

LINCOLN COUNTY BOARD OF COMMISSIONERS	MINUTES APRIL 6, 1998
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The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 6, 1998 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. for the purpose of conducting public hearings on zoning issues. The following were present:

Louis E. McConnell, Chairman
James A. Hallman, Vice Chairman
Terry L. Brotherton
Larry S. Craig
Beth H. Saine

Don Pendleton, County Attorney
Richard French, County Manager

Planning Board Members present were:

John H. Black, Jr., Chairman
Mike Baker, Vice-Chairman
Ronald Smith
James Funderburk
Gary M. Garlow
Stanley Roseboro
Mike Allred
Jerry Geymont
Linda Anthony

Also present were Judy Francis, Zoning Administrator, Candace Ramseur, Development Technician, and Amy S. Long, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman McConnell called the April 6, 1998 meeting to order.

ADOPTION OF AGENDA

Chairman McConnell presented the agenda of the April 6, 1998 meeting for approval.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AND

PLANNING BOARD

APRIL 6, 1998

PUBLIC HEARINGS

- | | | |
|----|---------|---|
| | 6:30 PM | Call to Order |
| 1. | 6:30 PM | Adoption of Agenda |
| 2. | 6:30 PM | Approval of Minutes <ul style="list-style-type: none">- February 9, 1998- March 2, 1998- March 16, 1998 |
| 3. | 6:30 PM | <ul style="list-style-type: none">- Proclamation Honoring Beth McCorkle- Proclamation Honoring Sabian Warren- Proclamation Honoring Kathryn Yarbrow |
| 4. | 6:30 PM | New Business/Advertised Public Hearings |

Zoning Map Amendment No. 251 – David A. Saine, Applicant, Request to rezone approximately five acres of land on Highway 182 West that is currently zoned R-SF and owned by his parents to R-R in order to accommodate a single Class C mobile home.

Zoning Map Amendment No. 252 – Richard & Myna Cronland, Applicants, Request to rezone 11.26 acres of their property on Salem Church Road from Residential Suburban (R-S) to General Business (B-G) in order to allow the expansion of their existing business.

Zoning Map Amendment No. 253 – Kreshon Family, LLC, Applicants, Request to rezone 11.56 acres in the Highway Overlay district on Highway 16 North from Neighborhood Business (B-N) and Residential Single Family (R-SF) to General Industrial (I-G).

Zoning Map Amendment No. 254 – Trisword Holdings & J.M. Merlich, Applicants, Request to rezone 4.13 acres of land owned by S.D. Howard in the Highway Overlay district on Highway 16 North from Neighborhood Business (B-N) to Light Industrial (L-I) to accommodate a landscaping business and retail center.

Conditional Use Permit No. 130 – Hulick and Dale Shronce, Applicants, Request for a Conditional Use Permit to allow a Land Clearing and Inert Debris Landfill on approximately one acre of their land off of Hines Circle in the Residential Transition district.

5. 7:15 PM Results of Waterside Crossing Traffic Study
6. 7:30 PM **At this time the Board of Commissioners will recess the April 6, 1998 meeting and open the April 6, 1998 Board of Variance and Appeals Meeting.**
7. 8:15 PM Proclamation Proclaiming April as Public Health Month, National Cancer Society – Shannon Bryant
8. 8:20 PM Resolution Declaring April “Fair Housing Month in Lincoln
9. 8:25 PM Resolution Supporting The Year of the Volunteer
10. 8:30 PM Articles of Association & Agreement for the Centralina Workforce Development Consortium, Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium – David Hollars, Workforce Development Administrator
11. 8:40 PM Right of Way – Doyle Beam Memorial Road
12. 8:50 PM Capacity Fees for Waterside Crossing & SmithStone Developments – Larry Griffin Jr.
13. 9:20 PM Nursing Home Conditions
14. 9:50 PM Recommendations from the Planning Board
 - Zoning Map Amendment No. 251—Davis A. Saine, Applicant.
 - Zoning Map Amendment No. 252—Richard & Myna Cronland, Applicants.
 - Zoning Map Amendment No. 253—Kreshon Family, LLC, Applicants.

- Zoning Map Amendment No. No. 254—Trisword Holdings & J.M. Merlich, Applicants.
- Conditional Use Permit No. 130 – Hulick and Dale Shronce, Applicants.

15. 10:30 PM Vacancies
16. 10:35 PM Appointments
 - Gaston College Board of Trustees
Jerry Cochrane
17. 10:40 PM Calendar
18. 10:45 PM Closed Session--Personnel

Adjourn

A motion by Commissioner James Hallman to adopt the agenda with the addition of Item 8a—Government Week Resolution

Seconded by Commissioner Larry Craig.
Unanimously approved.

APPROVAL OF MINUTES

Chairman McConnell presented the minutes of February 9, 1998, March 2, 1998, and March 16, 1998 for approval.

Commissioner James Hallman stated that in the March 2, 1998 minutes, in the Resolution Concerning Closing of Lowesville Lane to Through Traffic, the words at Sifford Road end need to be removed.

A motion by Commissioner James Hallman to approve the minutes of February 9, 1998, March 2, 1998, and March 16, 1998 with the noted corrections in bold.

Seconded by Commissioner Beth Saine.
Unanimously approved.

PUBLIC HEARING - ZONING ISSUES

Chairman McConnell announced that this was the date, Monday, April 6, 1998 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on March 27, 1998 and April 3, 1998 for a Public Hearing on zoning requests.

Notice of Public Hearing

The Lincoln County Planning Board and the Board of County Commissioners will hold a joint meeting and public hearing at 6:30 P. M. on April 6, 1998 to consider the following zoning related matters:

Zoning Map Amendment No. 251—David A. Saine, applicant, Request to rezone approximately five acres of land on Highway 182 West that is currently zoned R-SF and owned by his parents to R-R in order to accommodate a single Class C mobile home.

Zoning Map Amendment No. 252—Richard & Myna Cronland, applicants, Request to rezone 11.26 acres of their property on Salem Church Road from Residential Suburban (R-S) to General Business (B-G) in order to allow the expansion

Zoning Map Amendment No. 253—Kreshon Family, LLC, applicants, Request to rezone 11.56 acres in the Highway Overlay district on Highway 16 North from Neighborhood Business (B-N) and Residential Single Family (R-SF) to General Industrial (I-G)

Zoning Map Amendment No. 254—Trisword Holdings & J.M. Merlich, applicants, Request to rezone 4.13 acres of land owned by S.D. Howard in the Highway Overlay district on Highway 16 North from Neighborhood Business (B-N) to Light Industrial (L-I) to accommodate a landscaping business and retail center.

Conditional Use Permit No. 130—Hulick and Dale Shronce, applicants, Request a Conditional Use Permit to allow a Land Clearing and Inert Debris Landfill on approx. one acre of their land off of Hines Circle in the Residential Transition district.

This meeting will be held in the Commissioners Board Room on the third floor of the Citizen's 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. 251—David A. Saine

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 251—David A. Saine, Applicant.

The applicant is requesting a zoning map change for approximately five (5) acres of property from Residential Single Family (R-SF) to Rural Residential (R-R) to accommodate a single Class C mobile home on land owned by his parents.

The property is located at 4278 Highway 182 West in the Crouse area and is currently zoned R-SF. The total parcel size is 108 acres though the applicant's request is to rezone only approximately 5 acres of this. The rezoned portion will be subdivided off if the request is approved. The portion of the land to be rezoned is adjacent to an existing R-R district. The main portion of the parcel has one single family residence and a Class C mobile home. Surrounding parcels have single family residences and mobile homes on them and the area is rural in character. The Lincoln County Land Use Plan calls for medium density residential development in this area.

David A. Saine stated that his grandmother is 73 years old, his mother has MS, and his dad needs help on the farm. He stated that he would like to put this mobile home on the land to help with his family and the farm. He stated that he is a part-time worker on the farm.

Judy Saine stated that she is the applicant's mother, and that the family has beef cattle.

The Board of Commissioners interpreted this situation as exempt from the zoning ordinance due to the fact that there was a working farm on the property.

David A. Saine stated that he would like to withdraw his petition.

A motion by Commissioner Larry Craig to refund the applicant's money and let him come in under the agricultural clause.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Map Amendment No. 252—Richard and Myna Cronland, applicants.

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 252—Richard and Myna Cronland, applicants.

The applicants are requesting a zoning map change for over eleven (11.26) acres of property from Residential Suburban (R-S) to General Business (B-G) to accommodate an expansion (garden center) of their existing business (building supplies) on Salem Church Road in the Lincolnton area.

The property is located on Salem Church Road adjacent to the Lincolnton ETJ boundary and is currently zoned R-S. The total parcel size is 11.26. The

applicants wish to rezone to B-G in order to expand their business that currently exists on an adjacent lot in the City of Lincoln's jurisdiction. The parcel is currently vacant. Surrounding parcels have single family and multi-family residences and businesses on them. The Lincoln County Land Development Plan calls for high density residential development in this area.

Rick Cronland, applicant, stated that they purchased this property to extend the garden center.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 252—Richard & Myna Cronland, Applicants.

James Thackston spoke in opposition of the request, stating that his family owns land south of this parcel, which is used for farming. He stated that to the north of this parcel, there are a few houses, and to the east, west, and south there are woods and open fields. He commented that they would like this land to stay as it is. He stated that there has been more trash on the sides of the road since that business has been there.

Roderick Cronland spoke in favor of the request, stating that his father purchased the business 14 years ago. He stated that he wants to expand the company: the building, hardware, and garden center. He stated that they employ 25 employees, all of which live in Lincoln County. He commented that he thinks the business is a benefit to the County, and that the trash on the road does not come from them. He stated that any heavily traveled road will have trash on it.

Rikard Cronland spoke in favor of the request, stating that they want to expand the garden center on Salem Church Road and also landscape it. He stated that any other expansions, which are not in the plans now, would be on Keever Road, and not Salem Church Road.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 252—Richard and Myna Cronland, applicants, closed.

Zoning Map Amendment No. 253—Kreshon Family, LLC, applicant.

Judy Francis, Zoning Administrator, presented information regarding Zoning Map Amendment No. 253—Kreshon Family, LLC, applicant.

The applicants are requesting a zoning map change for over eleven (11.56) acres of property from Residential Single-Family (R-SF) and Neighborhood Business (B-N) to General Industrial (I-G).

The property is located on Highway 16 North in the Highway Overlay District in the Denver area. The parcel is currently zoned R-SF and B-N and is 11.56 acres in size and currently vacant. Surrounding parcels are zoned General Industrial and Planned Mixed Use. Nearby land structures include both residential and commercial uses. The Lincoln County Land Development Plan calls for high density residential and regional commercial development in this area.

Commissioner Terry Brotherton stated that he has a financial interest in the adjoining property, and would like to be excused from voting on this matter.

A motion by Commissioner James Hallman to excuse Commissioner Terry Brotherton from voting on Zoning Map Amendment No. 253.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 253—Kreshon Family, LLC, applicant.

Being no one wishing to speak, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 253—Kreshon Family, LLC, applicant, closed.

Zoning Map Amendment No. 254—Trisword Holdings, LLC & James M. Merlich, applicants.

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 254—Trisword Holdings, LLC & James M. Merlich, applicants.

The applicants are requesting a zoning map change for 4.13 acres of property from Neighborhood Business (B-N) to Light Industrial (L-I).

The property is located on Highway 16 North in the Highway Overlay District in the Denver area and is owned by S. D. Howard. It is currently vacant and zoned B-N. The applicants request this rezoning to accommodate a maintenance building for a landscaping business and a retail center for the sale of landscape materials and services. Surrounding parcels are zoned General and Light Industrial, Neighborhood and General Business, as well as Residential Single Family. Nearby land structures include both residential and commercial uses. The Lincoln County Land Development Plan calls for high density residential and regional commercial development in this area.

Jim Merlich stated that their plan is to put in a building large enough to store his equipment. He stated that from there they plan on expanding into retail operation, selling landscape materials such as trees, shrubs, bushes, pine bark, and mulch. He stated that the building will be landscaped in the front.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 254—Trisword Holdings, LLC & James M. Merlich, applicants.

Carol Clise spoke in favor of the request, stating that she lives in East Lincoln County and recommends this zoning change. She stated that Mr. Merlich's two sons started out mowing grass, and have grown to a landscaping business.

S.D. Howard stated that he owns the land on both sides of this parcel. He stated that he is selling the land to Mr. Merlich and would like to see the zoning changed.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 254—Trisword Holdings, LLC & James M. Merlich, Applicants, closed.

Conditional Use Permit No. 130—Hulick & Dale Shronce, Applicants

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Conditional Use Permit No. 130—Hulick & Dale Shronce, Applicants.

Judy Francis, Zoning Administrator, presented Conditional Use Permit No. 130—Hulick & Dale Shronce, Applicants.

The applicants are requesting a Conditional Use Permit for approximately one acre of their property to allow a LCID Landfill.

The property is located off of Hines Circle Road and is owned by the applicants. It is currently vacant, used as a pasture, and zoned Residential Transition. The applicants are requesting this permit because they have allowed dumping of construction and demolition material on their land. State authorities have notified them that the material must be removed because it was not permitted through our zoning regulations. Some of the materials on the site must be removed because they are not permitted even under acceptable standards for an LCID landfill. The owners do not wish to continue to allow dumping at this site, but would like to bury what is there already (and is acceptable under state

regulations). The permit would allow them to bury the materials rather than hauling them off the site.

Nearby parcels are zoned General Industrial, Neighborhood Business, and Residential Transition. Nearby land structures include both residential and commercial uses. The Lincoln County Land Development Plan calls for industrial development in this area.

Commissioner Larry Craig stated that conditions could be placed, such as a time limit and they could be required to cover and grass the area.

Commissioner Terry Brotherton stated that Mr. Shronce is basically asking for permission to close the landfill.

Richard Jonas stated that he was representing Hulick and Dale Shronce. He stated that Mr. Shronce was only trying to fill in a low place on his land and cover it up, to increase his pasture. He stated that they did not intend to create an landfill and they are not asking permission to continue it. He stated that they did not know that they had to have a permit to do this and they want to be in compliance. He stated that the Shronces would like to avoid the expense of hauling the stuff out that will not be harmful. Mr. Jonas stated that the applicants have already started hauling the materials out.

Commissioner Larry Craig asked if Mr. Shronce had a time frame to complete this in.

Richard Jonas stated that it could probably be completed by the end of fall.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 130—Hulick & Dale Shronce, Applicants.

Tim Dellinger stated that he hauled some material into the landfill. He stated that there used to be a fence with a locked gate, and that people cut the lock. He stated that other people dumped into the landfill without permission. He stated that Hulick and Dale Shronce are trying to do the right thing.

Richard Bryant stated that his land adjoins this property. He stated that there is no telling what is in that hole. He stated that there is a stream that comes out of that hole that runs behind his house. He stated that his children play in this stream, and he drinks water. He commented that the environmental impact of this is very serious, and he would like for the hole to be cleaned out.

Raymond Thomas stated that there is all kinds of stuff in this landfill, including lead pipe, asphalt, possibly hard asbestos, and car tires. He stated

that this is a deep ravine, probably more than 20 feet in places. He stated that he believes that this is an illegal landfill and it needs to be totally removed.

John Brice stated that this is an illegal dump and it has been covered up illegally.

Ann Ballard stated that she is concerned about the dump in what it is going to do to their water supply. She stated that she would like the landfill to be cleaned up and not just covered up.

Rindy Bryant stated that she and her husband own the land adjoining this property. She stated that she would like to see grown people have to accept responsibility for their wrongdoing. She requested that the property owner be responsible for the cost of testing water in the surrounding wells.

Buddy Marie stated that he is worried about his water.

Chairman McConnell asked if he had any problems with his water already.

Mr. Marie stated that has not, but he does not want to in the future.

Mary Scercy asked that the Board not give Mr. Shronce the permit. She stated that she wants Mr. Shronce to remove every piece of man-made material dumped illegally on this property.

Debbie Swink stated that Mr. Shronce should have to clean every bit of it up and carry it somewhere else.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 130—Hulick and Dale Shronce, Applicants, closed.

RESULTS OF WATERSIDE CROSSING TRAFFIC STUDY

Judy Francis, Zoning Administrator, stated that last January the Board approved preliminary plans for the Waterside Crossing Development. She stated that one of the conditions placed was that the development was subject to the completion of a traffic impact analysis, and when that analysis was completed the Board would do a review.

Randy Gotter with Kubilins Traffic Consulting presented the Traffic Impact Analysis Executive Summary to the Board. He stated that the study has been sent to NCDOT.

A motion by Commissioner Terry Brotherton to accept the traffic impact analysis as presented for Waterside Crossing.

Seconded by Commissioner Larry Craig.
Unanimously approved.

The Planning Board reconvened to the balcony of the auditorium on the second floor of the Citizens Center for a Planning Board meeting and to deliberate on the above public hearing recommendations.

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

PROCLAMATION HONORING SABIAN WARREN

The Board presented the following proclamation to Dawn Warren, since Sabian Warren was not present.

**PROCLAMATION
RECOGNIZING
Sabian Warren
FOR
HIS SERVICE AND DEDICATION
TO THE CITIZENS OF LINCOLN COUNTY**

WHEREAS, Sabian Warren has served the citizens of Lincoln County with professionalism, initiative, and good humor in his following and reporting of the many issues and changes in our County, and

WHEREAS, he not only reported but indeed was an advocate of community events, governmental affairs, citizens concerns, and Lincoln County's rich history, and

WHEREAS, his observations on and appreciation of Lincoln County won a veteran Lincoln Times-News reporter an award from the North Carolina Press Association, and

WHEREAS, he devoted his time, talent, "unique opinions" and career to making Lincoln County a great place to live and a place he called home for thirteen years, and

THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners wishes to recognize with sincere appreciation Sabian Warren for his past service to the citizens of Lincoln County.

Proclaimed this 6th day of April, 1998.

Louis E. McConnell, Chairman
Board of Commissioners

James A. Hallman
Vice-Chairman

Larry S. Craig
Commissioner

Beth H. Saine
Commissioner

Terry L. Brotherton
Commissioner

Dawn Warren stated that Sabian was sorry that he could not attend, he had a work obligation, but he really appreciated it.

PROCLAMATION HONORING BETH MCCORKLE

The Board presented the following Proclamation to Beth McCorkle.

PROCLAMATION
RECOGNIZING
Beth McCorkle
FOR
SERVICE AND DEDICATION
TO THE CITIZENS OF LINCOLN COUNTY

WHEREAS, Beth McCorkle served as Business and Community Development Director and Downtown Revitalization Coordinator for the past five years, and

WHEREAS, Ms. McCorkle was very instrumental in the long-range planning necessary for the development of a revitalized and prosperous downtown, and

WHEREAS, one of Ms. McCorkle most outstanding accomplishments was her role in the City of Lincolnton being designated to the North Carolina Main Street Program, and

WHEREAS, the professionalism, initiative, devotion and talent of Ms. McCorkle has remained focused on the betterment of the downtown business community and Lincoln County for the present as well as the future, and

WHEREAS, Ms. McCorkle has dedicated her time and energy as an advocate to a better quality of life for the citizens of our County, and

THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners wishes to express its appreciation in recognizing, honoring, and commemorating Beth McCorkle's service and commitment to the downtown business community and Lincoln County.

Proclaimed this 6th day of April, 1998.

Louis E. McConnell, Chairman
Board of Commissioners

James A. Hallman
Vice-Chairman

Larry S. Craig
Commissioner

Beth H. Saine
Commissioner

Terry L. Brotherton
Commissioner

Commissioner Larry Craig stated that the City has gained a lot of things because of Beth McCorkle's hard work. He stated that when he first became Commissioner, he had a little problem with signing onto the Mainstreet Program. He stated that as time went on, he realized the importance of this program to the City as well as the County.

Commissioner Beth Saine thanked Beth McCorkle for her work, stating that people everywhere are saying how beautiful downtown Lincoln is.

PROCLAMATION HONORING KATHRYN YARBRO

The Board approved the following Proclamation to Kathryn Yarbrow, which had been presented at an earlier date.

PROCLAMATION
RECOGNIZING
Kathryn Yarbrow
FOR
HER SERVICE AND DEDICATION
TO THE CITIZENS OF LINCOLN COUNTY

WHEREAS, Kathryn Yarbrow has served the citizens of Lincoln County for twenty-eight years; beginning as women's reporter, then women's editor and with over twenty years as managing editor of the Lincoln Times-News, and

WHEREAS, Ms. Yarbrow has been named one of the most outstanding female editors in the state by the Gannett newspaper chain, and

WHEREAS, Ms. Yarbrow has received numerous awards from the North Carolina Press Association for feature writing, columns and designs, and

WHEREAS, Kathryn Yarbrow has been a dedicated newsperson meeting many new challenges and fulfilling her obligations with leadership, professionalism and initiative, and

WHEREAS, Ms. Yarbrow has given freely of her time and energy and made significant contributions to the betterment of our community, and

THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners wishes to express its appreciation in recognizing and honoring Kathryn Yarbrow for her service and commitment to the citizens of Lincoln County.

Proclaimed this 22nd day of March 1998.

Louis E. McConnell, Chairman
Board of Commissioners

James A. Hallman
Vice-Chairman

Larry S. Craig
Commissioner

Beth H. Saine
Commissioner

Terry L. Brotherton
Commissioner

A motion by Commissioner James Hallman to recess the Commissioners meeting and open the Board of Variance and Appeals meeting.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Chairman McConnell called the meeting back to order.

PROCLAMATION PROCLAIMING APRIL AS PUBLIC HEALTH MONTH

Shannon Bryant, Health Educator for the Lincoln County Health Department, presented the following Proclamation for Public Health Month for the Board's approval.

**PROCLAMATION
PUBLIC HEALTH MONTH
APRIL, 1998**

WHEREAS, public health measures to control and eliminate infectious diseases and implement environmental sanitation practices have been the single greatest cause of improved health status and increased life expectancy for North Carolina's citizens in this century; and

WHEREAS, only public health has the unique responsibility and expertise necessary to ensure that our communities are healthy places in which to live; and

WHEREAS, the public health legacy of preventive services and programs must be maintained into the next century in order to realize the human and financial benefits possible with the public health preventive approach; and

WHEREAS, the benefits of the public health approach exist everywhere, everyday and for everybody regardless of religious, ethnic or socioeconomic background; and

WHEREAS, the full potential of the public health approach can only be realized with continued strong involvement and support of our citizens and policy makers; and

WHEREAS, public health must be a full partner and participant in the ongoing development of a reformed health system in North Carolina; and

WHEREAS, we hereby recognize and acknowledge 120 years of public health service to the citizens of North Carolina and the immeasurable contribution these services have made to the quality of life in our state;

NOW, THEREFORE, we the Lincoln County Board of Commissioners do hereby proclaim April, 1998, as "**PUBLIC HEALTH MONTH**" in Lincoln County and urge our citizens to recognize that public health is working Every Where, Every Day, for Every Body.

Louis E. McConnell, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk
Board of Commissioners

A motion by Commissioner James Hallman to approve the Proclamation Proclaiming April, 1998 as Public Health Month.

Seconded by Commissioner Beth Saine.

Unanimously approved.

Ms. Bryant stated that there were some representatives from the National Cancer Society present to present an award to Lincoln County. She stated that on behalf of the American Cancer Society, Lincoln County unit, they would like to present a banner of recognition to the citizens of Lincoln County for outstanding work well done in the Relay for Life fundraiser campaign in 1997. She stated that Lincoln County ranked 18th in the nation for raising money per capita. She stated that this is a very loving community, which is something to brag about.

RESOLUTION DECLARING APRIL "FAIR HOUSING MONTH IN LINCOLN

RESOLUTION DECLARING APRIL "FAIR HOUSING MONTH IN LINCOLN COUNTY, N.C."

WHEREAS, the Declaration of Independence states "that all men are created equal; that they are endowed by their creator with certain unalienable rights"; yet we must face the harsh fact that in this nation, and in this State, all men do not have equal housing opportunity because of race, national origin, disability, family status, or religion; and

WHEREAS, we must, as individuals and as a people, take our stand to make equal opportunity for all, including equal opportunity in housing, a reality in our community; and

WHEREAS, the primary responsibility for this action lies with each individual citizen of this Town and each of us can play a major role in removing the stain of discrimination and prejudice;

NOW, THEREFORE, I do hereby proclaim April as FAIR HOUSING MONTH in Lincoln County and urge all citizens to voice their support of legislation to make the dream of human dignity, equal justice, and equal opportunity a reality.

This the _____ day of April 1998.

Rick French, County Manager, stated that the Board needs to pass the Resolution Declaring April "Fair Housing Month in Lincoln County", in conjunction with the Community Development Block Grant.

A motion by Commissioner Larry Craig to approve the Resolution Declaring April "Fair Housing Month in Lincoln County".

Seconded by Commissioner Beth Saine.
Unanimously approved.

RESOLUTION RECOGNIZING LINCOLN COUNTY VOLUNTEERS

Chairman McConnell presented the following resolution for the Board's approval.

RESOLUTION

RECOGNIZING

Lincoln County Volunteers

**DURING NATIONAL COUNTY GOVERNMENT WEEK
APRIL 19 -25, 1998**

WHEREAS, the fundamental purpose of local government is to respond to the needs of its citizens in a professional and effective manner; and

WHEREAS, public resources to provide comprehensive services are frequently stretched to capacity, creating challenges in meeting citizens' needs and expectations.

BE IT THEREFORE RESOLVED that, we, the Lincoln County Board of Commissioners do hereby recognize the valuable contributions made by numerous volunteers throughout Lincoln County, and commit to continuing our support for the recruitment, training, placement, and recognition of qualified volunteers.

BE IT FURTHER RESOLVED that, we express our sincere appreciation and gratitude to those Lincoln County citizens and organizations who have given unselfishly of their time, talents, and resources as volunteers and whose generosity, local causes have been assisted and services have remained responsive.

ADOPTED, this the _____ day of April, 1998.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Louis E. McConnell, Chairman
Board of Commissioners

James A. Hallman
Vice-Chairman

Larry S. Craig
Commissioner

Beth H. Saine
Commissioner

Terry L. Brotherton
Commissioner

Rick French, County Manager, stated that this Resolution recognizes April 19 – 25 as County Government Week. He stated that this year a Volunteer Reception will be held on April 19, 1998 and there will also be an informational booth at the Wal-Mart Shopping Center.

A motion by Commissioner James Hallman to approve the Resolution Recognizing Lincoln County Volunteers During National County Government Week April 19 – 25, 1998.

Seconded by Commissioner Larry Craig.
Unanimously approved

RESOLUTION SUPPORTING THE YEAR OF THE VOLUNTEER

Chairman McConnell presented the following Resolution for the Board's approval.

RESOLUTION

SUPPORTING

The Year of the Volunteer

WHEREAS, Governor James B. Hunt, Jr. has declared 1998 as the Year of the Volunteer throughout North Carolina; and

WHEREAS, the key goals of this celebration are to:

1. Recognize the value and importance of connecting communities through volunteerism and community service;
2. Increase volunteer involvement and diversity as a solution to community problems;
3. Create and demonstrate the effectiveness of communities that partner with government and work cooperatively to solve the societal problems in communities throughout the country;
4. Celebrate the success and impact of volunteer involvement in improving the quality of life of North Carolinians; and

WHEREAS, Lincoln County recognizes the value of volunteers who assist in providing county government services and related programs, resulting in savings to our taxpayers and unique opportunities to involve citizens in vital community programs; and

WHEREAS, Lincoln County also recognizes the crucial role of volunteers in non-county organizations within our communities for they help make a difference in people's lives through their work.

NOW, THEREFORE, BE IT RESOLVED that Lincoln County proclaims 1998 to be the Year of the Volunteer and recognizes April as North Carolina Volunteer Month; and,

BE IT FURTHER RESOLVED THAT, Lincoln County commits to further supporting and enhancing the networks and partnerships related to volunteer programs throughout our county, especially those programs targeting children and youth at risk.

ADOPTED this the _____ day of April 1998.

Louis E. McConnell, Chairman
Board of Commissioners

James A. Hallman

Larry S. Craig

Beth H. Saine

Terry L. Brotherton

A motion by Commissioner Larry Craig to adopt the Resolution Supporting the Year of the Volunteer.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

Rick French stated that on April 19, 1998 a reception will be held for Volunteers. He stated that about 400 invitations will be mailed out to various Board appointed volunteers. He stated that the reception will be held in the lobby of the Citizens Center from 2:00 to 3:30 p.m.

**ARTICLES OF ASSOCIATION & AGREEMENT FOR THE CENTRALINA
WORKFORCE DEVELOPMENT CONSORTIUM, RESOLUTION APPROVING
THE ARTICLES OF ASSOCIATION AND AGREEMENT FOR THE
CENTRALINA WORKFORCE DEVELOPMENT CONSORTIUM—DAVID
HOLLARS, WORKFORCE DEVELOPMENT ADMINISTRATOR**

David Hollars, Workforce Development Administrator, stated that the agreement states that Lincoln County wishes to remain in the Consortium for the purpose of receiving and utilizing federal and state workforce development and training funds(such as JTPA, JobLink, JobReady/School-To-Work, and Welfare-To-Work) for the training and employment of economically disadvantaged and dislocated individuals in the county. He stated that the following six counties are in the consortium: Cabarrus, Iredell, Lincoln, Roane, Stanley, and Union.

A motion by Commissioner James Hallman to approve the Articles of Association for Lincoln County.

Seconded by Commissioner Larry Craig.

Unanimously approved.

RIGHT OF WAY—DOYLE BEAM MEMORIAL ROAD

Rick French, County Manager, stated that in the Assistant County Attorney's absence, this item needed to be delayed and added to the April 20, 1998 agenda.

CAPACITY FEES FOR WATERSIDE CROSSING & SMITHSTONE DEVELOPMENTS

Dick Brolin stated that a proposal had been submitted to the County Manager, Rick French for water and sewer rates. He stated that it was agreed that a 1998 capacity fee of \$880.00 plus \$250.00 for water tap meter installation would be charged for residential use, with commercial capacity fees somewhat higher based on usage, as is customary in most communities. Increased increments of 10% per year to this fee were also agreed upon. He stated that they have presented a schedule of tap fees based on usage. He asked that the Board grant approval of this schedule of fees.

Chairman McConnell stated this matter will be looked at on April 20, 1998 at the regularly scheduled East Lincoln Water and Sewer District Meeting.

RECOMMENDATIONS FROM PLANNING BOARD MEETING – APRIL 6, 1998

Judy Francis, Zoning Administrator, presented the Planning Board's recommendations as follows:

Zoning Map Amendment No. 251—David A. Saine, Applicant

Interpreted as exempt from zoning ordinance due to working farm on property.
Voted to refund application fee.

Zoning Map Amendment No. 252—Richard & Myna Cronland, Applicants

The Planning Board recommended unanimous approval as submitted.

A motion by Commissioner Larry Craig to approve Zoning Map Amendment No. 252 based on the recommendation from the Planning Board.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Map Amendment No. 253—Kreshon Family, LLC, Applicants

The Planning recommended unanimous approval as submitted.

A motion by Commissioner James Hallman to approve Zoning Map Amendment No. 253 based on the recommendation from the Planning Board.

Seconded by Commissioner Beth Saine.

Unanimously approved. (Commissioner Brotherton abstained from voting)

Zoning Map Amendment No. 254—Trisword Holdings & J. M. Merlich, Applicants

The Planning Board recommended unanimous approval as submitted.

A motion by Commissioner Larry Craig to approve Zoning Map Amendment No. 254 based on the recommendation from the Planning Board.

Seconded by Commissioner Beth Saine.

Unanimously approved.

Conditional Use Permit No. 130—Hulick and Dale Shronce, Applicants

The Planning Board unanimously recommended approving the request with the following conditions:

- The dump is to accept no more LCID materials and is to be closed following state regulations for LCID landfills of any size.
- All non-acceptable materials are to be removed and not left buried.
- Clean fill dirt may be used to top off and reseed dump area, but the closing procedure must be completed within six months.

Commissioner James Hallman stated that there were two options: turn down the application and not do anything to remediate the problem or approve the Conditional Use Permit, placing conditions on it that will require that certain things be done to close the landfill in a safe manner.

Chairman McConnell presented the Findings of Fact for Conditional Use Permit No. 130—Hulick and Dale Shronce, Applicants.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 130

Date: April 6, 1998

Applicant's Name: Hulick and Dale Shronce
Address: 6680 Shronce Road
Iron Station, NC 28080

Property Owner's Name: Hulick and Dale Shronce
Address: 6680 Shronce Road
Iron Station, NC 28080

Property Location: Hines Circle Road

Existing Zoning: R-T

Proposed Conditional Use: Cleaning up a LCID Landfill

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 _
Motioned by Commissioner James Hallman.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan, it will protect public health by stopping further dumping.
Vote: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No _
Motioned by Commissioner James Hallman.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use meets all required conditions and specifications, in order to be able to impose conditions, it has to be approved.
Vote: Unanimously approved.
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 James Hallman.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. The use being granted is to not put anything else in there and that will not substantially injure the value of adjoining or abutting property.
Vote: Unanimously approved.
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 James Hallman.
Seconded by Commissioner Larry Craig.

Factual Reason Cited: 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. The character of use, which the Board will be denying any further use, will be in harmony with the area, conditions will be improved.

Vote: Unanimously approved.

After having held a public hearing on April 6, 1998, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Conditional Use Permit be approved with the following "fair and reasonable conditions" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimously approved.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1. Accept no more LCID materials and is to be closed following state regulations for LCID Landfills.
2. All non-acceptable materials are to be removed and not left buried.
3. Clean fill dirt may be used to top off and reseed dump area, but the closing procedure must be completed within six months.

Chairman
Lincoln County Board of Commissioners

April 6, 1998

Clerk to Board of Commissioners

April 6, 1998

VACANCIES

Planning Board ETJ (1)

Council on Aging (1)

Dangerous Dog Appellate Board

East Lincoln Water and Sewer Advisory (1)

Lincoln County Child Protection Team (1)

Board of Variances and Appeals, Alternates (2)

Lincoln-Gaston Mental Health (1)

APPOINTMENTS

Gaston College Board of Trustees

- Reappoint Jerry Cochrane – 1 year term

Industrial Facilities and Pollution Control Financing Authority

- Reappoint Chip Stroupe
- Reappoint Louis Fletcher
- Appoint Sam Houser
- Appoint John H. Black, Jr.
- Appoint Dyra Eaker

A motion by Commissioner James Hallman to approve the appointments and reappoints as above.

Seconded by Commissioner Larry Craig.
Unanimously approved.

NURSING HOME CONDITIONS

Commissioner Terry Brotherton gave a detailed description of the condition of North Brook Rest Home. He stated that Raleigh approved a plan of operation that allows for only one staff member being on duty for the 12 residents, which is allowed to sleep at night. He stated that the facility is 4 to 5 feet above the ground with only one handicapped exit. Commissioner Brotherton stated that he considers Raleigh's plan of operation unsatisfactory. The facility has been cited many times for deficiencies of complying with the State minimum operating standards. The facility has chronic problems complying with the following: residential rights, management and personnel, general health requirements, bedroom housekeeping, furniture, service equipment, building maintenance, personal care, health care, food services, activities programs, medical examinations, management of drugs, residents records register, accounting for personal funds, and operating an unlicensed facility. He stated that they have also been cited by the Lincoln County Fire Marshall and Environmental Health. Commissioner Brotherton stated that the most recent was by the Lincoln County Rest Home Advisory Committee, which expressed concerns about leaks in the ceiling, dirty carpet, faded bedspreads, and described the facility as run-down in general. A deficiency of major concern was stated recently by Nick Rose of the North Carolina Division of Facility Management Services. The staff does not follow doctor's orders when dispensing medication and in some cases, patients receive the wrong medicine as well as unsupervised taking of medicine. Commissioner Brotherton stated that he visited the facility on March 20, 1998 with a DSS Representative. He

stated that he found leaks in almost every room. He stated that in one room there were four male residents, three in bed with their shoes on. He stated that cans and pots were in several rooms to catch drips, and flies were swarming in the kitchen near the pot rack. He stated that there are four residents in each room. A payment is made monthly to each rest home for those unable to finance their own residency, in the amount of \$893, of which 50% is Lincoln County tax dollars. \$64,000 of the County's tax dollars is spent at North Brook annually. He stated that he believes that the residents and taxpayers are being short-changed.

Commissioner Brotherton stated that if the Rest Home is downgraded to a Provisional Status, which would give Lincoln County Department of Social Services greater flexibility and authority to deal with this situation. He stated that there is no precedent to his knowledge where a County Board of Commissioners has gotten involved in a Rest Home Licensing.

Commissioner Terry Brotherton stated that he would like to see a Resolution or letter from the Lincoln County Board of Commissioners requesting down-grading to Provisional Status of the North Brook Rest Home. He stated that he would like the letter sent to Linda McDaniel and Governor Hunt.

Andy Pittman, Director of Social Services, presented the following memorandum:

April 6, 1998

TO: Lincoln County Board of Commissioners

FROM: Mr. Andrew Marvin Pittman, Director, Lincoln County DSS
Mr. Zaye T. Robinette, BSW, Supervisor, Lincoln County DSS,
Adult Services Unit
Ms. Dean Bethea, Adult Care Home Specialist, Lincoln County
DSS, Adult Services Unit

RE: North Brook Rest Home
1611 North Brook III School Road
Vale, NC 28168

The following recommendations are made by the Lincoln County DSS, Adult Services Unit. These recommendations are made in an effort to assure the health and safety of the residents and staff of the North Brook facility. It is the Departments wish that the North Brook facility achieve a "more than minimum standard of operation" in order to provide more "adequate and comprehensive services" to their residents which are consistent with similar facilities, located throughout Lincoln County and the State of North Carolina.

Based on monitoring and evaluation visits conducted by the Lincoln County Department of Social Services during the past year, as well as a

monitoring visit conducted two (2) weeks ago, it is in the Departments opinion that the North Brook facility is currently operating at a "Provisional" licensing level at this time and should be so licensed at a provisional level until such time that the North Brook facility can show the Department that it is able to operate its facility in a consistent manner at no less than the minimum standards as outlined in the licensing standards. It is not the intent on the Lincoln County Department of Social Services to close the North Brook facility and disrupt the lives of 12 (twelve) individuals, rather, it is the intent of the Department, as has always been, to work in cooperation with the facility in achieving the optimum standards of cooperation in providing services to their residents in a safe and consistent manner.

RECOMMENDATIONS:

1. That the North Brook facility provide at least three staff persons "**in house and on the floor**" during the first and second shifts to: **Provide personal services, Healthcare services, drug management, as well as meaningful activities and other direct services that may be needed by the residents.**
2. That the North Brook have in place an approved "**Plan of Operation**" specifying staff on duty, their regularly assigned duties, and the estimated time to be spent for each duty. This plan of operating must be prepared by the facility Administrator and must be updated with respect to changes in staff responsibilities and personnel.
3. That the Physical Plant, be upgraded with respect to needed repairs long overdue such as, that the **leaks in the roof in bedrooms #3, #4, #5 and in the dayroom be correctly repaired so as not to have reoccurring citations with respect to this issue.** That facility furnishings be either replaced or repaired and kept in good repair at all times. That all electrical, fire safety, mechanical, and plumbing equipment must be maintained in a safe and operational condition at all times. It is recommended by the Department that the North Brook facility have **fire safety and sanitation inspections** at least quarterly, during this operational year through the end of 1998. Further, that the North Brook facility maintain at least a satisfactory sanitation grade at all times.
4. **That without exception,** the North Brook facility will not allow any individual renting space in the non-licensed section of the building, to use facilities which have been licensed by the Division of Facility Services for residents living in a Home for the Aged, including but not limited to the: restrooms, dayroom, laundry, sleeping quarters and dining area. Further that these individuals are not allowed to eat or prepare any food which has been purchased for the consumption of the residents of the licensed

section of North Brook. Further, that any individual renting space in the non-licensed section of the facility will not receive drug management from the facility.

5. **That the North Brook Facility operate under the NCAC, T10: Chapter 42D, Sections .1200- .1830 at all times.**

Chairman McConnell stated that he thinks the Board needs to take a stand opposing poor conditions, even if they do meet minimum standards. He stated that the Board needs to support the DSS office and their recommendations, and also the Adult Care Home Community Advisory Committee. He stated that he believes this Board should take a stand against these kinds of conditions for human beings to live in.

A motion by Commissioner Terry Brotherton to send a letter or Resolution to Governor Hunt and the appropriate authorities to lower North Brook Rest Home to Provisional Status based on the documented facts and the recommendations from the Professionals and Community Volunteers. He stated that he would like to add that the Board opposes any move by the State to remove the monitoring responsibility from the local DSS

Chairman Louis McConnell stated that he would also like to write a letter to recommend that they raise the minimum standards for Nursing Homes to an acceptable level for human living.

Seconded by Commissioner Larry Craig.
Unanimously approved.

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

CALENDAR

Rick French, County Manager, stated that the Public Hearing on the Budget needed to be changed from May 28, 1998 to May 27, 1998 at 6:30 p.m. He stated that the Airport Authority wanted to meet with the County and City on May 12 or May 19 from 6:00 p.m. to 8:00 p.m. for a cookout and to look at the improvements at the airport. It was decided that May 12 at 6:00 p.m. would be good. Mr. French stated that on May 7, 1998 a budget work session was scheduled and the Sewer Task Force Recommendations would be discussed at this meeting. He stated that the School Board's budget would be presented at the May 4th meeting and Sheriff Pickens may want to come then also.

Rick French stated that he would be speaking at the Board of Realtor's Meeting on April 7, 1998 at 12:00 p.m. He stated that on April 19, 1998 at 2:00 p.m. a reception will be held for volunteers in the lobby of the Citizens Center. He stated that nice pins would be given out to the volunteers at the reception.

Mr. French stated that the hours for the convenience sites are Monday Tuesday, Thursday, and Friday 8:30 a.m. – 6:30 p.m., closed Wednesdays and Sundays, and open Saturday 8:30 a.m. – 8:00 p.m. He stated that on Sunday Webb's Chapel and North Brook Convenience sites are open from 1:00 p.m. to 5:00 p.m. He stated that having the Airport Convenience site would be open on Sunday also, to have a central location.

CLOSED SESSION- PERSONNEL

Chairman McConnell advised that there was a need for closed session for a few Personnel matters.

A motion by Commissioner Larry Craig to go into closed session to discuss a Personnel matter.

Seconded by Commissioner Beth Saine.
Unanimously approved.

A motion by Commissioner James Hallman to come out of closed session.

Seconded by Commissioner Larry Craig.
Unanimously approved.

ADJOURNMENT

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the April 4, 1998 meeting.

Commissioner Beth Saine motioned that the Board adjourn.

Seconded by Chairman Louis McConnell.
Unanimously approved.