

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 3, 2000**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 3, 2000 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

James A. Hallman, Chairman
Terry L. Brotherton, Vice-Chairman
Beth H. Saine
John R. Gamble, Jr.
W. J. Waters, Jr.

Planning Board Members Present:

James Funderburk
Dean Lutz
Stanley Roseboro
Ron Smith
Gary Garlow
Phil Hunt
Eddie Sigmon
Jerry Geymont

Others Present:

Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Lee Lawson, Land Use Coordinator
Sherry Mobley, Development Technician
Sherry Seagle, Administrative Secretary
Leon Harmon, Finance Director

Call to Order: Chairman Hallman called the April 3, 2000 meeting to order.

Adoption of Agenda: Chairman Hallman stated that he has been given the following changes to the Agenda:

- 3. 5:30 PM At this time, the Board of Commissioners will recess the April 3, 2000 meeting and open the April 3, 2000 Board of Variance and Appeals meeting.**

Removal of Item 10 from the Agenda

Removal of Zoning Map Amendments 329, 330, and 331, which will be deferred until the next meeting.

Jeff Taylor, County Attorney, stated that according to the Zoning Ordinance, each property owner within 200 feet of the property in question is required to be sent a first class mailed letter as a notice of this meeting, as well as a notice being posted on this site, and a notice in the newspaper. Mr. Taylor stated that the newspaper notice was correct and the posted notice was correct, but there was an error in the notices that were mailed. These stated that tomorrow night was stated as being the time for the meeting instead of tonight. Mr. Taylor stated that there could be a legal problem if the Board goes ahead and hears these cases. He made the recommendation that these cases be deferred until the next regular meeting in May, to allow staff time to readvertise and get the notices corrected.

Commissioner Waters asked how this was just found out today.

Lee Lawson stated that there was a typo on the letter that was not pointed out until today, when an adjoining neighbor came in about concerns about the dates on the letters.

Mr. Taylor stated that the Board can hear the cases at the risk of anybody who wants to be heard and is not here tonight can raise that technicality.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to adopt the agenda with the changes as follows, continuing with the public hearings tonight.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

APRIL 3, 2000

- | | | |
|-----|---------|---|
| | 5:30 PM | Call to Order |
| 1. | 5:30 PM | Adoption of Agenda |
| 2. | 5:30 PM | Approval of Minutes |
| | | - March 20, 2000 Special Meeting |
| | | - March 20, 2000 Regular Meeting |
| 4. | 5:30 PM | At this time, the Board of Commissioners will recess the April 3, 2000 meeting and open the April 3, 2000 Board of Variance and Appeals meeting. |
| 4a. | | Dog Kennel Situation on Highway 27 in Iron Station |

5. 6:15 PM New Business / Advertised Public Hearing

Zoning Map Amendment No. 329 – Robin Randall, applicant.
Request to rezone 2.32 acres owned by Henry Jones from
Residential Single-Family (R-SF) to Residential Transitional (R-T)
in order to accommodate a singlewide mobile home. The property
is located at 568 Guy Heavner Road in Lincolnton, NC.

Zoning Map Amendment No. 330 – Request to rezone 3.26 acres
from Residential Single Family (R-SF) to Residential Transitional
(R-T) in order to accommodate a singlewide mobile home. The
property is located off of Southsides Road in Lincolnton, NC.

Zoning Map Amendment No. 331 – Ronny Carswell, applicant.
Request to rezone 2.41 acres from Residential Suburban (R-S) to
General Business (B-G) in order to accommodate a shopping
center. The property is located at the intersection of Highway 27
West and Cat Square Road in Vale, NC.

Parallel Conditional Use Rezoning No. 66 – Denver Baptist
Church, applicant. Request for a parallel conditional use rezoning
of 13.58 acres from Multiple Zoning (M-Z) to Conditional Use
General Business (CU B-G) to accommodate seating capacity for
the proposed structural expansion. The properties are located at
6917 Forest Hills Drive in Denver, NC.

5. 7:00 PM Sludge Facility Public Hearing

6. 7:10 PM Contract for Reappraisal Services – Madge Huffman

7. 7:20 PM Proclamation for Litter Sweep 2000 – Erma Deen Hoyle

8. 7:25 PM Appointments for Region F Aging Advisory Committee –
Erma Deen Hoyle

9. 7:30 PM Proclamation for Business Appreciation Week – Chamber of
Commerce

10. 7:45 PM Recreation Appropriation for East Lincoln Schools –
Commissioner W. J. Waters

11. 7:55 PM Consulting Fee for Hospital Report – Commissioner W. J.
Waters

12. 8:05 PM Report on Sound System – Leon Harmon

13. 8:15 PM Recommendations from the Planning Board – April 3, 2000
- Zoning Map Amendment No. 329 – Robin Randall, applicant.
 - Zoning Map Amendment No. 330 – Jerry White, applicant.
 - Zoning Map Amendment No. 331 – Ronny Carswell, applicant.
 - Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant.
14. 8:45 PM Other Business
- Adjourn

Approval of Minutes: Chairman Hallman presented the minutes of the March 20, 2000 regular meeting and the March 20, 2000 special meeting.

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve both sets of minutes.

Recess: **UPON MOTION** by Commissioner Gamble, the Board voted to recess the April 3, 2000 Board of Commissioners meeting, and open the April 3, 2000 Public Hearing meeting.

New Business: Advertised Public Hearings: Chairman Hallman announced that this was the date, Monday, April 3, 2000 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on March 24 and 31, 2000.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 5:30 P.M. on Monday, April 3, 2000 (note time change) to consider the following zoning related matters:

ZMA 329 – Robin Randall, applicant: A request to rezone 2.32 acres owned by Henry Jones from Residential Single-Family (R-SF) to Residential Transitional (R-T) in order to accommodate a singlewide mobile home. The property is located at 568 Guy Heavner Road in Lincolnton, NC.

ZMA #330 – Jerry White, applicant: A request to rezone 3.26 acres from Residential Single Family (R-SF) to Residential Transitional (R-T) in order to accommodate a single-wide mobile home. The property is located off of Southsides Road in Lincolnton, NC.

ZMA #331 – Ronny Carswell, applicant: A request to rezone 2.41 acres from Residential Suburban (R-S) to General Business (B-G) in order to accommodate a shopping center. The property is located at the intersection of Highway 27 West and Cat Square Road in Vale, NC.

PCUR# 66 Denver Baptist Church, applicant: A request for a parallel conditional use rezoning of 13.58 acres from Multiple Zoning (M-Z) to Conditional Use General Business (CU B-G) to accommodate seating capacity for the proposed structural expansion. The properties are located at 6917 Forest Hills Drive in Denver, NC.

Zoning Map Amendment No. 329 – Robin Randall, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 329 – Robin Randall, applicant.

The applicant is requesting to rezone 2.32 acres from Residential Single Family (R-SF) to Residential Transitional (R-T). The applicant wishes to rezone this property in order to accommodate a singlewide mobile home as permitted in the R-T district.

The parcel is located at 568 Guy Heavner Road in the Howards Creek Township. The property is joined on all sides by parcels that are zoned R-SF. The Lincoln County Land Development Plan calls for lower density development in this area.

Robin Randall asked that the singlewide mobile home be allowed to be rented out in the vacant lot. She stated that they got a doublewide because they outgrew the singlewide, and have to rent out the singlewide to afford the monthly payment for the doublewide. She stated that her husband is on disability.

Donald Welch stated that he is here representing people from Guy Heavner Road. He stated that he just recently purchased land on Guy Heavner Road, and the reason he purchased the land was because it was zoned Residential Single Family. He stated that if this is rezoned, it will be the only piece in hundreds of acres that is zoned Transitional. Mr. Welch stated that the Randall's can upgrade the mobile home there and put a doublewide. He stated that they are opposed and would like the Board to stand by how it is zoned.

Jim Baxter stated that he lives on Guy Heavner Road. He asked the Board to deny this request to rezone this property. He stated that he is representing seventeen other families here tonight. He stated that they want to upgrade housing in their area, they don't oppose the Randall's upgrading their living standards, but the singlewide trailer needs to be moved.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Zoning Map Amendment No. 329 – Robin Randall, applicant, closed.

Zoning Map Amendment 330 – Jerry White, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 330 – Jerry White, applicant.

The applicant is requesting to rezone 3.26 acres from Residential Single Family (R-SF) to Residential Transitional (R-T). The applicant wishes to rezone this property in order to accommodate a singlewide mobile home as permitted in the R-T district.

The parcel is located off of Southside Road in the Lincoln Township. The property is joined to the north, east, and west by parcels that are also zoned R-SF and to the south by parcels zoned R-T. The Lincoln County Land Development Plan calls for lower residential density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 330 – Jerry White, applicant.

Sandy White stated that they are proposing to put a singlewide mobile home there until they build their house, which will be one to two years.

Being no additional speakers, Chairman Hallman declared the public hearing for Zoning Map Amendment No. 330 – Jerry White, applicant, closed.

Zoning Map Amendment No. 331 – Ronny Carswell, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 331 – Ronny Carswell, applicant.

The applicant is requesting to rezone 2.41 acres from Residential Suburban (R-S) to General Business (B-G). The applicant wishes to rezone this property in order to accommodate a shopping center as permitted in the B-G district.

The parcel is located at the intersection of Hwy 27 West and Cat Square Road in the Howards Creek Township. The property is joined on the north, east, and west by parcels that are also zoned R-S and to the south by parcels zoned B-N. The Lincoln County Land Development Plan calls for lower density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 331 – Ronny Carswell, applicant.

Ronny Carswell stated that he is just wanting to rezone this property for Neighborhood Business. He stated that this parcel sits at the intersection of 27 and Cat Square Road, and joins business across the street. He stated that he feels this is a good area for some type of business.

Nora Gilbert stated that this property is right there at West Lincoln High School, where there are a lot of children and inexperienced drivers going through there everyday. She stated that this needs to stay residential.

Carolyn Leatherman stated that she is representing her mother, Kate Sain, whose property is adjacent to this said property. She stated that her mother is 94 years and could not be here tonight. Ms. Leatherman stated that her mother has been very upset about this rezoning, is worried that this could mess up her well, and create more trash on her property. She stated that she speaks for her mother in opposing this.

Nancy Gantt stated that her families land joins the land they want rezoned, and she would like to keep it residential.

Marvin Leatherman stated that his property adjoins this and he opposes a change in zoning. He stated they do not need a convenience store or any more storage bins.

Being no additional speakers, Chairman Hallman declared the public hearing for Zoning Map Amendment No. 331 – Ronny Carswell, applicant, closed.

Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 13.58 acres to Conditional Use General Business (CU-BG) to accommodate the seating capacity of future structural expansions. The parcels are presently zoned with multiple zoning districts (R-SF, B-N, B-G, D-H).

The parcels are located at 6917 Forest Hills Drive in the Catawba Springs Township. The properties are joined on the north and east sides by properties that are zoned R-S and R-SF. They are joined on the west and south by properties that are zoned B-N with a D-H overlay. The Lincoln County Land Use Plan calls for higher density development in this area.

Chairman Hallman opened the Public Hearing for Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant.

Jeff Boone stated that he is representing Denver Baptist Church. He stated that they have provided all the information and are here to answer any questions. He stated that the facility is already in use as a church, has been there for quite a number of years, and is a growing church.

Jerry Geymont stated commended them on their screening on the master plan.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant, closed.

The Planning Board reconvened to the second floor balcony.

Dog Kennel Situation on Highway 27 in Iron Station: Commissioner Brotherton asked the Clerk to play a tape with dogs barking on it. He stated that he received this tape from a gentleman who is complaining that his neighbor is running a kennel. The gentleman also sent him the definition of kennel. Commissioner Brotherton stated that this neighbor has 3.4 acres of land, 258 feet of frontage, and by his own admission 140 to 180 dogs on it. He stated that he does not see how the County can do anything, because no money is changing hands. Commissioner Brotherton stated that there have been a lot of situations in Mecklenburg County, and they addressed them through the State's Public

Nuisance Laws. He stated that he has talked to Mr. Taylor about it, and Mr. Taylor thought it could be pursued through this avenue.

Chairman Hallman stated that with that many dogs, there is probably a waste and odor problem.

Commissioner Waters stated that he lives down the street from four dogs, and that is about his limit of his tolerance.

Commissioner Brotherton stated that by zoning standards, a kennel must be located 200 feet from the property line, and these are within 10 feet of the property line.

Chairman Hallman stated that these people are doing a service in saving and placing these dogs, but at the same time, they have to consider the neighbors.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to instruct County Attorney Jeff Taylor look into the Public Nuisance Ordinance and report back to the Board.

Sludge Facility Public Hearing:

Leon Harmon presented the following listing of the proposals received to finance the Sludge De-watering Facility that the Board of Commissioners approved to construct through 160A-20 installment purchase financing.

First Citizens Bank	5.66% 1 – 5 years, 6 – 10 65% prime Floor 5.66 cap 7.5
Peoples	5.80% 10 years 6.20% 15 years
Wachovia	5.79% 10 years
First Union	5.38% 10 years 5.47% 15 years
BB&T	5.27% 10 years 5.47% 15 years

Mr. Harmon stated that the BB&T proposal for 15 years would be preferable, since it is a reasonable rate and spreads the payments out longer over the life of the asset. If the Board of Commissioners approve, the attached resolution should be adopted. Chairman Hallman opened the Public Hearing on the financing of the Sludge De-watering Facility.

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

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Lincoln County ("County") has previously determined to undertake a project for Construction of a Sludge Dewatering System for the Water Treatment Facility on Lake Norman, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated March 20, 2000. The amount financed shall not exceed \$1,329,000.00, in the annual interest rate (in the absence of default or change in tax status) shall not exceed 5.47%, and the financing term shall not exceed 15 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and an Escrow Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Documents for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payment on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2000.

(Clerk)

(Chairman)

UPON MOTION by Commissioner Gamble, the Board voted unanimously to proceed with borrowing the money from BB&T, which was the low bidder, in an amount not to exceed \$1,329,000.

Contract for Reappraisal Services – Madge Huffman:

Madge Huffman stated that Lincoln County has successfully completed a second in-house reappraisal of real estate property. The success of the project is due largely to the expertise that our Chief of Appraisal, Ron McCarthy has in mass appraisal. It is unfortunate for Lincoln County that Ron has resigned effective March 31, 2000. Ron has started his own appraisal company and has offered Lincoln County a contract for his professional services to assist Lincoln County with the upcoming revaluation in the year 2004.

There has not been a re-measure of properties in Lincoln County since 1992 and we must re-measure properties periodically to keep our data current for accurate appraisals. All exempt properties were measured during the period from the 1996 appraisal to the 2000 appraisal. Our goal is to re-measure all commercial and industrial before the next revaluation, and mail questionnaires to residential properties. In addition to the services provided for in this contract, Ron will assist and train in the measure and appraisal of commercial properties.

We believe that signing a contract for his services is in the best interest of Lincoln County. We congratulate Ron on his new endeavor and are pleased that others, as well as ourselves, will benefit from his expertise.

For the Budget Year 1999/2000, there was funding of \$12,500 for Professional Services, this amount allocated annually will cover the cost of the contract.

Commissioner Gamble asked if any other bids had been received.

Madge Huffman stated that she did not.

Chairman Hallman stated that there are a few things that need to be added to the contract, such as proof of insurance coverage and language about complying with OSHA.

Jeff Taylor, County Attorney, stated that a termination clause should also be added.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to approve the contract for Reappraisal Services, with the correct language and items added into the contract.

Proclamation for Litter Sweep 2000:

Erma Deen Hoyle stated that the Lincoln-Lincoln County Parks and Recreation is serving as the contact for several projects including Clean North Carolina 2000 and Litter Sweep 2000. These are statewide efforts to beautify and also to promote awareness and education of the need for litter pickup, recycling, and litter prevention throughout North Carolina. She presented the following Proclamation for Litter Sweep 2000.

**LITTER SWEEP
2000**

A PROCLAMATION

WHEREAS, The North Carolina Department of Transportation's Office of Beautification annually organizes a spring roadside cleanup campaign to ensure clean roadsides throughout our State, and

WHEREAS, A spring LITTER SWEEP campaign has been planned for April 7-20, 2000, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina, and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, The natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, The 2000 spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will celebrate the 12th Anniversary of the North Carolina Adopt-A-Highway program;

NOW, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim April 7-20, 2000, as **"LITTER SWEEP"** in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the Proclamation for Litter Sweep 2000.

Appointments for Region F Aging Advisory Committee – Erma Deen Hoyle:

Erma Deen Hoyle stated that Lincoln County has two representatives on the Area Aging Advisory Council. She requested the reappointment of Betty Neal and the appointment of Dot Cloninger. She also requested that Dot Cloninger be appointed to the Lincoln County Council on Aging.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the appointment of Dot Cloninger to the Region F Aging Advisory Committee and the Lincoln County Council on Aging and the reappointment of Betty Neal to the Region February Aging Advisory Committee.

Proclamation for 2000 Business Appreciation Week:

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the following Proclamation for 2000 Business Appreciation Week.

**PROCLAMATION
2000 BUSINESS APPRECIATION WEEK
APRIL 16 – 22, 2000**

WHEREAS, the County of Lincoln is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these companies provide essential employment opportunities for the citizens of the County of Lincoln; and

WHEREAS, these companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these businesses;

NOW, THEREFORE, we the Board of Commissioners of Lincoln County, do hereby recognize our existing business and by virtue of this proclamation give notice to our citizens that the week of April 16-22, 2000 is Business Appreciation Week in the County of Lincoln.

ADOPTED this the 3rd day of April, 2000.

James A. Hallman, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk
Board of Commissioners

Recreation Appropriation for East Lincoln Schools – Commissioner W. J. Waters:

Commissioner Waters presented the following letter from Vicky Ratchford, Principal at East Lincoln High School. He stated that this is an old story, in 1998 this Board approved three \$50,000 amounts for recreation. He stated that one went to West Lincoln High School for athletic facilities, one went to Lincolnton for athletic facilities, and the one in East Lincoln went to the county recreation building. Commissioner Waters stated that Vicky Ratchford is asking the Board to consider finding a way to appropriate them the same grant that went to the other high schools.

March 24, 2000

Commissioner W. J. Waters
8024 Bradford Lane
Denver, NC 28037

Dear W. J.:

As you know in January of 1999, the East Lincoln Boosters' Club requested a grant in the amount of \$50,000 from the Lincoln County Commissioners for the purpose of expanding our athletic facilities. This request was made after we became aware that Lincolnton High School and West Lincoln High had received such grants for athletic needs. We never received a formal answer from the Board from our request, but we did hear informally from one of the Commissioners that the grants for the other two schools were being directed first through the Lincoln County Recreation Department. Since the East Lincoln community was receiving funds for a recreation center, the commission considered that the high school should not receive any funds. This arrangement, of course, does not benefit our school as the other two schools were benefited.

In order to meet our athletic needs, our boosters' club embarked upon a fundraiser in which we sold memorial bricks. We were able to raise \$90,000, with which we built a soccer field, a band practice field, and expanded our field house. However, we still have outstanding debts on those projects and need your help in meeting those obligations. Our financial needs are as follows:

	\$40,000	Field House Debt
	\$ 7,500	Soccer Field Debt
	\$10,000	Fix Drainage Between Soccer and Baseball Fields
	\$10,000	Floor the Weight Room and Add Equipment
Total	\$67,500	

A \$50,000 grant would go a long way in meeting these needs. Our facility is open to various community groups for use when we are not using it. We've accommodated Optimist teams, Little League teams, the community for track walking, and various church and club groups for the use of the gym and the football stadium. We would appreciate any help the commission would be willing to give the school, which will in turn help the community. Thank you for helping us in any way you can.

Sincerely,

Vicky Ratchford

Commissioner Brotherton stated that this started with Mr. Craig, in his last night on the Board. He stated that it was tabled, and he picked it up at the next meeting. He stated that the schools were not ever the primary target for providing assistance to.

Commissioner Brotherton stated that in Lincolnton, the main objective was to light the baseball field with the local optimist club in mind. He stated that the high school would be able to take advantage of it, since it's on their property. He stated that he can understand that Dr. Ratchford feels they are shortchanged. Commissioner Brotherton stated that the east is coming out way ahead getting a building. He stated that his concern about giving the money directly to East Lincoln High School, since the others were through the Recreation Department, is that West Lincoln and Lincolnton would come back wanting theirs.

Commissioner Brotherton read an excerpt from the January 4, 1999 meeting, in which Chairman Hallman stated that the East Lincoln Community was promised \$50,000 matching funds for the construction of a building at East Lincoln Park, Lincolnton and West Lincoln had lighting needs that were handled through the Recreation Department, \$50,000 matching funds, with \$25,000 in this year's budget, and \$25,000 in next years. Mr. Hallman also stated that East Lincoln High School did not directly receive funds, but east Lincoln community received funds through the Recreation Department for a specific need.

Commissioner Waters stated that this is not totally accurate, as nobody has received any money yet.

Chairman Hallman stated that back when originally done, \$50,000 went to west, east, and central. He stated that this is about as fair as you can be.

Commissioner Waters stated that if you do it in number of students it was not fair, or if you do it by population it is not fair.

Commissioner Brotherton stated that \$150,000 was committed to the East Lincoln Community Building from the sewer payback money.

Chairman Hallman stated that with the \$150,000 committed and the \$50,000 already committed there is a total of \$200,000. He stated that the commitment there per capita, east Lincoln is getting a pretty good deal.

Commissioner Waters stated that Chairman Hallman is not seeing these as two issues and he does. He stated that recreation is one issue, and spending the money in schools is another issue.

A MOTION by Commissioner Waters to find a way to allocate some money to East Lincoln High School for an upgrade of their athletic facilities, and if it must go through the Recreation Department's budget, so be it.

Commissioner Gamble stated that he opposes that motion, because a dollar amount needs to be in the motion.

Commissioner Waters amended his motion to say the amount should be \$50,000, with at least \$25,000 coming this year.

Commissioner Gamble stated that he is going to vote for this motion, and he is sure going to bring it up when someone mentions catch up.

Vote: 2 – 3 AYES: Waters, Gamble
NOES: Hallman, Brotherton, Saine

Consulting Fee for Hospital Report – Commissioner W. J. Waters:

Commissioner Waters stated that at the last meeting, the Board received a report concerning Lincoln Medical Center. He stated that he would like the Board to consider repaying Commissioner Gamble for the report, since Commissioner Gamble paid for it with his personal money.

Commissioner Gamble stated that Charles McGinnis did this report for him. He stated that this will be the third bill he had paid out of his own pocket, just like he refunded the money for the weeks he lost not serving when he was ill. He stated that there are certain things you have got to do if you're serving the public interest.

Commissioner Brotherton stated that the Board of Commissioners signed an agreement with the hospital to not interfere with their business through the year 2000, so it doesn't really matter what information is given to the Board, they are bound by contract.

Commissioner Gamble stated that the deal also said that if the Board of Commissioners found that they could not run the hospital, the Board could take it back. Commissioner Gamble stated that the fact that they are asking for a committee to find who will buy them out, is an admission that they cannot run it.

Commissioner Waters asked if it was the consensus of the Board to consider paying this money to Commissioner Gamble.

Commissioner Brotherton stated that it is highly irregular for a Board member to ask for funds after the fact. He stated that the Chairman of the School Board suggested that he present a plan for building a high school in east Lincoln. He stated that he presented a proposal and the night the architect gave the presentation, Robin Heafner was on the front row, and Dr. Gamble was down on the end. He stated that he continued to hear the question, who's paying for this. He stated that he thinks that if a Board member expects the Board to pay for something, arrangements should be made prior to it occurring, and not after the fact.

Commissioner Gamble stated that he did not ask for his money, and has never asked for his money.

Report on Sound System – Leon Harmon: Leon Harmon stated that after the last Commissioners meeting, he contacted Hames Music about the possibility of reducing their price to the \$7,500 that was approved. He stated that he discussed this with Byron Hames, and was advised that most of the jobs he bids are competitive and that he could not reduce his bid. He simply didn't have any extra profit build into the bid. The only way he could reduce the price is to provide less equipment or use equipment of less quality.

Mr. Harmon recommended that the Board authorize the County Manager to contract with a reputable firm to complete the work in a timely manner at a reasonable price.

A MOTION by Commissioner Gamble, that if by the next meeting Leon Harmon or the County Manager, have not been able to work something out on the price, they be authorized to go ahead and do the best they can do.

Commissioner Saine stated that the difference is only \$1500, and she feels the Board needs to go ahead and act on this.

Commissioner Gamble withdrew his motion.

UPON MOTION by Commissioner Saine, the Board voted unanimously to proceed with Hames Music, in the amount of \$9,063.00.

Recess: Chairman Hallman called for a five minute recess
Chairman Hallman called the meeting back to order.

Recommendations of the Planning Board – April 3, 2000:

Zoning Map Amendment No. 329 – Robin Randall, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended denying the request.

UPON MOTION by Commissioner Saine, the Board voted unanimously to deny the request, based on the Planning Board's recommendation and the number of people who opposed it.

Zoning Map Amendment No. 330 – Donald White, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approving the request.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve Zoning Map Amendment No. 330 – Donald White, applicant.

Zoning Map Amendment No. 331 – Ronny Carswell, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board voted 3 – 2 to approve the request.

A MOTION by Commissioner Brotherton to approve Zoning Map Amendment No. 331, based on the Planning Board's recommendation.

Vote: 2 – 3 AYES: Hallman, Brotherton
NOES: Saine, Waters, Gamble

Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approval with the condition that all phases shall comply with the Watershed Ordinance.

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve PCUR #66 contingent upon the findings of fact, as recommended by the Planning Board. Chairman Hallman presented the Findings of Fact.

**RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT**

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR# 66 Date: April 3, 2000

Applicant's Name: Denver Baptist Church
Address: 6917 Forest Hills Drive
 Denver, NC 28037

Property Owner's Name: Denver Baptist Church
Address: (Same as above)

Property Location: NW corner, NC Hwy 16 & Forest Hills Drive, Denver

Existing Zoning: R-SF, B-N, B-G, D-H

Proposed Conditional Use: Expansion of Church, including interim worship center and future sanctuary building, which will have ultimate seating capacity of 2000 or less.

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No _____
Factual Reasons Cited: There won't be any safety or health issues.
Motioned by Commissioner Waters. Vote: Unanimous approval.
2. The use meets all required conditions and specifications. Yes X No _____
Motioned by Commissioner Waters. Vote: Unanimous approval.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No _____
Motioned by Commissioner Waters. Vote: Unanimous approval.
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.
Yes X No _____
Motioned by Commissioner Waters.
Vote: Unanimous approval.

After having held a public hearing on April 3, 2000, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve Parallel Conditional Use Rezoning No. 66 – Denver Baptist Church, applicant, with the condition that the expansions shall comply with the Watershed Ordinance.

Chairman

Date

Lincoln County Board of Commissioners

Other Business: Chairman Hallman presented the following Proclamation for the Board's approval.

**Proclamation
By
Lincoln County Commissioners**

Whereas, the Gaston-Lincoln Association for the Education of Young
Children and other local organizations, in conjunction with the National

Association for the Education of Young Children are celebrating the Week of the Young Children, April 23-29, 2000, and

Whereas, by calling attention to the need for high quality early childhood Services for all children and families within our community, These groups hope to improve the quality and availability of such services; and

Whereas, the future of our community depends on the quality of the early Childhood experiences provided to young children today, and

Whereas, high quality early childhood services represent a worthy commitment To our children's future;

We, the Lincoln County Commissioner do hereby proclaim April 23-29, 2000 as Week of the Young Child in Lincoln County And urge all citizens to recognize and support The needs of young children in our community.

Chairman

Date

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

County Attorney Jeff Taylor stated that the Board would need to have a motion to amend the agenda to go into Closed Session.

UPON MOTION by Commissioner Saine, the Board voted unanimously amend the agenda to add a closed session.

UPON MOTION by Commissioner Saine, the Board voted unanimously to go into Closed Session for the following purposes pursuant to N.C.G.S. 143-318.11:

To prevent the disclosure of information as privileged or confidential under State Law, and to discuss the handling of a potential claim.

UPON MOTION by Commissioner Waters, the Board voted unanimously to create a position of Building and Lands Plan Reviewer, pay grade 24.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to terminate the agreement with Phelps and authorize rebids for the Animal Shelter

Adjournment: **UPON MOTION** by Commissioner Waters, the Board voted unanimously to adjourn.

Amy S. Long, Clerk
Board of Commissioners

James A. Hallman, Chairman
Board of Commissioners