

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 1, 2001

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on October 1, 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:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Dean Lutz, Secretary
James Funderburk
Eddie Sigmon
Stanley Roseboro

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Cheryl Baxter, Assistant Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the October 1, 2001 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda adding Item 5a – Proclamation from Communities in Schools and Water Fees, Jerry Carpenter's Request, Glenn Oak Estates Request, and Water Fees for 1 and 2" lines under Other Business.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

OCTOBER 1, 2001

- 6:30 PM Call to Order
1. 6:31 PM Adoption of Agenda
2. 6:32 PM Approval of Minutes
- September 10, 2001
- September 17, 2001
3. 6:35 PM New Business/Advertised Public Hearing
- ZMA #388 – Marty Mull, applicant: The applicant is requesting to rezone two parcels totaling 10.8 acres from Residential Single-Family (R-SF) to Light Industrial (I-L). The property is located on Mundy Road near Highway 16 in Denver.*
- CUP #194 – Crown Castle South Inc., applicant: The applicant is requesting a Conditional Use Permit to accommodate a 250-foot telecommunication tower on a 11.8-acre parcel on Vance Hull Lane off Jake Seagle Road in Vale. The property is owned by Clara Bell Taylor and is zoned Transitional Residential (R-T).*
4. 7:35 PM Lincoln County Homebuilder's Association
5. 7:45 PM Oaklawn Property – Erma Deen Hoyle
6. 8:05 PM East Lincoln Community Center Gym Equipment Bids – Erma Deen Hoyle
7. 8:15 PM Website Status Update – Dante' Patterson
8. 8:30 PM Public Hearing – Local Law Enforcement Block Grant
9. 8:40 PM Engineering Contracts with W.K. Dickson
10. 8:45 PM Fire Prevention Week Proclamation – Mike Futrell
11. 8:50 PM Request for County Flag to Send With Package to New York Fire Department – Mike Futrell
12. 8:55 PM Resident's Rights Week Proclamation
13. 9:00 PM Other Business

Adjourn

Approval of Minutes – September 10, 2001 and September 17, 2001: Chairman Cochrane presented the minutes of the September 10, 2001 and September 17, 2001 meetings for the Board's approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the September 10, 2001 minutes as presented.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the September 17, 2001 minutes with the following changes:

Page 15

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the Planning Board's recommendation and the Findings of Fact as presented for Conditional Use Permit No. 192 – Duke Communication Services, applicant, adding the recommendation of Jeff Lynn to require that the tower be lighted. ~~as the FAA determines.~~

Page 26

Mr. Kiser presented a memo from Erma Deen Hoyle concerning the ~~concerning the~~ use of the former Oaklawn School property as a neighborhood park by the Lincoln Recreation Commission.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, October 1, 2001 and the time, which was advertised in the *Lincoln Times-News* on Friday, September 21, 2001 and Friday, September 28, 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, October 1, 2001, to consider the following zoning related matters:

Zoning Map Amendment No. 288 - Marty Mull, applicant (Parcel ID #31275 and #31276) The applicant is requesting to rezone two parcels totaling 10.8 acres from Residential Single-Family (R-SF) to Light Industrial (I-L). The property is located on Mundy Road near Hwy. 16 in Denver.

Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant (Parcel ID #10053) The applicant is requesting a Conditional Use Permit to accommodate a 250-foot telecommunication tower on an 11.8-acre parcel on Vance Hull Lane off Jake Seagle Road in Vale. The property is owned by Clara Bell Taylor and is zoned Transitional Residential (R-T).

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. 388 – Marty Mull, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 388 – Marty Mull, applicant.

The applicant is requesting to rezone two parcels totaling 10.8 acres from Residential Single-Family (R-SF) to Light Industrial (I-L). One of the parcels is in a Designated Highway Overlay (DH).

The property is located on Mundy Road near Hwy. 16. It is joined on the east by property zoned Neighborhood Business (B-N), on the south and west by property zoned R-SF, and on the north by property zoned General Industrial (I-G).

Mr. Hawkins presented the Board with a letter from Mr. Jeff Frushtick, owner of Leonard Automatics, describing what he plans to do with the property.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 388 – Marty Mull, applicant.

Marty Mull, property owner, stated that he has a contract with Jeff Frushtick of Leonard Automatics. He stated that they are about 300' off of Highway 16 and there will not be that much traffic. It will be landscaped nicely with proper buffers.

Phyllis Mundy stated that she is a resident on Mundy Road. She stated that they have had so many changes and their road is going to be dead-end before long, so this will be the only way in and out. She stated that they have had enough business.

Ken Mundy stated that he lives at 5671 Mundy Road and is against this business being there.

Charles Atkins stated that he is the property owner that adjoins Mr. Mull. He stated that he has 10 plus acres and a home there. Mr. Atkins stated that this is a residential area and he would like it to be as is.

John Jives stated that he lives at 5911 Mundy Road and is Charles Atkins neighbor. He stated that he just built there and has 3 children. Mr. Jives presented a petition signed by 34 residents that live on Mundy Road who are asking for the rezoning not to take place and the property to stay residential.

David Goforth stated that he lives at 5890 Mundy Road and also has kids. He stated that there are too many business on both sides of the road now and they don't need anymore construction.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 388 – Marty Mull, applicant, closed.

Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant: Having been sworn by the Clerk, Amy S. Long, the following individuals spoke on Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant.

The applicant is requesting a Conditional Use Permit to accommodate a 250-foot telecommunication tower on an 11.8-acre parcel zoned Transitional Residential (R-T).

The parcel is located on Vance Hull Lane off Jake Seagle Road in Vale. It is joined on the east, south and west by properties zoned Transitional Residential (R-T) and the north by property zoned Residential Suburban (R-S). A telecommunication tower over sixty (60) feet requires the issuance of a Conditional Use Permit in the R-T zoning district.

Chairman Cochrane opened the Public Hearing concerning Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant.

John Hasty introduced the petition and all of the exhibits and the executive summary as evidence to support the petition. All required documents and fees have been paid, all of the FCC licenses are in place, and the site will be operated in full compliance with the FCC regulations. The lease and right of way agreements are all in place and have been signed by the parties. The FAA evaluation and study was done and there was no hazard to aviation.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 194 – Crown Castle South, Inc., applicant, closed.

Lincoln County Homebuilder's Association: **Gary Faulkenberry** spoke about the water tap increase. He stated that they feel the increase is too high and out of line with surrounding areas. He presented figures from other areas. Mr. Faulkenberry asked the Board to honor the lower fee on investments made on homes already under construction with zoning and building permits already purchased.

Kenneth Tucker, Building Contractor, voiced concerns on upping the commercial tap fees so much that it has put a burden on new businesses or industrial growth.

Lesley Gandy, Attorney, stated that these builders already had projects started and now will have to pay \$2200 more for each home. She stated that these fees are exorbitant. Ms. Gandy asked the Board to review their decision.

Gary Faulkenberry stated that other communities go by areas. He stated that he feels water fees should be higher for problem areas, and not fee across the board.

Chairman Cochrane stated that the taxpayers of Lincoln County are really not supposed to be paying the bills for the water system. He stated that the users have to pay the bills.

Commissioner Craig stated that the cost of a well is about what this fee is in line with.

Commissioner Anderson asked how many homes were under construction at the time the fees were changed.

Bo Quickle stated that the cost of putting a community well into a 100 lot subdivision he just developed was \$100,000, including the taps. He stated that if he is charged an additional \$300,000, the cost of this will be \$400,000. Mr. Quickle stated that he sells homes for \$100,000 and there is very little profit margin.

Oaklawn Property – Erma Deen Hoyle: Erma Deen Hoyle stated that the Lincoln Recreation Commission is requesting to use the former Oaklawn School property as a neighborhood park. The first element that there is a great need for is soccer fields. The Oaklawn Property is relatively flat and can be used fairly quickly and simply. Because the facility is county owned and the main entity doing the initial development would be a city agency, they are requesting a lease agreement.

The request is to develop the acreage behind the building. Times would be set aside for functions of the Coalition of Churches which has leased the building and property. Their request would only include the restroom portion of the former school building.

Jeff Taylor stated that he feels the agreement says about all that he would think is necessary and he is prepared to endorse it as presented.

Commissioner Craig stated that he was under the impression that the property was going to be sold, but is willing to compromise. He stated that he feels there should be a time frame on the lease. He stated that he feels the county should put up the land, with the city making the improvements and carrying liability insurance on it.

Ola Mae Foster, President of the Coalition of Churches of Lincoln County, stated that they leased the Oaklawn building with the premises at Oaklawn. She stated that they do have plans with the whole grounds if the county would sell later. She stated that they are very interested in the site if the county sells it.

Bill Walker stated that they work on the building 3 days per week. He stated that Asbury School obtained a learn and serve grant, in which they take the kids to Habitat houses or the Oaklawn School to teach them how to do things these 3 days per week.

Commissioner Anderson suggested adding a paragraph which in some form says that if the use of this property, as is contemplated by this agreement, ceases to exist the property would revert to the county.

Jeff Taylor suggested termination language, that the County will have the right to terminate this agreement upon a set period of time of notice (60 days) if in the

termination of the County at some point the use has changed from the use that was intended at the time the agreement was entered into.

Robert Hamilton stated that Oaklawn is a historical area for the black community. He stated that he feels a walking trail and soccer field are a good idea. He stated that he thinks it will be good for Recreation and the Coalition work together, but asked for the Recreation Department to help but not have power over the Coalition.

Hazeline Ford stated that she grew up in the Oaklawn Community. She asked if the Coalition is set aside and Recreation is in charge if there will be more police protection and more patrolling.

Jeff Taylor stated that the Board could authorize or agree to enter into a new lease with the Coalition that would authorize them to do that sublease.

Ola Mae Foster stated that they would like a lease for longer than one year, possibly ten years. She stated that they have applied for a 501(c)3 status.

Jeff Taylor stated that it is his understanding that the Board would like to take the current lease and specifically authorize a sublease for recreational purposes, the current lease approved uses would be continued, set a ten-year term and include a termination clause to allow this Board to terminate on 60 days notice if some inappropriate use developed in the future.

UPON MOTION by Commissioner Craig, the Board voted unanimously to enter into a new lease with the Coalition of Churches, essentially along the lines of the existing lease, continuing the purposes that were previously authorized, specifically authorizing a sublease to the City of Lincolnton for recreational purposes, containing a ten year lease term and a termination clause that would authorize the County to terminate this lease on 60 days notice in the event of a use that is inconsistent with the purposes of the lease or sublease.

Lights on Afterschool – Melissa Freeman: Melissa Freeman, with Communities In Schools, presented the following proclamation for the Board's approval.

PROCLAMATION

WHEREAS, the citizens of Lincoln County stand firmly committed to quality programs because they:

- ❖ Stimulate children's imaginations and enrich our students' lives;
- ❖ Provide a safe, friendly learning environment for our kids that boosts their academic achievement;
- ❖ Support working families by ensuring that their children are safe and productive after the regular school day ends;

- ❖ Encourage families to become more effective partners in their children's education;
- ❖ Build stronger communities by involving our students, parents, business leaders and adult volunteers in the lives of our young people; and

WHEREAS, Communities in Schools of Lincoln County has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are a critical link to helping our children become successful adults; and

WHEREAS, **Lights On Afterschool!**, a national celebration of afterschool programs on October 11, promotes the critical importance of quality afterschool programs in the lives of children, their families and their communities;

THEREFORE BE IT RESOLVED that The Board of Commissioners call on the citizens of Lincoln County to assure that every child has access to a safe, friendly place where the lights are on afterschool on the day of October 11, 2001; AND BE IT FURTHER RESOLVED that this county enthusiastically endorses **Lights On Afterschool!** and admits our community to engage in innovative afterschool programs and activities that ensure children are safe and productive when the school day ends.

Chairman, Board of Commissioners

UPON MOTION by Commissioner Choate, the Board voted unanimously to adopt the Proclamation as presented.

Gym Equipment Bids – Erma Deen Hoyle: Erma Deen Hoyle presented the following bids that were received for equipment for the East Lincoln Community Center. The equipment in the bids included 6 basketball goals (2 with glass backboards, 4 with wooden; all adjustable height and can be raised); telescoping bleachers with seating for approximately 280 – 300 people; wall pads for the main goal area at each end; and floor covering. The money for these items was included in the original allocation.

Quotes were obtained from the following bidders:

McDonald Enterprises, Inc.	\$54,417
Learning Environments (*no floor covering)	55,100*
Michael Elkis Co.	No bid received

Ms. Hoyle requested approval of the McDonald Enterprises bid for the Community Center.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the bid of McDonald Enterprises, Inc. for \$54,417.

Website Status Update – Dante’ Patterson: Dante’ Patterson gave an update on the website status.

Public Hearing – Local Law Enforcement Block Grant: Chairman Cochrane opened the Public Hearing concerning the Local Law Enforcement Block Grant.

Bill Beam stated that this is a federal grant they have applied for that will be used to put a camera system at Lincolnton High School.

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

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

Engineering Contracts with W.K. Dickson: Jack Chandler stated that there are three contracts to be approved. One is for the water line to serve the Solid Waste Facility, the second is for the improvements in the eastern pressure zone, and the third is for the improvements in the central pressure zone as W.K. Dickson had identified the zones from the Water Model. These contracts have been before the Board, Commissioner Anderson met with representatives from W.K. Dickson and had them change their fees, ending up in a reduction of nearly \$30,000.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Engineering Contracts.

Lincoln County Fire Prevention Week Proclamation: Mike Futrell, Fire Marshal, presented the following Proclamation for the Board’s approval.

LINCOLN COUNTY FIRE PREVENTION WEEK PROCLAMATION

WHEREAS, cooking, heating, and electrical fires represent three of the nation’s causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, the vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions; and

WHEREAS, developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and

WHEREAS, proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, by preventing the leading causes of home fires, and by developing and practicing a thorough home fire escape plan, people can greatly reduce their risk to fire; and

WHEREAS, the Fire Prevention Week 2001 theme, “Cover Your Bases & Strike Out Fire,” teaches the public how to prevent cooking, heating, and electrical fires, and encourages people to develop a home fire escape plan that includes working smoke alarms; and

WHEREAS, the fire service of Lincoln County is dedicated to the safety of life and property from devastating effects of fire; and

WHEREAS, the members of the fire service are joined by other concerned citizens of this County, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and we the Lincoln County Board of Commissioners do hereby proclaim the week of October 7 – 13, 2001, as Fire Prevention Week. This week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings.

We call upon the people of Lincoln County to participate in fire prevention activities at home, work, and school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating, and electrical.

In witness hereof, we hereunto set our hand this 1st day of October, the year of two thousand and one.

Jerry W. Cochrane, Chairman _____

Beth H. Saine, Vice Chairman _____

Thomas R. Anderson, PE _____

Larry S. Craig _____

David P. Choate _____

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the Proclamation.

Request for County Flag to Send With Package to New York Fire Department – Mike Futrell: Mike Futrell stated that the local fire service has raised \$36,000 to date

and will donate this money to a Fallen Firefighter's Widows and Children's Fund. He requested a County flag to present to the New York Fire Department.

It was the consensus of the Board to donate a County flag to the New York Fire Department.

Resident's Rights Week Proclamation: Erma Deen Hoyle presented the following Proclamation for the Board's approval.

PROCLAMATION

WHEREAS, residents of long term care facilities are one of our greatest resources; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, these residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens; and

WHEREAS, we wish to encourage citizens to visit our community members who live in long-term care facilities;

NOW, THEREFORE, I, Jerry W. Cochrane, Chairman of the Lincoln County Board of Commissioners, do hereby proclaim October 7 – 13 as **Residents' Rights Week** in Lincoln County, and encourage all citizens to join me in these important observances.

Signed this 1st day of October, 2001.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Proclamation.

Other Business: Commissioner Craig presented a letter from Jerry Carpenter. He stated that back when Louis McConnell was Chairman and Rick French was Manager, a verbal agreement was reached with Mr. Carpenter in regards to water lines. Mr. Carpenter ran his own lines to hook up to water and was told he would have reduced tap-on fees. Commissioner Craig stated that the same situation is with Glenn Oak Estates II.

Jeff Taylor advised that if the Board decides to grant relief, it's going to have to be applied consistently. He advised the Board to be really careful about making exceptions to a policy already established.

Chairman Cochrane suggested looking into houses already under construction that were permitted. He suggested honoring permits issued prior to August 21 for the old rate and giving refunds to people who paid the higher fee.

Jeff Taylor stated that he would work on this and come back to the next meeting with additional information for the Board.

Recess: Chairman Cochrane recessed the meeting to October 9, 2001 at 4:30 p.m.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners