

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 3, 2001**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 3, 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  
David P. Choate  
Larry Craig

**Planning Board Members Present:**

Jerry Geymont, Chairman  
Mike Baker, Vice Chairman  
Dean Lutz, Secretary  
Gerald Johnson  
Terry Whitener  
James "Buddy" Funderburk

**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 December 3, 2001 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

**Election of Chair:**

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to elect Jerry Cochrane as the Chair to the Board of Commissioners.

**Election of Vice-Chair:**

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to elect Beth Saine as Vice-Chair to the Board of Commissioners.

**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 items 8a – Private Physicians and Appointments.

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

#### **PUBLIC HEARINGS**

**DECEMBER 3, 2001**

- |    |         |  |
|----|---------|--|
|    | 6:30 PM | Call to Order                              |
|    |         | Election of Chair                          |
|    |         | Election of Vice-Chair                     |
| 1. | 6:35 PM | Adoption of Agenda                         |
| 2. | 6:36 PM | Adoption of Rules of Procedure             |
| 3. | 6:39 PM | Approval of Minutes<br>- November 19, 2001 |
| 4. | 6:40 PM | New Business/Advertised Public Hearing     |

#### **Planning Board recommendation**

**ZMA #395 Frances Cloninger, applicant** (Parcel ID #31575) The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Light Industrial with a Designated Highway overlay. (I-L DH). The property is located at 4264 Hwy. 16, Denver. *PB: Voted 8-0 to recommend approval, contingent on a variance being granted for a side setback. Board of Adjustment voted 5-0 to grant variance.*

#### **Public hearings**

**ZMA #396 Lincoln County, applicant** (Parcel ID# 79310) The applicant is proposing to zone a 22.15-acre parcel owned by heirs of George T. Hoffman as Residential Single-Family (R-SF). The property, which isn't currently zoned, is located off Brady Hoffman Road and Hoffman Road at the Gaston County line.

**ZMA #397 Lincoln County, applicant** (Parcel ID# 79435) The applicant is proposing to zone a 0.93-acre parcel owned by Ricky H. Jenks as Rural Residential (R-R). The property, which isn't currently zoned, the property is located on Hallman Mill Road at the Cleveland County line.

**ZMA #398 PROSCOL LLC, applicant** (Parcel ID# 31135) The applicant is requesting to rezone a 0.8-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 1698 S. Hwy. 16, Stanley.

**ZTA #399 Lincoln County, applicant.** The applicant is proposing to amend Section 8.22.3 of the Lincoln County Zoning Ordinance to define a "pier" as a structure extending into the water from the seven hundred sixty (760) contour line and to stipulate that structures that are attached to a pier but sit on shore shall not be considered part of the pier.

**ZTA #400 Lincoln County, applicant.** The applicant is proposing to amend Section 8.22.15 of the Lincoln County Zoning Ordinance to change the setback for accessory structures on lots abutting Lake Norman from 10 feet to 30 feet and to allow certain walkways within the 30-foot setback.

**PCUR #82 Lincoln County, applicant** (Parcel ID# 01831) The applicant is requesting a parallel conditional use rezoning to rezone a 0.43-acre parcel owned by Robert Earl Childers from General Business (B-G) to Residential Suburban (R-S) and allow a Class B mobile home to be placed there. The parcel is Lot #15 in the Windsor Woods subdivision on Broad River Lane near High Shoals.

**CUP #198 Carrie Shipp, applicant** (Parcel ID# 25348) The applicant is requesting a conditional use permit to allow a Class C mobile home to be placed in the Residential Suburban (R-S) zoning district. The 2.51-acre parcel is located on Westridge Lane off Springdale Park Drive.

**CUP #199 Damien Speckman** (Parcel ID# 78252) The applicant is requesting a conditional use permit to operate a motor vehicle sales lot in the Neighborhood Business (B-N) zoning district. The 0.93-acre parcel is located at 2528 N. Highway 16, Denver.

**ZTA #401 Lincoln County, applicant.** The applicant is proposing to amend Sections 10.12.1 and 10.13.1 of the Lincoln County Zoning Ordinance to include "planned multi-tenant developments" as a permitted use in the General Industrial (I-G) and Light Industrial (I-L) districts.

5. 7:30 PM Public Hearing –  
Refund on Revenue for Herbert J. Forney

6. 7:35 PM Hospital Report
7. 7:55 PM Group Home Grant – Maggie Dollar
- 8a. Private Physicans
8. 8:05 PM Proposal for New EMS Facility Design – Ron Rombs and Ken Newell
9. 8:25 PM Community Transportation Program Application – Erma Deen Hoyle
10. 8:35 PM Centralina Council of Government Resolution
11. 8:50 PM Proposal for Engineering Services for Preparation of a Capacity Building Grants Application and Capital Improvements Program Documentation –  
  
Appointments
12. 9:05 PM Other Business  
  
Adjourn

#### **Adoption of Rules and Procedure:**

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the Rules and Procedure.

**Approval of Minutes – November 19, 2001:** Chairman Cochrane presented the minutes of the November 19, 2001 meeting for the Board's approval.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the November 19, 2001 minutes with the following changes:

Page 34, paragraph 9

Commissioner Craig stated the company (**Marois Builders Inc.**) was further behind than they made it out to be.

Page 34, paragraph 10

Stan Kiser stated the lines in the development were never turned over to us and they don't ~~except~~ **expect** anything until they are.

#### **Planning Board recommendation**

ZMA #395 Frances Cloninger, applicant (Parcel ID #31575) The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH)

to Light Industrial with a Designated Highway overlay. (I-L DH). The property is located at 4264 Hwy. 16, Denver.

*PB: Voted 8-0 to recommend approval, contingent on a variance being granted for a side setback. Board of Adjustment voted 5-0 to grant variance.*

**Zoning Map Amendment No. 395 Frances Cloninger, applicant:** Randy Hawkins, Zoning Administrator presented the following information concerning Zoning Map Amendment #395 Frances Cloninger, applicant.

The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Light Industrial with a Designated Highway overlay. (I-L DH). The property is located at 4264 Hwy. 16, Denver. The Planning Board voted unanimously to approve the request.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to approve Zoning Map Amendment No. 395 Frances Cloninger, applicant.

**New Business: Advertised Public Hearings:** Chairman Cochrane announced that this was the date, Monday, December 3, 2001 and the time, which was advertised in the *Lincoln Times-News* on Friday, November 23, 2001 and November 30, 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, December 3, 2001, to consider the following zoning related matters:

#### **Zoning cases for Dec. 3 meeting**

#### **Public hearings**

**ZMA #396 Lincoln County, applicant** (Parcel ID# 79310) The applicant is proposing to zone a 22.15-acre parcel owned by heirs of George T. Hoffman as Residential Single-Family (R-SF). The property, which isn't currently zoned, is located off Brady Hoffman Road and Hoffman Road at the Gaston County line.

**ZMA #397 Lincoln County, applicant** (Parcel ID# 79435) The applicant is proposing to zone a 0.93-acre parcel owned by Ricky H. Jenks as Rural Residential (R-R). The property, which isn't currently zoned, the property is located on Hallman Mill Road at the Cleveland County line.

**ZMA #398 PROSCOL LLC, applicant** (Parcel ID# 31135) The applicant is requesting to rezone a 0.8-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 1698 S. Hwy. 16, Stanley.

**ZTA #399 Lincoln County, applicant.** The applicant is proposing to amend Section 8.22.3 of the Lincoln County Zoning Ordinance to define a "pier" as a structure extending into

the water from the seven hundred sixty (760) contour line and to stipulate that structures that are attached to a pier but sit on shore shall not be considered part of the pier.

ZTA #400 Lincoln County, applicant. The applicant is proposing to amend Section 8.22.15 of the Lincoln County Zoning Ordinance to change the setback for accessory structures on lots abutting Lake Norman from 10 feet to 30 feet and to allow certain walkways within the 30-foot setback.

PCUR #82 Lincoln County, applicant (Parcel ID# 01831) The applicant is requesting a parallel conditional use rezoning to rezone a 0.43-acre parcel owned by Robert Earl Childers from General Business (B-G) to Residential Suburban (R-S) and allow a Class B mobile home to be placed there. The parcel is Lot #15 in the Windsor Woods subdivision on Broad River Lane near High Shoals.

CUP #198 Carrie Shipp, applicant (Parcel ID# 25348) The applicant is requesting a conditional use permit to allow a Class C mobile home to be placed in the Residential Suburban (R-S) zoning district. The 2.51-acre parcel is located on Westridge Lane off Springdale Park Drive.

CUP #199 Damien Speckman (Parcel ID# 78252) The applicant is requesting a conditional use permit to operate a motor vehicle sales lot in the Neighborhood Business (B-N) zoning district. The 0.93-acre parcel is located at 2528 N. Highway 16, Denver.

ZTA #401 Lincoln County, applicant. The applicant is proposing to amend Sections 10.12.1 and 10.13.1 of the Lincoln County Zoning Ordinance to include “planned multi-tenant developments” as a permitted use in the General Industrial (I-G) and Light Industrial (I-L) districts.

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. 395 Lincoln County, applicant:**

Randy Hawkins, Zoning Administrator, stated the Planning Board recommended approval for Zoning Map Amendment No. 395 - Lincoln County, applicant.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to accept the recommendation of the Planning Board and approve the request.

**Zoning Map Amendment No. 396 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator presented the following information concerning Zoning Map Amendment No. 396 - Lincoln County, applicant.

The applicant is proposing to zone a 22.15-acre parcel owned by heirs of George T. Hoffman as Residential Single-Family (R-SF). This property was recently added to Lincoln County's tax books and isn't currently zoned.

The property is located in Long Shoals off Brady Hoffman Road and Hoffman Road at the Gaston County line. It is joined on the north and west by property zoned Residential Single-Family (R-SF) and on the east by property zoned Transitional Residential (R-T).

Randy Hawkins stated he has talked to the family and they agree with this change.

Commissioner Craig asked if this was being done at Lincoln County's expense.

Randy Hawkins stated it would be done at Lincoln County's expense.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 396 - Lincoln County, applicant.

**Audrey Abernathy** asked what the owner was going to do on the property once it was zoned?

Randy Hawkins stated they had no plans to do anything. He stated that with this zoning they wouldn't allow any mobile homes.

Being no additional speakers, Chairman Cochrane declare the Public Hearing on Zoning Map Amendment No. 396 - Lincoln County applicant, closed.

**Zoning Map Amendment No. 397 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 397 - Lincoln County, applicant.

The applicant is proposing to zone a 0.93-acre parcel owned by Ricky H. Jenks as Rural Residential (R-R). This property was recently added to Lincoln County's tax books and isn't currently zoned.

The property is located in North Brook Township on Hallman Mill Road at the Cleveland County line. It is joined by property zoned Rural Residential (R-R).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 397 - Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 397 - Lincoln County, applicant, closed.

**Zoning Map Amendment No. 398 – PROCSOL LLC, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 398 – PROCSOL LLC, applicant.

The applicant is proposing to rezone a 0.8-acre parcel from Residential Single Family (R-SF) to Neighborhood Business (B-N).

The property is located in Catawba Springs Township at 1698 S. Hwy 16. It is joined on the east and north by property zoned Residential Single-Family (R-SF), on the west by property zoned Transitional Residential (R-T) and on the south by property zoned Neighborhood Business (B-N).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 398 – PROCSOL LLC, applicant.

**Rick Riddle** stated he and his company are a sales organization only. He stated he talked with all the immediate landowners and there is no opposition.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 398 – PROCSOL LLC, applicant, closed.

**Zoning Text Amendment No. 399 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 399 - Lincoln County, applicant.

A zoning text amendment is proposed to clarify what a pier is. This proposal is based on an interpretation by the Board of Adjustment in a case involving a gazebo that was built next to a pier.

Amend Section 8.22.3-C of the Lincoln County Zoning Ordinance (new language in bold):

A “pier” shall be defined as any structure extending into the water from the **seven hundred sixty (760) foot contour** (replaces ‘shore’), whether floating or fixed to the lake bottom, for use as a boat landing place or promenade. **Structures that are attached to a pier but sit on shore shall not be considered part of the pier.**

Chairman Cochrane asked how the county would define shore?

Randy Hawkins stated it would be defined as the 760 contour line, the full pond level.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 399 - Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 399 - Lincoln County, applicant.

**Zoning Text Amendment No. 400 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 400 - Lincoln County, applicant.



A zoning text amendment is proposed to change the setback for accessory structures on lots abutting Lake Norman from 10 feet to 30 feet to conform with Watershed Protection Ordinance and to allow certain walkways within the 30-foot buffer. This is another proposal stemming from the gazebo case.

Amend Section 8.22.15 of the Lincoln County Zoning Ordinance (new language in bold, deleted language in Italics):

On any lot which abuts the full pond level of Lake Norman, no principal structure **or accessory structure** (other than one which is water-borne) shall be located closer than thirty (30) feet inward from the edge of the full pond level line. *In addition, no accessory structures (other than water-borne structures) shall be located no closer than ten (10) feet inland from the edge of the full pond level line.* **Walkways to a pier are allowed within the 30-foot setback provided they are made of decking or other pervious material and do not exceed six feet in width.**

Commissioner Craig asked if this would correct the problem where watershed does not apply?

Randy Hawkins stated this would correct that problem.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 400 - Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 400 - Lincoln County, applicant, closed.

**Parallel Conditional Use Rezoning No. 82 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 82 - Lincoln County, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning to rezone a 0.43-acre parcel owned by Robert Earl Childers from General Business (B-G) to Residential Suburban (R-S) to accommodate a Class B mobile home. This lot was originally part of a county-initiated rezoning request that was approved last May, but it was removed from the request because the lot was considered at the time to be in Gaston County.

The parcel is Lot # 15 in the Windsor Woods subdivision on Broad River Lane near High Shoals. It is joined on the north and east by property zoned Residential Suburban (R-S) and on the south and west by property zoned General Business (B-G). Mr. Childers owns an adjacent lot zoned R-S and currently resides there in a singlewide mobile home.

Chairman Cochrane opened the Public Hearing on Parallel Conditional Use Rezoning No. 82 - Lincoln County, applicant.

**Thomas Huff** asked how Lincoln County is rezoning this property if it's located in Gaston County? He stated his wife went to register to vote in Lincoln County and they

told her she could not because she lives in Gaston County. He stated he pays his taxes in Lincoln County and has to vote in Gaston County.

Jeff Taylor stated a resolution of the county line would assist the Board in this problem. He stated this resolution is being worked on.

Thomas Huff stated he didn't get any kind of notification when the zoning was changed.

Mike Baker stated there were notifications through newspaper advertisements.

Kelly Atkins stated the county sent out 100,000 letters and advertised in the paper when the zoning was changed.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning No. 82 - Lincoln County, applicant, closed.

**Conditional Use Permit No. 198 – Carrie Shipp, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 198 – Carrie Shipp, applicant.

The applicant is requesting a conditional use permit to allow a Class C mobile home to be placed on a 2.51-acre parcel in the Residential Suburban (R-S) zoning district. The parcel has been subdivided from a 9.35-acre tract.

The property is located on Westridge Lane off Springdale Park Drive in Lincolnton Township. It is joined on the east, south and west by property zoned Residential Suburban (R-S) and on the north by property zoned Residential Single-Family (R-SF). A Class C mobile home requires the issuance of a conditional use permit in the Residential Suburban (R-S) district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 198 – Carrie Shipp, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 198 – Carrie Shipp, applicant, closed.

**Conditional Use Permit No. 199 – Damien Speckman, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 199 – Damien Speckman, applicant.

The applicant is requesting a Conditional Use Permit to operate a motor vehicle sales lot on a 0.93-acre parcel in the Neighborhood Business (B-N) district.

The property is located at 2528 N. Hwy. 16, Denver. It is joined on the north and south by property zoned Neighborhood Business (B-NO) and on the east and west by property zoned Residential Single-Family (R-SF).

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 199 – Damien Speckman, applicant.

Commissioner Craig asked how many cars were going to be on the lot?

**Kelly Henninger** stated no more than twenty.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 199 – Damien Stickman, applicant, closed.

**Zoning Text Amendment No. 401 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 401 - Lincoln County, applicant.

A zoning text amendment is proposed to specify that multi-tenant developments are allowed in industrial districts provided that the individual uses in a development are permitted in the particular district. In the General Provisions chapter of the Lincoln County Zoning Ordinance, section 8.5.3 states: “*Only one principal nonresidential use per lot shall be allowed except as part of a planned shopping center, office building, or similar planned multi-tenet development.*” The ordinance specifically allows multi-tenant developments in business districts, but it doesn’t spell out the same for industrial districts. Multi-tenant buildings, however, have been allowed in industrial districts such as the Denver Industrial Park. This amendment would eliminate any question about the permissibility.

Here are the proposed text additions to the Lincoln County Zoning Ordinance:

Amend Section 10.12.1 (Permitted Uses in the General Industrial District) to add Item 2 under A: **A planned multi-tenant development which contains any permitted use in the I-G district.**

Amend Section 10.13.1 (Permitted Uses in the Light Industrial District) to add Item 1 under A: **A planned multi-tenant development which contains any permitted use in the I-L district.**

Kelly Atkins stated EDA agreed with this change.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 401 - Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 401- Lincoln County, applicant, and the Zoning Public Hearing closed.

**Public Hearing - Refund on Revenue for Herbert J. Forney:** Chairman Cochrane announced this was the date and time advertised for the Public Hearing for refund on revenue for Herbert J. Forney.

Jeff Taylor stated Herbert J. Forney over paid his taxes and he is entitled to a refund of \$602.00.

Chairman Cochrane opened the Public Hearing on refund on revenue for Herbert J. Forney.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing closed.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the refund of \$602.00 to Herbert J. Forney.

### **Hospital Report:**

**Pete Ackerman**, CEO of Lincoln Medical Center, stated that timely, accurate and relevant written and oral communication between the Board of Commissioners and Lincoln Health System is of vital importance as we work together to provide the highest quality of healthcare possible to the residents of Lincoln County. Unfortunately on November 19 such as essential goal was not achieved, as many of the comments made by Drs. Mull and Gamble to your Board were inaccurate and unfounded; and the memorandum presented to you by Dr. Mull contained numerous misstatements and misrepresentations. I find Dr. Mull's presentation of such erroneous information to be a disturbing tactic that is disrespectful both to the targets of these characterizations and to the Board of Commissioners as well.

He stated some incorrect comments that Dr. Mull had made in his memorandum from the November 19<sup>th</sup> meeting concerning the responsibilities and purview of the medical staff of Lincoln Medical Center. He stated that in any hospital, management and the medical staff are two separate entities each entirely subservient to the Board of Directors. At LMC, I am a voting member of the MEC. The MEC also comprises seven physician leaders, elected by the medical staff, who determines an agenda and conduct the business of the staff. He stated LMC has made dramatic progress has made dramatic progress improving its financial health. He stated the Chairman of the Board of Commissioners, or his designee and the County Manager are ex-officio members of the boards of Lincoln Health System and LMC, and as such, receive monthly detailed operating statements, balance sheets and statistical reports from LMC. He stated that the November 19, 2001 memorandum delivered by Dr. Mull and the misrepresentative comments offered by Dr. Gamble only hinder the progress we seek to achieve in strengthening a constructive working relationship between our two community institutions.

**Dr. Larry Williams** stated he felt the statements made in the memorandum are inaccurate and misrepresents the state of affairs within the Medical Staff at Lincoln Medical Center. He stated Dr. Mull's statement that the hospital administration has been granting active staff privileges to ineligible physicians is untrue. The absentee ballot and other proposed election structure was recommended by the full MEC to the Bylaws Committee to prevent the current annual confusion of how elections will be handled. He stated he takes exception to the statement that the MEC and the Bylaws Committee are

“already controlled by the hospital administration”. He stated the MEC was elected by secret ballot. MEC is composed of four private physicians, one CPN physician, one PEMA physician and the Hospital CEO. The Bylaws Committee is composed of four private physicians, two CPN physicians, one PEMA physician, and one anesthesiologist. The two hospital employees are non-voting members of the committee. The Committee Chairman is a CPN physician who votes only in the case of a tie.

**Group Home Grant:** Maggie Dollar presented the Board with a grant proposal. She stated they are requesting \$42,073.46 of federal funding through the Governor’s Crime Commission for FY 2002-03. The grant would enable the county’s group home to be able to offer a year-round Enrichment Program of tutoring, mentoring, computer skills training, and life skills training to the youth residing at our group home. These services would be offered after school and during the summer, with the grant paying for program staffing and contracted tutors/instructors/evaluators. The goal is to improve academic performance scores and life skills, resulting in reducing juvenile delinquency rates. This Governor’s Crime Commission grant allows payment of existing staff’s salaries and fringe for the portion of time spent on the grant project. It would also pay for two new grant positions...one year-round part-time hourly employee and one additional summer worker.

The 25% match can be local, state, or private funds. Therefore, existing budgeted funds will satisfy the match requirement. No additional dollars are being requested from the county.

This is a one-year grant, but we plan to seek continuation funds for Year 2 from the Crime Commission, and will utilize the same match sources as this year.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to apply for the Group Home Grant of \$42,073.46.

Maggie Dollar stated Lincoln County Health Department is applying for state funds to implement a public education program on Mosquito Control. She stated they are proposing the Environmental Health division of the Health Department enact a Mosquito Control Program that’s based on educational efforts. She stated they would need \$3,500, which would be for the educational materials. This is a one-year grant state fund, but they do ask we go ahead and propose a three-year program. These programs will help educate the public and teach them how to clean up the problem to help reduce mosquitoes. She stated the county could look into using state funds to contract a pesticide company to spray for mosquitoes. The only current mosquito spraying programs are done by Duke Power, on the lake and some are done in the City of Lincolnton.

She stated the one-year budget request is \$3,500, which does not require the county to match. It does require that the Board of Commissioners designate an official to sign the documents necessary to carry out this contract.

Commissioner Craig asked if the City still has there spraying equipment?

Maggie Dollar stated that they do.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to adopt the Resolution to designate Maggie Dollar to sign papers and otherwise represent the Board in connections with Mosquito Control.

**RESOLUTION TO BE ADOPTED BY THE BOARD OF COMMISSIONERS  
DESIGNATING OFFICIAL TO SIGN PAPERS AND TO OTHERWISE  
REPRESENT THE BOARD IN CONNECTIONS WITH MOSQUITO CONTROL**

Upon motion of Commissioner Larry Craig, it is here by ordered that Maggie Dollar, as agent for Lincoln County, NC,

Is hereby authorized and empowered to sign and execute all papers and documents necessary in connection with the request made to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, for aid in control of mosquitoes. (S) He is further authorized and required to carry out all agreements stipulated in the project application submitted by us to the Division of Environmental Health, North Carolina Department of Environment and Natural Resources, and to perform other acts that are proper and necessary in connection with the operation of this project. Acts of said person on behalf of said

Lincoln County, NC, are in all respects validated, approved and confirmed.

The undersigned Cheryl A. Baxter, clerk of the Lincoln County Board of Commissioners, hereby certifies that the foregoing is a true copy of the resolution of the Lincoln County, NC at a meeting held on the 3<sup>rd</sup> day of December, 2001.

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Clerk

**Private Physicians:**

**Dr. Timothy Dunn** stated he is a private physician who practices at Lincoln Medical Center. He stated the letter Dr. Ted Mull gave out did in fact have an error in it. All the physicians who signed the petition did not approve the cover of the memorandum; thus it only represents the opinion of some of the physicians. However, the petition represents the opinion of all the physicians. He stated Dr. Mull sent out the corrections by certified mail to all the Board members and the Medical Executive Committee within seventy-two hours. He stated the signatures on the petition are authentic.

**Dr. William Beutel** stated he felt the private physicians were not brought in by this administration. Stated it would be comforting and beneficial if private physicians had more representation on the hospital board.

**Dr. Toma Radut** stated he is a private physician in Lincoln and he cares for the elderly in nursing homes. He states he brings patients outside of the county to Lincoln Medical Center. He stated he signed the petition and he agrees that the Bylaws should be respected. He stated he understands how the Bylaws can be interpreted between a lawyer's point of view and another person's point. He stated he went to a seminar in Charlotte and one of the questions raised was how many physicians should be on a board? The answer was 30%-50%. He understood 50% was not realistic for Lincoln, being a small hospital. He felt 30% was a more correct number. Physicians spend most of their time in the hospital and they should be part of this.

Commissioner Anderson stated he hoped the hospital and the doctors could work out their differences.

**Proposal for New EMS Facility Design:** Ron Rombs presented the Board with a proposed revision with alternate projections for the Lincoln County EMS's new facility. This new revision removes the classroom and one drive through bay and gives alternate bids for adding these areas separately. He stated he would like the Board to approve the facility without making modifications to the plan dated 10-17-01, which is designed to be flexible enough for us to meet the needs of Lincoln County Emergency Medical Services for the next 20-25 years.

Ken Newell stated it was unlikely to add on to the facilities in a year, without it costing more than what is projected presently. The estimated 8600 square feet (without third bay and training room) anticipated cost of \$736,000. Adding the third bay would be an additional \$90,000 and the training room would be another additional \$140,000.

Commissioner Craig asked what the county would save by breaking this project down.

Commissioner Anderson stated it would depend on how the bidding goes on whether we would be saving or losing money doing it this way.

Commissioner Craig asked what the bid market was out there?

Ken Newell stated he didn't want to get the Board's hopes up, but lately everything they've bid in the last three to four months has come in under bid.

Chairman Cochrane asked how we could pay for this project by the revenue increase this year? He asked are the revenues going to be increasing more than expenses next year? He stated the county has to provide so much funds, the difference between the revenues and expenses this year. He asked would that difference be more or less next year.

Ron Rombs stated it would be fewer funds. He stated the returns are steadily increasing.

Stan Kiser asked if the funds for this project were already borrowed.

Leon Harmon stated that in 1995-96 the county borrowed 10 million dollars to build a new jail and law enforcement center. The funds were earning interest while waiting for those facilities to be built. The project came in under than what was originally planned so the county has 1 ½ million dollars left in that account that's available.

Commissioner Craig asked if we would be saving money by doing the two alternates separate?

Commissioner Anderson stated if we do not accept the proposal as presented with the two alternates, we don't have any way to control the total cost.

Commissioner Craig asked where the original \$700,000 estimate came from?

Stan Kiser stated the county engineer, at that time, and MB Kahn both gave estimates on what they thought the project would cost, and the estimated number was chosen between the two.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to allow the architects to proceed as presented with the base bid and the two alternates.

**Community Transportation Program Application:** Erma Deen Hoyle stated this program through North Carolina Department of Transportation funds for administrative and capital needs for local transportation. Lincoln County Senior Services is the lead agency for transportation. She stated she is requesting approval to apply for both administrative and capital funds.

To apply for these funds, local governments must approve the authorizing resolution; designate an individual to enter into contracts, etc. (usually the County Manager); and agree to the applicable Certifications and Assurances.

Administrative funds may be used for coordinator's salary and fringe benefits, for support services such as phone and mileage, and for employee development and training. Capital funds are used to purchase replacement vehicles used by the various county departments in providing client transportation.

Lincoln County is moving to a more coordinated system and will be applying for Rural General Public (RGP) funding during the 2002-2003 fiscal year. Though limited initially, this funding will provide transportation for individuals not qualified under the current Human Services System.

## **RESOLUTION**

Application Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With The North Carolina Department of Transportation And to Provide the Necessary Assurances.



A motion was made by \_\_\_\_\_ (Commissioner Beth Saine), for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation fund is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Lincoln County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the County Manager of Lincoln County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I \_\_\_\_\_ (Jerry Cochrane), \_\_\_\_\_ (Chairman) do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the \_\_\_\_\_ (Lincoln County Board of Commissioners) duly held on the 1<sup>st</sup> day of December, 2001.

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Name of Local Governing Board

Subscribed and sworn to me (date) \_\_\_\_\_

Notary Public\*

\_\_\_\_\_  
Address

Seal

My Commissioner expires (date) \_\_\_\_\_

\*Note that the official authorized to submit the grant application, certifying official, and notary public should be three separate individuals.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to adopt the Community Transportation Grant Application and to allow the County Manager to certify the documents required and sign contracts.

Erma Deen Hoyle stated The Community Transportation Services Plan study is still underway. She stated a new Transportation Memorandum of Understanding with the agencies that are involved needs to be adopted. She asked that the Board approve the Chair to the Board of Commissioners and the County Manager to sign that memorandum of agreement so this document can be on file. She stated the departments involved in the MOU would be Department of Transportation, Department of Public Services, Social Services, Health Department, Senior Services, Pathways, and Salem Industries.

Jeff Taylor stated a lot of the document is aimed for discrimination.

## **TRANSPORTATION MEMORANDUM OF UNDERSTANDING**

For

North Carolina Department of Transportation  
Public Transportation Division

### **Community Transportation Program (CTP)**

Between

\_\_\_\_\_  
Name of Local Community Transportation System

\_\_\_\_\_  
County Department of Social Services,

\_\_\_\_\_  
County Health Department,

\_\_\_\_\_  
Name of Aging Services

\_\_\_\_\_  
Name of Area Mental Health Program

\_\_\_\_\_  
Name(s) of Area Sheltered/  
Vocational Workshop,

County of \_\_\_\_\_  
\_\_\_\_\_, 2\_\_\_\_\_

## Section II

In Witness Whereof, the parties of this Memorandum of Understanding has been authorized by appropriate and proper resolutions to sign the same, Director of local Community Transportation system, Director of the County Department of Social Services, Director of the County Health Department, Director of local Aging Services, Director of Area Mental Health Programs, Director of Sheltered/Vocational Workshops, County Manager, and the Chairperson of the local Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Coordinated Transportation System Director

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Director of County Department  
Of Social Services

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Director of County Health Department

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Director of Local Aging Services

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Director of Area Mental Health Program

\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Director of Sheltered/Vocational Workshop

\_\_\_\_\_  
(seal) Clerk County Manager

\_\_\_\_\_  
Clerk Chair, Board of Commissioners

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve the Memorandum of Understanding.

**Centralina Countil of Government Resolution:** Stan Kiser stated the North Carolina General Assembly enacted legislation appropriating \$935,000 to Councils of Governments (COG) to assist local governments in certain designated activities. The funds have been placed in the budget of the Department of Commerce to be distributed to COGs. In order for Centralina to receive these funds, the Board of Commissioners will need to pass this resolution requesting its share be released to Centralina.

**RESOLUTION  
BY  
LINCOLN COUNTY**

**WHEREAS,** Lead Regional Organizations have established productive voluntary working relationships with municipalities and counties across North Carolina; and

**WHEREAS,** the 2001 General Assembly recognized this need through the appropriation of \$935,000 for fiscal year 2002-2003 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

**WHEREAS,** these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

**WHEREAS,** in the event that a request is not made by Lincoln County for release of these funds to the Lead Regional Organization, the available funds will revert to State's general fund; and

**WHEREAS,** in Region F, funds in the amount of \$55,000 will be used to/for preparation of HOME and CDBG applications, land use corridor studies, hosting of regional seminars/conferences, regional data center, and other economic development activities that may be deemed appropriate;

**NOW, THEREFORE BE IT RESOLVED,** that the Lincoln (Board of Commissioners/City Council) requests the release of its share of these funds, \$2,825.46, to Centralina Council of Governments at the earliest possible time in accordance with the provisions of state laws.

Witnessed this the 3rd day of December, 2001.

\_\_\_\_\_  
Original Signature of Official

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Seal

**UPON MOTION** by Commissioner Choate, the Board voted unanimously to adopt the Resolution.

**Proposal for Engineering Services for Preparation of a Capacity Building Grants Application and Capital Improvements Program Documentation:** Commissioner Anderson requested this be tabled until the December 17<sup>th</sup>, 2001 meeting.

**Appointments:** The following are Commissioner Craig's recommendations:

**Appoint:**

The Lincoln Health System

Dr. Rabindran Israel

Mr. Harry Huss

Mr. Clyde Brown

**A MOTION** by Commissioner Craig to appoint Dr. Rabindran Isreal, Mr. Harry Huss, and Mr. Clyde Brown to the Lincoln Health Systems Board.

Commissioner Saine asked that the Board vote on these names individually.

Clyde Brown

**Vote:** Unanimous

Harry Huss

**Vote:** Unanimous

Dr. Rabindran Isreal

**Vote:** 3-2      AYES: Cochrane, Craig, Anderson

                    NOES: Saine, Choate

**Other Business:** Commissioner Craig stated he would like to request that the Board send a letter asking the current Lincoln Health System Board to consider a minimum of two (2) private practicing physicians on this board.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to address a letter to the current Lincoln Health System Board to have them amend the Bylaws to consider a minimum of two (2) private practicing physicians on the board.

Chairman Cochrane stated he has heard several complaints about having to pay the \$3,000 fee for water when they apply for their building permits. He stated that he felt this is unfair.

Chris Henderson stated it has been the counties experience if you don't have them pay for their water up front and then have the water department set up the meter immediately, we run across a large amount of cases where water is stolen from our system. When the requirements to hook onto water fees came about, the biggest complaint was that the taps weren't being put in quick enough. He stated some of the operational problems with discontinuing the requirements for paying for water connection fees prior to issuance of building permits were theft of service, theft of water meters, auto read meters, backflow prevention, and loss of revenue.

Chairman Cochrane asked Chris Henderson to look into what some of the other counties are doing about this same issue.

Commissioner Craig stated that Darrell Harkey was informed that the North Carolina Society Sons of the American Revolution are going to place the Battle of Ramsour Mill on their calendar as an event they will try to attend every year. He stated this is going help get this recognized and better known.

Chairman Cochrane stated the City of Lincolnton has asked the county to help fund the July 4<sup>th</sup>, 2002 fireworks display.

**UPON MOTION** by Commissioner Choate, the Board voted unanimously to contribute \$6,000 for the July 4, 2002 fireworks display.

**Adjourn:** **UPON MOTION** by Commissioner Craig, the Board voted unanimously to adjourn the meeting.

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Cheryl A. Baxter,  
Assistant Clerk to the Board

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Jerry Cochrane, Chair  
Board of Commissioners

