
Foster, John Wayne Jr	2000	DFD	0068831	25.52
Gore, Janna Stamey	2000	BCFD	0081289	1.76
Graham, Michael Louis	2000	DFD	0090244	3.65
Hallman, Amanda Madgalene	2000	HCFD	01982	6.09
Hank Parker Productions LLC	2000	DFD/ELSD	0133501	59.61
Hartness, Harley Frederick	2000	ELFD	0071621	39.52
Homce, Debra Crama	2000	ELFD/ELSD	0132628	51.89
Johnson, Terry Eugene	1999	HCFD	0078038	44.29
Jones, Danny Keith & Montana B.	2000	PCFD	0107040	6.78
Jordan, Victoria Clegg	2000	DFD/ELSD	0087118	12.89
L J Ventures Inc.	2001	ELFD/ELSD	0150613	8.00
Lidman, Martha Keener	2000	BCFD	0096363	5.62
Marin, Ana Beatriz	2000	CITY	0149605	23.16
Maroto, Fabio	2000	CITY	0132194	6.19
Maroto, Manuel	2000	CITY	0140390	5.81

**LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES**

REQUEST FOR REFUNDS

PERIOD COVERED (June 16 – July 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
Marshall, John R. Jr.	2000	ELFD/ELSD	20149	3.38
McDowell, Charles Lenwood	2000	UNFD	0103170	12.13
Monge, Manuel M.	2000	CITY	0110042	13.12
Moore, Jack Cathey II	2000	DFD	0125973	51.52
Moore, Leslie Darren	2000	CITY	0074507	25.00
Morris, Alan Kenneth & Vicki	2000	DFD/ELSD	0076200	85.02
Mulchi, Jackie Linwood	2000	CITY	0150655	1.03
Seagle, James Matthew	2000	CITY	0083911	2.94
Sherrill, Monroe & Christine	2000	DFD	19623	7.65
Shull, Linda Beaver	2000	HCFD	0135668	6.32
Snyder, Tamela Smith	2000	ELFD/ELSD	0140890	75.79
Sorter, Rickie A. & Tonia B.	2000	DFD	20543	1.94
Tate, Steven	1999	UNFD	0113466	4.73
Walker, Michele Gillespie	2000	BCFD	0095961	43.42
Ward, Michael Wayne	2000	PCFD	0108439	1.08
Whitten, Janette Fry	2000	BCFD	0141006	18.07
Willis, Regina Dale	2000	NBFD	0136260	4.37
Yoder, Jason Robert	2000	CITY	0134100	96.30

**LINCOLN COUNTY TAX DEPARTMENT
REQUEST FOR REFUNDS
MOTOR VEHICLES**

PERIOD COVERED (June 16 – July 15, 2001)

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

NAME	YEAR	DIST	A/C#	AMOUNT
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Fox, Thurmax Roscoe	1999	CITY	0131578	\$125.11
Green, Christopher Brian	1999	HSFD	0115967	108.00
Ivey, Marsha Lay	1998-1999	CITY	0089385	168.20
Patterson, Barry C.	2000	CITY	0146017	103.98

SPONSORED GROUP STATUS
- New Life Baptist Church

ACCOUNTS REQUESTING ADJUSTMENT
July 16, 2001 – August 13, 2001

<u>NAME</u>	<u>ACCOUNT #</u>	<u>ADJUSTMENT</u>	<u>NEW TOTAL</u>	<u>REASON</u>
Jimmy Smith	9184021-01	\$81.71	\$63.48	Toilet Handle Stuck
The Captain's Gap	6122191-01	\$301.65	\$125.49	Leak
Alan Holmes	6101271-0	\$10.20	\$82.78	Leak
William Massey	6123301-00	\$98.67	\$89.75	Leak
Alan Tudor	5161341-00	\$81.84	\$122.86	Leak
Billy Eaker	6113911-00	\$122.68	\$135.87	Leak
Janice Hovis	6113831-02	\$79.25	\$53.76	Leak
		\$776.00	\$673.99	

CUSTOMERS REQUESTING LATE PAY PENALTY REMOVAL
FOR THE PERIOD OF JULY 16 – AUGUST 14, 2001

<u>NAME</u>	<u>ACCOUNT #</u>	<u>REQUESTED ADJUSTMENT</u>	<u>REASON</u>
James Hicswa	6151631-02	\$5.00	Late pay penalty

Budget Adjustment No. 11 for Senior Services for \$5,000 to cover local share of van purchase from NCDOT.

Budget Adjustment No. 12 for Recreation for \$10,000 to purchase tables, chairs, and copier for East Lincoln Community Center.

Budget Adjustment No. 13 for Recreation for \$19,750 to carry over funds for maintenance (painting) at Block Smith and (drain basin and landscaping) at East Lincoln Park.

Budget Adjustment No. 14 for \$950 to encumber funds from previous year for Asbury School, part of \$10,000 allocation from Board of Commissioners.

Budget Adjustment No. 15 for Social Services for \$8,000 to increase expenditure and revenue line items for funds received for Special Children's Adoption Fund last fiscal year, but money not spent by June 30th.

Budget Adjustment No. 16 for Cooperative Extension for \$7,081 to refund unused Smart Start funds.

Budget Adjustment No. 17 for Register of Deeds for \$3,180 to encumber equipment ordered previous year.

Budget Adjustment No. 18 for DSS for \$126 for encumbrance to refund unspent Smart Start funds.

Budget Adjustment No. 19 for Sheriff's Department for \$21,518 for encumbrance

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

Joe Lawson presented the Board with plots and information from Nixon's Lakeview Lots and Nixon Heights. He stated that Nixon's Lakeview Lots submitted a petition for a leash law, meeting all requirements, and the law was passed in October of 2000.

Jeff Taylor, County Attorney, stated that when he investigated this, he saw 4 plats that were all labeled Nixon's Lakeview Lots, two on one side of the lake and two on the other side. He stated that his conclusion was that all four plats labeled Nixon's Lakeview Lots are the same subdivision. He stated that a majority of owners on the four plats labeled Nixon's Lakeview Lots have not signed the petition.

Stan Kiser, County Manager, stated that there are 58 lots on one side and 47 on the other side.

Chairman Cochrane asked if the Board of Commissioners could make an exception in this case since the subdivision is geographically separated.

Jeff Taylor stated that because of the way the plats are numbered and listed, he feels it is one subdivision. He stated that the Board does have the authority to overrule that opinion and go with the interpretation that it does constitute 2 subdivisions since it is on different sides of the lake.

UPON MOTION by Commissioner Craig, the Board voted unanimously to reconsider the Leash Law for Nixon's Lakeview Lots.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to amend the Ordinance as adopted on October 1, 2000 to cover the portion of Nixon's Lakeview Lots shown on Plat Book C on page 77, effective immediately.

Tony Gilbert spoke concerning the Conditional Use Permit for Martin Marietta. He spoke of the impact the additional traffic would have on Racing Drive. He requested that Martin Marietta use their own drive.

J.C. Beaver stated that he pays his taxes like everyone else and does not feel he is treated fairly. He stated that Code Enforcement made him move a trailer and he found out later it was legal.

Lee Killian stated that he lives 1 1/3 mile from the proposed asphalt plant. He stated that he feels that there will be less traffic on Highway 16 in the area, because all the asphalt that comes to the area usually travels on Highway 16 somewhere. He stated that with a local plant, this traffic would be cut down.

Keith Chubbs stated that he lives off Optimist Club Road. He expressed concerns and asked questions concerning the 750 new homes off Optimist Club Road.

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

Recommendations from the Planning Board from August 6, 2001:

Conditional Use Permit No. 190 – Martin Marietta, applicant: Nadine Benett, Interim Zoning Administrator, stated that the Planning Board voted unanimously to approve the request.

Commissioner Anderson presented the following conditions for Conditional Use Permit No. 190.

1. Access and egress to this proposed Asphalt Manufacturing Facility will be restricted to the existing Martin Marietta Denver Quarry facility entrance. Construction of this proposed Asphalt Manufacturing Facility shall at no time, now or during its operation, cause or contribute to vehicular traffic of any type on the existing street presently known as Racing Drive.

In the event the Owner and/or Operator of this proposed Facility prefers to utilize the existing street known as Racing Drive for access and egress for this proposed facility in lieu of the existing Martin Marietta Denver Facility entrance, the following roadway improvements shall be completed, concurrent with construction of this proposed facility at said Owner and/or Operator's expense:

- The intersection of North Highway 16 and Racing Drive shall be signalized.
 - North and Southbound turn lanes and a pedestrian crossing shall be constructed at the intersection of North Highway 16 and Racing Drive.
 - Racing Drive shall be upgraded to North Carolina Department of Transportation standards for the type vehicles anticipated. Prior to start of construction of this proposed facility, a traffic study shall be provided to establish the extent and nature of traffic anticipated on Racing Drive subsequent to construction of this proposed facility.
2. Prior to the start of construction of this proposed Asphalt Manufacturing Facility, the Owner and/or Operator of said facility shall submit to the Lincoln County Building Inspection Department a complete and comprehensive list of all equipment to be installed and/or operated for the production of asphalt together with a certification by the manufacturer of such equipment that such equipment will **not** emit odors of any type, noxious or otherwise, that will be detectable beyond the boundaries of this proposed Asphalt Manufacturing Facility.
 3. In addition to the requirements of item 2 above, the Owner and/or Operator of this proposed Asphalt Manufacturing Facility shall, upon notification by any current or future resident, business owner or employee of any such business of the detection (smell) of any odor directly or indirectly attributable to the existence and/or operation of this proposed Asphalt Manufacturing Facility, cease the

operation and/or activity causing such odor or odors until such odor has been identified and eliminated.

4. Prior to the start of construction of this proposed Asphalt Manufacturing Facility the Owner and/or Operator of said Facility shall determine the names and addresses of all residents currently residing on the east side of Highway 16 North and Racing Drive. The Owner and/or Operator of said Facility shall then assist said residents in contacting the Postmaster at the Denver Branch of the United States Postal Service to determine the feasibility of relocating said residents mail boxes from the west side of Highway 16 North to the east side of Highway 16 North. Relocation of these mailboxes would eliminate the necessity for residents to cross Highway 16 North to obtain their mail. In the event USPS will permit relocation of the mail boxes of said residents to the west side of Highway 16 North, the Owner and/or Operator of this proposed Asphalt Manufacturing Facility shall, at it's costs, arrange the relocation of said mailboxes.

Chairman Cochrane deferred this until after Conditional Use Permit No. 190 to give the applicant time to read over the list of conditions.

Conditional Use Permit No. 191 – Crown Castle, applicant: Nadine Bennett, Interim Zoning Administrator, stated that the Planning Board unanimously to approve the request.

Chairman Cochrane presented the findings of fact, as approved by the Planning Board for Conditional Use Permit No. 191 – Crown Castle, applicant.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #191 Date: August 20, 2001

Applicant's Name: Crown Castle South, Inc., Bell South Personal Communications, LLC

Address: 901 Monroe Road, #150
Charlotte, NC 28270

Property Owner's Name: Terry L. Pfiefer and wife, Amie G. Pfiefer
Address: 3342 Fish Pond Road
Cherryville, NC 28021

Property Location: 3342 Fish Pond Road
Cherryville, NC 28021

Existing Zoning: R-R

Proposed Conditional Use: Wireless Telecommunications site and 325 Foot Tower

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Factual Reasons Cited: Based on the testimony given.
2. The use meets all required conditions and specifications.
Factual Reasons Cited: The proposed use does meet the conditions required.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Factual Reasons Cited: It is in a safe place.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
Factual Reasons Cited: It does conform with the Land Use Plan.

After having held a Public Hearing on 8/6/01 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Planning Board's recommendation and the Findings of Fact as presented for Conditional Use Permit No. 191 – Crown Castle, applicant.

Chairman
Lincoln County Board of Commissioners

Date

Zoning Map Amendment No. 384 – Jerald Collins, applicant: Nadine Bennett, Interim Zoning Administrator, stated that the Planning Board unanimously recommended approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve Zoning Map Amendment No. 384 – Jerald Collins, applicant, based on the Planning Board's recommendation.

Zoning Map Amendment No. 385 – Donna Key, applicant: Nadine Bennett, Interim Zoning Administrator, stated that the Planning Board unanimously recommended approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 385 – Donna Key, applicant, based on the Planning Board's recommendation.

Conditional Use Permit No. 190 – Martin Marietta, applicant:

Tim Gaddy, with REA Construction, stated that he would need to talk with his people to see which item on Number 1 would be the most cost effective. He stated that with Number 3, if there is someone there who is not crazy about the plant anyway, they could shut down the operation. He stated that he would like for those concerned to visit other plants in the area and see how they function

Commissioner Anderson stated that he thinks there should be a mechanism in place so that if someone in close proximity to this plant has a problem, they have a way of contacting Mr. Gaddy or REA Construction, getting it resolved in a timely manner.

UPON MOTION by Commissioner Craig, the Board voted unanimously to defer to give Mr. Gaddy time to get back with his people.

Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant: Nadine Bennett, Interim Zoning Administrator, stated that the Planning Board unanimously recommended approval with the condition that the water situation be addressed through either County or private methods.

Chairman Cochrane asked Mr. Bill Rice, with Squires Homes, to comment on the second road that will be used. He stated that the DOT recommended using Wallace Road instead of Old Post.

Bill Rice stated that they have looked at both alternatives, Wallace and Old Post. He stated that at current time, the access that is most easily obtained is through Old Post, however they understand and initially agreed that Wallace would probably be the best access because it is more centrally located to the site. He stated that one of the conditions in the development proposal is that they would not be allowed to have more than 50% of the permits issued on the site, without having provided this adequate second access. He stated that this will be a minimum of three years, four years from now, until they hit this point.

Chairman Cochrane asked the traffic engineer why the new Highway 16 was not considered for this project.

Don Spence, with Kublins, stated that they intentionally stayed away from using the new Highway 16 as a proposed traffic impact issue, so they would know exactly what will happen at build-out.

Commissioner Anderson stated that this request for rezoning has been scrutinized more diligently and in greater detail than probably any other subdivision or request for rezoning that has come into Lincoln County. He summarized some of the things the applicant is doing, including meeting with the School Board to purchase and provide a

school site, which the School Board selected. The subdivision will be responsible for putting in water and sewer lines. The applicant has agreed to address the entrance into the subdivision, the intersection of South Triangle Circle and Highway 16, putting in a turn lane on Highway 16 to make that a safer interchange. The applicant has also agreed to be responsible for the interchange of Optimist Club Road and Little Egypt Road, not later than the permitting of their last phase. He stated that this applicant is making a contribution to the impact that they will have.

Chairman Cochrane presented the findings of fact, as approved by the Planning Board for Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR #80 Date: August 20, 2001

Applicant's Name: Squires Enterprises, Inc.
Address: 10100 Park Cedar Dr., Suite 178
Charlotte, NC 28210

Property Owner's Name: Estate of David Clark, Sq.
Address: P. O. #9
Lincolnton, NC 28093

Property Location: North of Woods Lane off Optimist Club Rd. and east of railroad right-of-way

Existing Zoning: GI and RT

Proposed Conditional Use: single family detached lots and single family attached townhomes

Findings of Fact:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Factual Reasons Cited: With a water plan provided.
2. The use meets all required conditions and specifications.
Factual Reasons Cited: With the evidence presented by the developer that they are willing to bring improvements with them to the surrounding community.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
Factual Reasons Cited: It is in harmony with the surrounding area.
Buddy Funderburk seconded the motion.
Motion carried (6-0)

After having held a Public Hearing on August 6, 2001 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Craig to grant the rezoning for Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.

DISCUSSION:

Commissioner Craig stated that one of the things that is driving him toward the passage of this development is the fact that the land is owned by a local landowner who is a product of this area. Commissioner Craig stated that he feels the landowner would not allow anything detrimental to come to that area because he and his family live there.

Commissioner Saine expressed her appreciation to the Clark family and Squires Homes for their efforts in addressing two major problems, schools and the traffic situation. She stated that she would be remised if she did not speak out for the taxpayers of Lincoln County. Commissioner Saine stated that she has concerns about the infrastructure - schools, traffic, water system, law enforcement, fire protection services, and the health and welfare of citizens.

VOTE: 4 – 1 AYES: Craig, Cochrane, Anderson, Choate
NOES: Saine

A MOTION by Commissioner Craig to grant Squires the Conditional Use Permit No. 80 with the conditions as follows: 1 – property for school and 2 – conditions in August 20 letter.

VOTE: 4 – 1 AYES: Craig, Cochrane, Anderson, Choate
NOES: Saine

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

Requested Addendum to Section VII in the Animal Control Ordinance Regarding Shelter from the Weather – Bob Richardson, Humane Society: Bob Richardson addressed the Board with a request for an addendum to Section VII, RESPONSIBILITY OF ANIMAL OWNERS, of the Lincoln County Animal Control Ordinance. He presented background information concerning the situation that brought this request

about, which involved a black dog that was left out in the heat with no shade. The Humane Society is requesting that *shelter from the weather* be defined as:

- A. Summer: a substantial, enclosed dog house with a roof, a floor, four sides, with an opening for a doorway, positioned in the shade or covered with a tarp large enough to provide shade. Also, it needs to be added since a dog chained to a house cannot seek shade, the owner should provide sufficient shade, when sunlight is likely to cause overheating and discomfort, to allow all animals kept outdoors to be protected from the direct rays of the sun. Owners should not tie or chain an animal as to endanger the health or well being of such animal due to temperature, lack of food or water, that may cause suffering or death.
- B. Winter: A substantial enclosed doghouse with a roof, a floor, four sides, with an opening for a doorway, that provides shelter from extreme cold, rain, sleet, and snow and not to be tied out in inclement weather as to endanger the health or well being of such animal due to cold.

Water is affected by extreme temperatures (evaporating in summer and freezing in winter)

Bill Beam stated that currently a dog house is considered shelter. He stated that this change will elevate these standards. Currently, the county ordinance mirrors the state law, which says that an owner has to provide his animal with food, water and shelter.

UPON MOTION by Commissioner Craig, the Board voted unanimously to set a public hearing to consider this change on September 10, 2001 at 8:00 PM.

Public Hearing – Road Naming: Chairman Cochrane opened the Public Hearing for Road Naming.

Elsie Mench stated that if her street, Azalea Trail, has to be changed, she and four of her neighbors would like it changed to Azalea Avenue, Peartree Place, or Heather Lane.

April Sprinkle stated that on the case of Azalea Trail, the road has multiple segments, so one segment needed to be changed to make addressing more clear for emergency response vehicles. She stated that Crimson was originally suggested by the developer, but Crimson was too similar to Clemson. Ms. Sprinkle stated that they cannot name it Azalea Avenue or Boulevard, Peartree is already on the list, and Heather is already taken. She stated that they could remove Azalea Trail – Crimson Clover Lane from the request to research further. She stated that she was approached from the residents of Cline Court, who would rather have their road name changed to John Cline Court, instead of John Cline Place as suggested on the list.

Murray Fuget stated that he lives on Cline Court. He stated that on the map all he can find is Cline Street. He stated that he sees no problem and doesn't understand why it should be changed. He stated that it will be a hassle to get his address changed on everything.

Chairman Cochrane declared the Public Hearing closed.

UPON MOTION by Commissioner Craig, the Board voted unanimously to take Azalea Trail/Crimson Clover Lane off the agenda and place it on the September 17 agenda at 8:00 p.m.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept these recommendations as presented.

Commissioner Craig stated that in response to the gentleman who spoke, he apologized for the inconvenience, but said it is very important to not have names so similar that they may be confused in an emergency situation.

Commissioner Anderson stated that he has lived in Lincoln County for 28 years on the same street. He stated that he has had one post office box number and two number changes at the same house. He stated that it is aggravating changing addresses and apologized also for the inconvenience.

Public Hearing for Proposed Fire Prevention and Protection Ordinance: Mike Futrell presented the proposed Fire Prevention and Protection Ordinance.

Commissioner Craig voiced concerns over approving another Ordinance.

Martin Carpenter stated that he feels this ordinance will be an asset to the County.

Jerry Campbell stated that he hates invasive government and looked at the ordinance from a critical standpoint. He stated that this is a good ordinance and he recommended approval.

Roger Williams stated that with the growth in the county, he doesn't see how the county can do without this ordinance. He stated that the permit fees seem to be fair and reasonable. Mr. Williams suggested that the Board consider and support the ordinance.

Dennis Williams stated that there is nothing in the ordinance that they do not do now, but there is a lot that some do not do. He stated that the things it requires are things that should be in all good commercial plans. Mr. Williams stated that this is a tool that the county does need.

Ken Dellinger stated that the county is a little easy on developments and that is why they come in. He suggested that the county approve more ordinances.

Kelly Atkins stated that Building and Land Development is happy with the ordinance. He stated that they support the ordinance.

Commissioner Craig asked about the costs associated with the ordinance and suggested waiting until next year to implement and enforce this ordinance.

Mike Futrell stated that whether or not this ordinance is passed, he still has to work the same amount of hours and do the same job. He stated that he just needs this to help him enforce it. He stated that he will put in extra hours for now to do the job.

A MOTION by Commissioner Anderson to adopt the Ordinance, Chapters 1 – 9, with 10, 11, and 12 as reference.

Vote: 4 – 1 AYES: Anderson, Cochrane, Craig, Choate
NOES: Saine

Jeff Taylor, County Attorney, stated that in light of the fact that this is an Ordinance, and this was not a unanimous vote, there will have to be a second vote between now and January 1, 2002, which will pass with a simple majority.

Commissioner Craig asked Mike Futrell to keep a tab of situations where this ordinance would help between now and the next vote.

Apple Festival Proclamation: Chairman Cochrane presented the following Proclamation for the Apple Festival.

**PROCLAMATION
CITY MAYOR AND CITY COUNCIL
BOARD OF COUNTY COMMISSIONERS
2001**

WHEREAS, apple production has played a significant role in the agricultural history of Lincoln County, and

WHEREAS, apple harvest remains a much anticipated time for area residents, and

WHEREAS, the Lincoln County Apple Festival came into being in 1972 for the purpose of celebrating the apple harvest, and

WHEREAS, the 2001 Lincoln County Apple Festival marks the thirtieth year of this celebration, and

WHEREAS, the Lincoln County Apple Festival continues to expand and give opportunity to numerous civic and charitable organizations to finance their humanitarian projects through the year, and

WHEREAS, the Lincoln County Apple Festival affords "down-home" togetherness and a time of fellowship and family fun for thousands of people from near and far,

WE, THEREFORE, Bobby Huitt, Mayor of Lincolnton, and Jerry W. Cochrane, Chairman of the Lincoln County Board of Commissioners, do hereby proclaim the period of September 9 through September 15, 2001 as Apple Festival Week in Lincolnton and Lincoln County and do further call upon all its citizens to participate to the fullest in the week's activities.

Adopted at the County of Lincoln, this 20th day of August, 2001.

Bobby Huitt
Mayor of Lincolnton

Jerry W. Cochrane
Chairman, Board of Commissioners

Financial Information for Water Improvements: Mike Wolfe stated that the Board has previously discussed the water system needs for the eastern part of the county. He stated that since that time, they have discussed with staff the central part of the county, which needs an elevated storage tank. He stated that they have looked at the cost to provide additional capacity at the water plant when needed. The East Lincoln project cost was \$3.8 million, \$3.1 was critical needs, the central portion, which would include the Buffalo Shoals pumping station and the relocation of the West Lincoln booster pump station are \$1.4 million, including construction and engineering. The cost of upgrading the water plant from 3 mgd to 6 mgd is \$2.5 million. The total cost of these is \$7.7 million.

Mr. Wolfe presented the costs of these projects and the impact of these expenditures on the budget. He presented the following water connection fees, which reflect the cost of these improvements.

**LINCOLN COUNTY WATER DEPARTMENT
WATER CONNECTION FEES
Effective Date: August 21, 2001**

**TABLE 1 - AVAILABILITY FEES FOR NEW CONSTRUCTION FOR ALL
COMMERCIAL AND RESIDENTIAL WATER CONNECTIONS**

<u>WATER METER SIZE FEE</u>							<u>AVAILABILITY</u>
¾-inch -	-	-	-	-	-	-	\$2,150.00
1-inch -	-	-	-	-	-	-	\$5,375.00
2-inch -	-	-	-	-	-	-	\$17,200.00
3-inch -	-	-	-	-	-	-	\$34,400.00
4-inch -	-	-	-	-	-	-	\$53,750.00
6-inch -	-	-	-	-	-	-	\$107,500.00
8-inch -	-	-	-	-	-	-	\$172,000.00

10-inch	-	-	-	-	-	-	\$247,250.00
12-inch	-	-	-	-	-	-	\$333,250.00

TABLE 2 - TAP FEES AND METER FEES

¾-inch Water Tap and Meter	-	-	-	-	-	\$850.00
1-inch Water Tap and Meter	-	-	-	-	-	\$1,350.00
2-inch Water Tap and Meter	-	-	-	-	-	\$4,300.00
¾-inch Meter Only	-	-	-	-	-	\$125.00
1-inch Meter Only	-	-	-	-	-	\$160.00
2-inch Meter Only	-	-	-	-	-	\$1,310.00

Notes:

1. Water availability fees are based on a gallons per minute per meter size ratio as shown in Table 1. Applicants shall also pay any applicable tap or meter fees included in table 2.
2. All “Out of County” fees are double the “In County” fees.
3. ***ALL FEES ARE SUBJECT TO CHANGE WITHOUT NOTIFICATION.***

Chairman Cochrane stated that he would like the Board to consider forgiving half of the debt from the water system and then set up the payments for the 50%. He stated that the county in general has benefited from the water system.

The Board discussed and agreed that existing homes would only pay the tap and meter fees. New construction would pay availability fees, tap fees, and meter fees.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the fees as presented, effective 8/21/01, new construction will pay availability fee, fees will be charged when water tap is applied for, and existing homes will only pay for water tap and meter fee.

The Board discussed forgiveness of 50% of repayment.

UPON MOTION by Commissioner Craig, the Board voted unanimously to forgive 50% of the debt, to start paying on the debt effective next fiscal year, contingent upon Local Government Commission’s approval.

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

Flexible Benefits Plan: Stan Kiser reviewed the advantages and disadvantages of the Flexible Benefits Plan.

Utility Reduction Contract: Leon Harmon stated that our contract with Utility Reduction Specialists has expired. Steve Mann with Utility Reduction Specialists believes he can save us money on our E-911 phone charges. They have been successful in the past finding ways to save money on phone and utility expenses.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Utility Reduction Contract with Utility Reduction Specialists.

Vacancies: Commissioner Craig presented the following vacancies.

Nursing and Adult Care Home Community Advisory Committee 7
Region F Aging Advisory Committee
 Alternate 1
 Delegate 1
Library Board
 Catawba Springs Township 1
Regional Library Board 2
Recreation Commission
 Lincolnton Township 1
 Howard's Creek Township 1
 Catawba Springs Township 1

APPOINTMENTS

Lincolnton Planning Board - ETJ

Mrs. Becky Burke

Nursing and Adult Care Home Community Advisory Committee

Lou Finger

Community Child Protection/Fatality Team

LaVerne Bolick

Workforce Development Board

Mr. Tom Miltier

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Becky Burke to the Lincolnton Planning Board for the ETJ, Lou Finger to the Nursing and Adult Care Home Community Advisory Committee, LaVerne Bolick to the Community Child Protection/Fatality Team, and Tom Miltier to the Workforce Development Board.

The Board discussed the Natural Resources Committee and decided to wait for all applications to be in before making appointments. Chairman Cochrane suggested having

a high school student and a Gaston College student on the Lincoln Natural Resources Committee.

Calendar: Chairman Cochrane presented the Board's calendar for September, 2001.

County Commissioners' Report: Chairman Cochrane stated that Jim Watson called and wanted to know if he, Commissioner Anderson, and Stan could meet with them concerning a sewer line to the new Pumpkin Center High School.

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

Finance Officer's Report: Leon Harmon, Finance Director, presented the Finance Officer's Report.

Recess: Chairman Cochrane recessed the meeting until August 28, 2001 at 5:30 PM.

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman