

<b>LINCOLN COUNTY BOARD OF COMMISSIONERS</b>	<b>MINUTES APRIL 21, 1997</b>
--	-----------------------------------

The Lincoln County Board of County Commissioners met in regular session on April 21, 1997 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:00 PM. The following were present:

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

Jeffrey Taylor, Assistant County Attorney  
Richard French, County Manager

Also present was Rebecca B. Shoupe, Clerk to the Board of Commissioners.

#### **CALL TO ORDER**

Chairman McConnell called the April 21, 1997 meeting to order.

#### **INVOCATION**

Rev. Jim Powell, pastor of Harvest Time Presbyterian Church, gave the invocation.

#### **ADOPTION OF THE AGENDA**

Chairman McConnell presented the Agenda for the April 21, 1997 Board of Commissioners meeting.

**AGENDA  
BOARD OF COUNTY COMMISSIONERS  
LINCOLN COUNTY, NORTH CAROLINA  
APRIL 21, 1997**

- |            |   |
|------------|---|
| 7:00 PM    | Call to Order   |
| 7:00 PM    | Invocation--Rev. Jim Powell, Harvest Time Presbyterian Church                           |
| 7:00 PM    | Adoption of the Agenda  |
| 1. 7:00 PM | Approval of Minutes<br>March 17, 1997 Regular Meeting<br>March 24, 1997 Special Meeting |

2. 7:00 PM Consent Agenda  
Tax Request for Releases  
Less Than \$100 -- Feb. 3 - 28, 1997  
More Than \$100 -- Feb. 3 - 28, 1997  
Less Than \$100 -- March 3 - 31, 1997  
More Than \$100 -- March 3 - 31, 1997  
Tax Request for Refunds  
Less Than \$100 -- March 1 - April 4, 1997  
More Than \$100 -- March 1 - April 4, 1997  
Request for Utility Adjustments--Mar. 10 - April 14, 1997  
Budget Adjustment No. 87
3. 7:05 PM Recommendation from Planning Board  
Conditional Use Permit No. 100--Danny Wayne Hovis,  
Applicant; Don Dellinger and Jane Hines, Property Owners
4. 7:10 PM Public Comments  
Doug Smith--Demolition Dump/Firing Range  
Jepty Hooper--Leash Law Petition--Knottingham Forest
5. 7:15 PM Private Road Assessment--Joe Bannon
6. 7:25 PM Lease on UDC Hall-- Hazel Andrews
7. 7:30 PM Mural of "Battle of Ramsour's Mill"
8. 7:35 PM Resolution Regarding Air Quality Standards
9. 7:40 PM Vacancies  
Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)  
321 Corridor Study Committee (9)
10. 7:40 PM Appointments
11. 7:45 PM Calendar
12. 7:50 PM County Commissioners' Report
13. 7:55 PM County Manager's Report
14. 8:00 PM Closed Session-Contractual and Personnel  
  
Adjourn

Please note the Board of Commissioners will meet on April 24, 1997 at 7:00 p.m. with the Chamber of Commerce Board and Ann Gaither, Lincoln County's Department of Transportation Representative regarding Highway 16. The Board of Commissioners will also meet on April 28, 1997 at 6:30 p.m. for department budget reviews. The Board of Commissioners will also meet jointly with the Planning Board on May 5, 1997 at 6:30 p.m. The purpose of the meeting will be to hold zoning public hearings. The Board of Variances and Appeals will also meet on May 5, 1997 at 7:30 p.m.

Commissioner Larry Craig motioned to adopt the agenda for the April 21, 1997 meeting.

Seconded by Commissioner James Hallman.  
Unanimously approved.

### **APPROVAL OF MINUTES**

Chairman McConnell presented the minutes of the March 17, 1997 Regular Meeting and the March 24, 1997 Special Meeting for approval.

Commissioner Larry Craig motioned that the minutes of March 17, 1997 Regular Meeting and the March 24, 1997 Special Meeting be approved.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

### **CONSENT AGENDA**

Chairman McConnell presented the Consent Agenda of April 21, 1997 for approval.

### **CONSENT AGENDA**

#### **Tax Request for Releases**

Less Than \$100 -- Feb. 3 - 28, 1997

#### **RELEASES LESS THAN \$100 -- MOTOR VEHICLES**

Abernethy, Ferris R.	1995	0110759	18.25
Amburgey, Celena Mash	1996	0117593	96.43
Baker, Lewis	1996	11905	3.33
Baldwin, Robert E.	1996	0108894	8.97
Barquero, Tatiana	1996	0078456	17.36
Bills, Michael Lee	1996	0119966	31.19
Bivens, Christine	1996	0119450	40.61
Bivens, Jearl Scott	1996	0111840	12.44
Black, Nelda C.	1996	06386	32.05
Black, Ronald Edwards	1996	0120192	5.03
Boling, Marvin Carter	1996	0082559	12.56
Boyles, Kurt Hale	1996	0069732	10.36
Bridges, Claude Sr.	1996	0104936	19.15

Brittain, Forrest Travis	1996	0066198	36.07
Buff, Harold Gene	1996	0118233	100.50
Burgess, Duke & Katrina	1996	13087	6.59
Calderson, Tatiana De L Barquero	1995	0114334	73.35
Caldwell, David R. & Terri	1996	36918	99.29
Carey, Sherman McNeal	1996	0082600	8.43
Carpenter, Herman Rickey Sr.	1995	0088960	67.65
Clark, Brian Kenneth	1995	0096171	15.82
Cody, Jerry Avery	1996	0066279	1.41
Collier, Betty R.	1996	12156	17.20
Cronland, Murphy Alan	1996	0070156	37.21
Davis, Janet Carson	1996	0117894	27.00
Donovan, Susan Marie	1996	0109846	35.56
Duhon, Larry Pierre	1996	0091871	13.71
Ellis, Patricia Marie	1996	0073794	17.55
Elmore, Charles R.	1996	06119	9.80
Elmore, Janice Blalock	1996	0104313	33.77
Engbarth, John L.	1995	0110394	87.51
Farnsworth, Ralph Edwin	1996	0118933	37.30
Ferguson, John Caldwell	1996	0119897	96.16
Fisher, Sandra Brown	1996	0083017	11.48
Frye, Lisa Honeycutt	1996	0119930	38.92
Fulbright, Martha Smith	1996	0091133	21.45
Funderburk, James A.	1996	13239	41.28
Gantt, Walter & Nancy	1996	03794	10.04
Geerkin, Eric Charles	1995	0118226	93.66
Goins, Dallas Kevin	1996	0091082	68.26
Goins, Robert Edgar	1996	0102094	29.14
Goodson, Samuel L. & Ladonna	1996	07175	.65
Gorton, George P. Jr.	1996	0119899	20.56
Grass, Duane Gerald	1996	0072146	47.84
Gray, Shelby J.	1996	07885	8.59
Gregory, Paul Anderson	1996	0084062	28.06
Hair Unlimited Inc.	1996	39231	49.83
Hall, Phillip Robert Jr.	1996	0079625	8.10
Hawkins, Roy Eugene	1996	0091976	6.99
Haynes, James Carroll	1995	0116774	49.77
Hedspeth, Hubert F.	1996	0064111	7.47
Helms, Jimmy Wayne	1996	0111768	12.39
Henderson, Mary E.	1996	0076280	69.44
Herman, James Howard	1996	0110194	45.96
Hopper, Sheldon Eugen	1996	0089088	16.01
Houser, James Dean	1996	07274	56.71
Houser, Terry Lawson	1996	0082341	33.21
Howell, Leslie Alan	1996	0114642	34.11
Howell, William Edgar Jr.	1996	0118343	50.97
Hull, Terry Lee	1996	07876	43.22
Irby, Don R. & Geraldine	1996	07258	15.80
Johnson, Floyd Wesley	1996	0112267	6.54
Jones, Lauraette	1996	0119879	11.75
King, Mary Rebecca	1996	0114484	19.69
Kiser, Howard Stephen	1995	0116462	74.66
Knight, Douglas Wade	1996	0111291	19.36
Lachovych, Helen Terese	1996	0119511	85.94

Lail, D. H.	1996	0112300	20.45
Lambeck, Jonette Dee	1996	0100480	62.29
Lane, Vicky Martin	1996	0120006	97.97
Leonhardt, Jesse Edwin	1996	0066661	4.99
Lewis, Ethel Mills	1996	0067038	7.48
Martin, Dan C.	1996	0100717	14.44
MacLeod, Bradley S.	1995	0108030	84.18
McLean, Alfonzo Jr.	1995	0080976	24.54
McWilliams, Richard	1996	0107200	54.67
Miller, Theodore John Jr.	1996	0105053	46.42
Mills, Gemema Lee	1996	0118208	68.93
Mirtsching, Richard Howard	1996	0119464	29.77
Mitsubishi Motors Credit	1996	0116177	79.46
Montgomery, Letitia Sue	1996	0119908	25.12
Moody, Richard Sr. & Sylvia	1996	16601	93.91
Mozeley, Ray Christopher Jr.	1996	0082162	25.56
Nagim Corp.	1996	0095769	22.05
Nguyen, Phong Van	1996	0095069	30.40
Nicholson, J. C. Inc.	1996	0110819	68.23
Nielson, John Scott	1995	0113784	24.76
Noles, David J. & Sons Farms	1995/96	32228	1.16
Peeler, Bernice Ann	1994	0089775	25.67
Pendleton, Benj. Gene	1995	0081341	28.13
Penley, Patricia Noelle	1996	0081306	14.87
Pless, Mary S.	1996	0115188	18.34
Pressley, Larry Wayne	1996	0118517	85.85
Pruette, Carrell	1996	0119898	21.69
Ramsey, Rebecca Annanett	1996	0119412	17.34
Randall, Steven Dale	1995	0114336	97.97
Ray, Wanda	1996	0088302	54.57
Reagan, Janette Dawn	1996	0104281	42.89
Reel, Cynthia Jarnagin	1996	0100450	10.28
Reinhardt, Sarah Delois	1996	0076955	1.96
Rice, Diane Geter	1996	0112643	33.98
Rice, Tiwana Addie	1996	0118350	9.19
Robinson, Cassandra H.	1995	0061823	16.63
Roper, James Derek Jr.	1996	0119869	55.79
Rowe, Julia Renee	1995	0118200	41.41
Rudisill, Shirley Polhill	1996	0112523	14.37
Sain, Harry Theodore	1996	0081784	18.29
Salas, Victor Manuel	1996	0097776	4.67
Santiago, Louis Alberto	1996	0112865	78.20
Seagraves, Nancy Riley	1996	0103657	5.27
Sherrill, Anne Nixon	1996	0089892	82.37
Sherrill, James Rodney	1996	0095736	72.89
Silman, Bryan Keith & Lisa W.	1996	28894	28.22
Smith, Tina Swink	1996	0089444	11.99
Sollie, Mary Ann	1996	0120021	3.84
Surbeck, Matthew Stephen	1996	0079418	74.47
Sydnor, Miriam Thomas	1996	0109575	66.63
Taffi, Louis Alan	1996	0061535	17.74
Taylor, Anna Marie	1996	0080168	17.22
Taylor, Billy Wayne	1996	03489	35.55
Thomas, Guy Scott	1996	0118470	86.40

Timmons, Jack Gilbert	1996	0069583	9.70
Traynor, Nannie Lazette	1996	0081810	9.48
Vandall, Linda	1996	0114620	91.04
Vost, Mitchell Lee	1996	0103419	21.13
Walker, William Trent	1994/95	0103118	64.07
Wallace, Darrell & Rebecca	1996	03637	12.61
Walters, Greg Scott	1996	0119956	69.05
Weaver, John Hugh	1996	0078025	58.34
Williams, Neal Lloyd Jr.	1996	0119580	18.46
Willis, Abraham Jr.	1995/96	0116156	16.63
Wilson, John Lewis	1996	0098216	28.08
Wise, Bobby Dean Sr.	1996	0087381	10.00
Wooten, Lisa McClain	1996	0112826	54.34
Worboys, James W. & Carol M.	1996	22054	14.28

#### **RELEASES LESS THAN \$100**

American Legion (Post 371)	1996	33706	69.00
Andrews, Craig Edward	1996	0077801	89.73
Armstrong, Ferrell Leroy & Mae	1996	05434	17.56
Baldwin, Click	1996	37401	32.97
Barker, Lee	1996	0099733	41.22
Beam, David Glenn	1996	39505	25.52
Boggs, Edgar Lee Jr.	1996	0068787	23.17
Boston, Annette Bridges	1996	0100776	50.90
Bowles, Jerry H. & Violet R.	1996	48882	3.15
Chapman, Claude Eugene	1996	0103272	6.84
Cochrane, Ronald A.	1996	26848	70.18
Cope, Susan	1996	0115887	72.05
Crump, Henry	1996	0115719	77.55
Davis, Michael Eugene	1996	0076921	69.00
Dennis, Michael A.	1990	12843	28.90
Eaker, John Q. Sr.	1997	00503	73.29
Ford, Gary E. & Hazelene	1996	06525	32.53
French, Dale Kenneth	1994	0088544	97.35
Hall, Scott	1993-96	45390	18.85
Horne, John	1996	0115769	56.31
Howe, George M. Jr.	1985-96	18266	680.91
Hudson, Michael Dale	1996	0099927	86.08
Huskins, Michael	1996	0115675	64.46
Jenks, Hugh W.	1995/96	04512	14.64
Jordan, Perry Gerard & Robin H.	1996	14018	44.70
Kennedy, Dwight & Barbara	1992-96	14534	262.00
King, Randy & Cynthia	1996	09362	14.38
Lail, Charles H.	1992-94	03546	17.93
Lawing, Donald E.	1996	42658	11.45
Lineberger, John R. III	1996	43594	50.01
Martin, Norma Jones	1992-96	43136	308.43
Massapog Baptist Church	1996	33625	69.00
McAbee, Frank Eugene	1995/96	0074393	34.52
McGill, Jerry	1991-94	43162	142.76
McGill, Judy L.	1991-96	21396	209.24
McMurry, Jerry L. & Judy	1996	17166	23.08

McSwain, Ricky	1989	00572	20.27
Mohagen, Irving	1989	20738	62.83
Mt. Vernon Baptist Church	1995	44803	22.51
Mundy, Joseph Scott & Lynn	1996	21024	48.20
Nicholson, J. C. Inc.	1996	0110819	71.50
Nixon, Thelma C.	1990-92	38201	143.79
Norris, Larry R.	1995	28288	17.02
Padgett, Nancy Jo	1997	0120091	34.70
Pertee, David	1991-96	39652	144.49
Porter, Bill	1996	38604	58.94
Poteat, Brenda	1994	0088506	88.77
Reems, Martha Hodges	1996	20780	17.46
Richard, Ronald Wayne	1996	0063849	11.41
Richard, William Michael	1990-92	28621	33.82
Roach, Richard C. & Pauline S.	1992	15212	4.36
Ross, Mary Lou	1996	09769	96.75
Rowland, Gary D. & Rita Faye	1993-96	35768	47.36
Shepard, Connie	1996	0061323	6.72
Sheppard, Tony & Pam	1996	36458	45.20
Sherrill, G. C. (Mrs. Ethel)	1991	15535	7.86
Shrum, Johnny Ray	1996	40697	14.94
Smith, Clara J.	1996	0107188	7.94
Smith, Keith L. & Kim N.	1996	20410	87.68
Smith, Mary & Hubert	1996	20420	10.92
Steele, Donald H. Jr.	1991-96	20680	158.57
T & G Milholland Enterprise	1996	36822	60.19
Taylor, Marion	1990-92	32482	40.05
Turner, Jennifer K.	1993-96	42501	42.96
Valedale Angus Farm Inc.	1996	26208	58.92
Walker, David Christopher	1996	03629	2.60
Walker, Rocky Earl & Linda Kay	1996	21703	22.91
Watts, Linda A.	1989-92	09404	91.06
Webb, Ann	1993	03724	29.90
Westmoreland, Bobby W.	1993-96	0064812	345.70
Whitecomb, Robert V.	1992-96	21939	431.79
Whitesides, Kenneth D. & Patty	1994/95	10104	21.65
Wilson, Jeffery Chris	1996	03942	2.13
Wilson, Minnie C.	1990/91	01886	97.30

More Than \$100 -- Feb. 3 - 28, 1997

#### RELEASES MORE THAN \$100 -- MOTOR VEHICLES

Abernethy, Ferris R.	1995	0110759	110.04
Addington, Gary Matthew	1996	0120010	132.55
Anthony, Bobby Gene	1996	0099425	101.32
Ashe, Raymond Myles	1996	0093322	110.62
Baldwin, David Bowen	1996	0119494	172.85
Beal, Charles Edward Jr.	1994	0062941	199.53
Beal, Charles Edward Jr.	1995	0062941	177.94
Biggerstaff, James Allen	1996	0119944	232.20
Bolick, Nicholas Glenn	1996	0120087	125.25
Boyd, Brenda Jo	1996	0118631	119.05
Brendle, Randy Dwayne	1995	0114331	133.27

Friday, Carlyle N. & Shirley	1996	17252	128.75
Grantt, Claude Dean	1996	37945	120.15
Johnson, Kelly Rhea	1994	0109165	178.08
Nichols, Robert Kevin	1996	0102812	124.55
Obrien, John Thomas	1996	0090222	110.69
Robinson, Richard Steven	1996	0117987	131.10
Schubring, Mark S.	1996	0119896	110.14
Woodard, James Hayes Jr.	1994	0071264	126.84

#### **RELEASES MORE THAN \$100**

Bowman, Susan Renee H.	1997	0115460	397.96
Canipe, Howard Dale	1996	0111076	135.19
Carolina Poultry Sales	1994	28719	304.31
Cullen Group The	1996	0110871	132.55
Davis, Michael E. & Pamela	1996	01840	138.00
French, Dale Kenneth	1995	0088544	254.26
Gilbert, Boyce P.	1996	03862	138.00
Hoover, Marvin Guy	1997	02512	690.61
Jones, Karen L.	1996	08042	111.21
Knight, Samuel E.	1990	41537	185.16
Leonhardt, Robert	1996	0064834	292.67
Long Shoals Community Center	1995/96	33717	182.60
Martin, Norma Jones	1991	43136	115.26
Miller, Ike	1996	0103992	141.94
Monk, Larry J.	1996	0087336	106.14
Mt. Vernon Baptist Church	1996	44803	330.95
Potts, Tammie	1990	33047	113.40
Sadler, Danny	1996	0090720	153.89
Steele, Deborah Ann	1996	0109086	135.45
Tais Credit	1996	0117719	263.06
Truck & Equipment Service	1996	26246	159.15
Whitecomb, Robert V.	1987-91	21939	545.30

Less Than \$100 -- March 3 - 31, 1997

#### **Releases Less Than \$100 - - Motor Vehicles**

Arnold, Vernoica Celeste	1996	0096291	2.22
Ball, Thresea Carpenter	1995	0112529	24.21
Barkley, Elizabeth Gail	1995	0086368	26.61
Bass, John Alexander	1995	0079563	66.36
Baxter, Katherine Nichole	1995	0083704	5.99
Blalock, Johnny Kale	1993	0101088	72.51
Bumgarner, Deborah Black	1996	0103317	44.49
Camby, Elizabeth Weeks	1993	0067104	6.26
Camp, Patricia Baker	1996	0091733	32.32
Carpenter, Rocky Lee	1995	0113224	25.55
Carver, Kenneth Arden	1995	0113212	12.99



Cashion, Patricia Kiser	1996	0072514	8.25
Clark, Valerie M.	1995	0104813	10.26
Cline, George Herbert	1994	0093922	13.92
Cornwell, Rachel Bentley	1993	0081929	10.14
Craddock, Linda Slaughter	1996	0119922	49.53
Crumbley, Floyd Gerald Jr.	1993	0101244	86.37
Daugett, Timothy	1995	0108547	22.00
Davis, Jerry Truman Jr.	1996	0118706	3.62
Deaton, Ernest Tommy	1996	0080138	4.31
Dellinger, Michael Steven	1996	0086492	24.19
Ewing, Ronald L. & Wanda	1996	27244	29.48
Fite, Gary Lee Sr.	1996	0100403	24.71
Fraday, Michael Larry	1996	0103048	47.36
Free, John Joseph Holden	1995	0113261	31.87
Garrett, Bryan Todd	1994	0075325	64.96
Gordon, Robert Lee Sr.	1995	0116535	46.18
Green, Robert Allen	1996	0081846	6.54
Harrison, Charles Ray	1996	0075883	7.53
Hiott, Larry H.	1996	06848	10.75
Homesley, Edward Cleveland	1996	0075002	14.67
Horton, Edwin L.	1996	0060754	22.43
Hovis, Gregory Todd	1996	0098829	19.21
Hoyle, James Hugh	1996	02802	7.06
Hovis, Namon Eugene & Clela	1996	07410	18.92
Hubbard, Jason Andrew	1994	0104478	1.47
Jackson, Ronald Glenn	1995	0118236	87.01
Jenkins, Betty Farley	1996	0108398	20.44
Jenkins, Timothy Allen	1996	0065220	3.97
Johnson, Kenneth Ray Sr.	1996	0118443	14.95
Jones, Janice Leigh	1996	0117966	11.48
Kiser, Tony Reeves	1996	0074281	72.09
Kronk, Jeffrey Lowell	1996	0100614	11.01
Lawson, Arthur	1995-96	0116558	61.33
Link, Curtis R. Jr.	1996	15866	5.54
Luna, Dani Segura	1996	0118852	40.69
Lyons, Georgia Wilson	1996	0114862	7.31
Marshall, Andrew Jay	1996	0107470	.90
Marshall, Jason Peter	1996	0093225	17.16
Mason, Michael Kevin	1995	0116706	95.68
McClelland, Willard Murray Jr.	1995	0116293	94.60
Mathews, Earl Watlington	1994	0110211	34.84
McLean, Stephanie Anita	1995	0101311	8.76
McNaught, David Thomas	1996	0081438	19.61
Medina, Alejandro	1995	0114246	19.52
Merritt, Guy William III	1995	0118254	98.91
Minnick, James Herbert	1996	0115344	61.15

Moss, Spencer Alton	1996	0077185	44.73
Neese, James Everette Jr.	1996	0111238	80.73
Pan, Ching Lin	1996	0116914	92.24
Parsons, Charles Blake	1996	0118982	11.77
Phillips, Rickie Carlton	1996	0079393	3.08
Pratt, Serena M.	1995	0111362	7.62
Reinhardt, Wilma Lee	1996	0109035	4.82
Rhoney, Ralph R. & Rebecca	1996	00718	3.67
Schmid, Robert F.	1996	0104064	11.32
Seagle, Michael Conrad	1996	0096682	23.13
Sproles, A. C. Clint	1996	0118471	47.48
Stanley, Larry Wade	1996	0070595	44.49
Stone, Cecil Aubrey Jr.	1996	0078500	57.69
Stroupe, Dennis A. & Vivian	1996	11141	6.50
Taylor, Mary Woble	1993	0087577	4.14
Thomas, Cathy Renee	1996	0069512	24.17
Thomas, Lou Ann	1995	0111695	12.93
Thomas, William Marshel	1996	0109051	72.43
Towery, Belinda Louise	1995	0114028	85.80
Towery, Frankie Lowman	1995	0067580	14.92
Travis, Billie Jo	1996	0119967	14.34
Vandyke, Ronely David Jr.	1995	0116564	44.63
Watson, Darryl Wade	1996	0118643	25.00
Washam Land Co. Inc.	1995/96	0104618	16.78
Willis, Lawrence William	1996	0068777	67.95
Withers, Jeffrey Duane	1996	0094559	62.95
Woody, Lea Ann Higgs	1993	0072206	14.44

### **Releases Less Than \$100**

Badeaux, Betsy Schoenberg	1994-96	36314	6.25
Bess, Wayne C. & Cynthia	1996	12594	8.94
Brown, Nettie	1989-90	26661	31.46
Byers, Manuel Elliott & Sharon	1996	07941	2.17
Crosby, Sarah Roxanne	1996	0095943	3.74
Davidson, Jay R.	1996	0115550	99.33
Hudson, David Johnful	1997	07637	7.32
Hull, T. Bryan Family Trust	1997	01447	60.72
Jones, George Elmer II	1989	35949	70.90
Kirkland, Robert L. & Betty	1995	09428	4.29
Link, Franklin G. & Doris	1996	15911	2.16
Mayfield, Teresa A.	1990-91	31512	61.44
Meeler, Carolyn	1994	0079083	61.60
Milburn, Clyde Ray & Jane	1992-95	08092	193.00
Neal, Linda	1995/96	42285	27.86

Parker, Farrell G. & Shirley M.	1995/96	40623	57.33
Powell, Ronnie Ray	1996	0106145	86.76
The Rag Bag	1996	36290	3.29
Richard, Bradley S.	1988-92	14800	273.34
Richardson, Ruffin C.	1991	42317	7.54
Robinson, Noah & Pauline G.	1992	15386	27.84
Ruff, Sylvia	1996	00759	41.92
Stroupe, Dennis a. & Vivian M.	1996	26087	39.97
Waterside Publishing	1996	0110921	64.48

More Than \$100 -- March 3 - 31, 1997

### **Releases More Than \$100 - - Motor Vehicles**

Anthony, Judy Brown	1995	0118291	146.65
Baity, Elizabeth Jonas	1995/96	0118209	360.89
Bost, Chad Stephen	1996	0107853	108.94
Bowen, Hagen	1996	0116991	145.68
Byers, Christie Lynn	1994	0104760	105.28
Cline, George Herbert	1996	0089240	118.37
Gordon, Robert Lee	1995	0116683	100.88
Harvey, Sherry Spencer	1996	0102091	102.36
Hedrick, Alan Wayne	1995	0116518	111.53
Martin, Lorrie Elaine	1996	0102175	107.00
Mitchem, Kathy Merck	1996	0117048	143.27
Neal, Earl Edward	1996	0118530	312.46
Pearson, Jeffery Scott	1995	0116576	145.68
Rogers, Stacey Ray	1995	0116517	120.48
Sever, Lennie Kanipe	1996	0118549	285.83
Stroup, Vicky L. & Trudy L. Mault	1996	15175	154.00
Widener, Robert Lee Jr.	1996	0071684	106.70
Yarian, Shawn Allen	1996	0116989	145.68

### **Releases More Than \$100**

Carolina & Northwestern	1996	29111	568.44
Cavender, Dwight E.	1996	0098482	164.70
Chapman, Johnathan Andrew	1996	0110379	568.73
Finger, Paul M. & Irene	1996	17082	2551.55
Gantt, Benja F. & Leona	1996/97	00879	211.64
Irwin, William Lloyd	1996	0086106	118.16
Jones, George Elmer II	1990-92	35949	366.52
Withers, James Fred	1996	22006	4066.39

### **Tax Request for Refunds**

Less Than \$100 -- March 1 - April 4, 1997

MOTOR VEHICLES Less Than \$100.00

Allen, Terry & Bobbie	1996	05328	\$18.01
Bolton, Pamela A.	1996	0094133	1.57
Bridges, Claude S.Jr.&Dorothy	1996	48769	2.75
Broadway, Calvin Neal	1995	0090475	12.42
Brotherton, Terry Lee	1996	0108736	46.77
Bynum, Barbara Derr	1996	0084452	12.34
Crumpler, David A.	1996	0096042	10.18
Deaton, Ernest Tommy	1996	0080138	19.96
Docherty, Candice Nicole	1996	0110145	25.12
Duckworth, Boone M.Jr.&Rhonda	1996	30738	28.27
Fulbright, Michael Austin	1996	0093507	1.53
Gibson, Ginger Carpenter	1996	0095115	1.15
Hamilton, Robert S. & Martha	1996	05325	9.52
Haynes, Harry Dean	1996	0081581	1.42
Houk, Charlotte B.	1996	0097876	1.94
Houser Masonry, Inc	1996	0071397	6.00
Hudspeth, Robert Pressley	1996	0073419	3.23
Hylton, Scott Lee	1995	0115949	16.45
Leatherman, Thomas L. & Sandra	1996	0093105	1.19
Locklair, Baron Jeffrey	1996	0086251	8.55
McAlister, Donald Reid	1996	0090649	52.62
Mullis, Gary & Geraldine	1996	20983	6.78
Pressley, Gerald Steven Jr.	1996	0109000	42.61
Publico, Danilo Hernaez	1995	0089090	5.97
Rhyne, Robert Tommy	1996	0112907	3.30
Rosenau, Steven Arthur	1996	21362	35.31
Schronce, Sheri T.	1996	0100361	1.48
Seagraves, Nancy Riley	1996	0103657	5.27
Sibert, Wayne & Peggy	1996	15849	4.40
Stamey, David L.	1996	0079936	16.93
Stroupe, Dennis & Vivian	1996	11141	1.68
Sweat, Thomas D Jr. & Janice	1996	11267	5.14
Taylor, Kathryn Q.	1996	08459	42.56
Thomas, Helga K.	1996	0094202	37.04
Warnock, Danny W. & Brenda	1996	21729	15.53
Washam Land Co., Inc.	1995	0104618	7.71
Waters, Ruby M.	1996	14869	3.50
White, Dewey E.	1996	0117254	4.08
Wilson, Benjamin L.	1996	0082199	13.13
Wilson, David A. & Mary	1996	15410	14.30

Annals Under \$100.00

Adams, Harold D & Judy	1996	11587	\$2.01
Clark, William Barry	1996	11923	6.66
Cole, Karen	1996	0080028	3.04
Curtis, Mark D & Lisa M.	1996	0110438	1.65
Dedmon, Linda S.	1996	05432	13.18
Edmondson, Dallas & Vinnie	1996	0097194	1.21
Edmundson, Sheila	1996	13074	25.87
Grinavic, Michael E.	1996	20408	2.00
Jones, George Elmer, III	1989	35949	60.00
Jones, George Elmer, III	1993	35949	1.42
Jones, George Elmer, III	1994	35949	59.47
Jones, George Elmer, III	1995	35949	69.11
Jones, George Elmer, III	1996	35949	55.85
Milburn, Clyde R. & Jane	1996	08092	71.33
Poplar Springs AME	1996	44605	63.93
Sebron Corporation	1996	46371	85.01
Self, David Lee	1996	03147	69.00
Sherrill, Monroe & Christine	1996	19623	1.03
Soles, Vicki S. & Bob P. Pogue	1993	20528	30.95
Soles, Vicki S. & Bob P. Pogue	1994	20528	30.83
Soles, Vicki S. & Bob P. Pogue	1995	20528	58.34
Soles, Vicki S. & Bob P. Pogue	1996	20528	69.83
Stacy, Carolyn	1996	0115874	1.19
Story, Jerry P & Peggy	1996	33343	69.00
Story, Jerry P & Peggy	1995	33343	69.00
Tate, Steven G.	1995	40301	64.00
Turnipseed, Ralph & Maria	1995	37465	5.59
Woodall, Linda	1996	15795	6.72
Zion Hill Baptist Church	1996	33702	9.00

More Than \$100 -- March 1 - April 4, 1997

#### MOTOR VEHICLES More Than \$100.00

Travis, Philip George	1996	0099232	\$105.41
VT Inc As Tstee World Omni Lt	1995	0085238	123.00
VT Inc As Tstee World Omni Lt	1996	0085238	205.93
VT Inc As Tstee World Omni Lt	1995	0085238	134.53

#### Annals More Than \$100.00

Buchanan, Franklin	1996	0088557	\$137.56
Buchanan, Franklin	1995	0088557	159.31
Buchanan, Franklin	1994	0088557	132.57
Jones, George Elmer, II	1988	35949	132.86

Roseboro, Arthur	1996	21343	390.00
Sigmon, Steven R. & Patricia	1996	09520	199.11

### **Request for Utility Adjustments--Mar. 10 - April 14, 1997**

<u>Name</u>	<u>Account No.</u>	<u>Amount</u>
Alandale/Lanco Devl	6114101 00	\$198.93
Benson, Warren	6118361 00	122.02
Burton, Valerie	4061881 00	149.66
Maddox, Bobby	4062791 00	281.33
Palma, William E.	10224131 01	224.17
Weston, Thomas	6118061 00	42.02

### **Budget Adjustment No. 87**

Budget Adjustment No. 87 is to cover overages in Revenue and overages in expense accounts as a result of increased revenue. Also to purchase a computer to replace computer that is on loan from data processing department.

Commissioner Terry Brotherton motioned that the Consent Agenda for April 21, 1997 be approved as presented.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

### **RECOMMENDATION FROM PLANNING BOARD**

#### **Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners**

Steve Smith, Land Use Coordinator, gave background information on Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners. Mr. Smith also presented photos of the site and the Planning Board's recommendation from April 7, 1997 which was approval of the application with the following conditions:

1. Remove existing mobile home
2. Clean up property.

Chairman McConnell presented the Findings of Fact on Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 100                      Date: April 21, 1997

Applicant's Name: Danny Wayne Hovis  
Address: 106 Car Wash Drive  
Lincolnton, NC 28092

Property Owner's Name: Don Dellinger and Jane Hines  
Address: 2631 Keener Road  
Lincolnton, NC 28092

Property Location: Keener Road  
Map 3643 15 74 0405

Existing Zoning: R-S

Proposed Conditional Use: 1996 Singlewide Mobile Home

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 Larry Craig.  
Seconded by Commissioner Terry Brotherton.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.  
Vote: Unanimous.
2. The use meets all required conditions and specifications.    Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner James Hallman.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
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 Larry Craig.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.  
Vote: Unanimous.
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 Larry Craig.  
Seconded by Commissioner Terry Brotherton.

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.  
Vote: Unanimous.

After having held a public hearing on April 7, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous.

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

1. Cleanup property.
2. Existing mobile home to be used for storage only and will meet the accessory structure square foot requirements.

\_\_\_\_\_  
Chairman  
Lincoln County Board of Commissioners

April 21, 1997

\_\_\_\_\_  
Clerk to Board of Commissioners

April 21, 1997

## **PUBLIC COMMENTS**

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

### **Doug Smith--Demolition Dump/Firing Range**

Mr. Doug Smith did not wish to speak.

### **Jepty Hooper--Leash Law Petition--Knottingham Forest**

Jepty Hooper of Nottingham Forest stated that his neighborhood has a lot of stray dogs. Mr. Hooper stated that a person can not walk to get exercise for dogs barking and trying to attack them and can not have a garden due to dogs destroying the tender plants. Mr. Hooper presented a petition with 63 signatures for a leash law in Nottingham Forest.



Linda Johnson of 2221 Little Mountain Road stated that a leash law in her subdivision will not be the answer for the simple reason half of the dogs there does not belong in her subdivision. Ms. Johnson asked why not have a leash law county wide? The problems is all over the county.

Ed Norton of Knottingham Forest stated that something needs to be done about the dogs in Knottingham Forest.

Commissioner Larry Craig asked County Manager, Rick French, to gather information on a county wide leash ordinance.

Being no additional speakers, Chairman McConnell declared the Public Comments closed.

### **PRIVATE ROAD ASSESSMENT--JOE BANNON**

Joe Bannon of the Alexis Acres Community stated that the residents of Alexis Acres had been trying to get their community accepted into the state road system. Mr. Bannon stated that the residents came to the Lincoln County Commissioners many years ago and the county commissioners laid out an exact program for us to follow to get our road in the system and we have done that. Mr. Bannon stated this was brought before the commissioners 15 months ago and for 15 months nothing has happened. The cost of paving this road has gone up \$6,000 in the last 15 months. Mr. Bannon stated that they had done everything that we were told to do and nothing has happened what can we do now?

The Commissioners responded that they are working and doing everything they can do to try to get something worked out on paving unpaved roads in the county.

### **LEASE ON UDC HALL--HAZEL ANDREWS**

Hazel Andrews, President of Southern Stars Chapter #477 and United Daughters of the Confederacy, stated that the Memorial Hall has two major repairs, the roof and the floor. Ms. Andrews stated that they will be applying for grants to make these much needed repairs. Ms. Andrews requested that the lease for the Memorial Hall on East Pine and Academy Streets be renewed. The current lease has a few years left but having the lease secured would be a stronger plea for grant approval.

A motion by Commissioner Larry Craig to renew the current Memorial Hall Lease or draw a new lease for 99 years.

Seconded by Commissioner James Hallman.  
Unanimously approved.

### **MURAL OF "BATTLE OF RAMSOUR'S MILL"**

Daniel Barefoot, Chairman of the Lincoln County Historic Properties Commission, stated on behalf of the members of the Commission he would like to thank the Board of Commissioners for their continued support and great interest in Lincoln County History. Mr. Barefoot stated some of the Historic Properties Commission projects are:

- soon the Commission should have title to the gravesite of General Peter Forney who was a Revolutionary War Soldier, Grandfather of three of the confederate generals that was born in Lincoln County, a United States Congressman, and a president elector;
- most significant event that ever took place in Lincoln County was on June 20, 1780 the Battle of Ramsour's Mill. The Commission along with the Board of Commissioners help has exciting plans to bring this event to the forefront of not only the people of Lincoln County but all of North Carolina and anybody that is very much interested in the Revolutionary War because this is when the Revolutionary War ever so suddenly began to turn in favor of the American Colonies and American Independence;
- last week the Commission acquired title to the Weaver Property now in the name of Lincoln County Historic Properties owned by the people of Lincoln County;
- on behalf of the Historic Properties Commission Mr. Barefoot executed an easement or at least a licenses with the Lincoln County Board of Education to use the balance of the property as long as it does not effect any of its school activities;
- as the lobby of the Citizens Center is being redecorated the Historic Properties Commission approved a mural of the Battle of Ramsour's Mill to be painted on the main wall of the public entrance to the Citizen Center, which will be paid for by the Historic Properties Commission, subject to the Board of Commissioners approval.

Mr. Barefoot stated that the Historic Properties Commission has commissioned a local artist who is capable and very qualified to produce this mural, Mrs. Bridgett Payseur and David, her husband, helps her. Mrs. Payseur who is present tonight has a proposed sketch of the mural and if the Board of Commissioners approves the mural, work will proceed very soon. The Commission hopes to have the mural finished by June 20, 1997, the 217 anniversary of the battle, to conduct a ceremony at the Citizens Center.

A sketch of the mural was distributed to the Board. Bridgett Payseur, artist, stated that she had been painting professional wall murals since 1989 and to present date has completed 116 murals. Mrs. Payseur passed around photos of some of her work and stated that she paints realistically. Mrs. Payseur also

stated that the sketch shows the very beginning of the battle which she wanted to show something before there was any blood shed where there will be no bad feelings toward anyone. Mrs. Payseur stated that it should take about one week to paint the mural and the starting date will be June 2, 1997.

A motion by Commissioner Larry Craig to approve the sketch of the mural of the "Battle of Ramsour's Mill" to be painted on the main wall of the public entrance to the Citizens Center.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

Audrey Setzer, Special Projects Coordinator, updated the Board on the renovations of the Citizen Center Lobby. Mrs. Setzer stated in order to protect the mural of the "Battle of Ramsour's Mill" she is requesting the Board of Commissioners to consider adding text to the Application for Use of the Lincoln County Citizens Center Auditorium and Lobby that would prevent anything being attached to the mural itself or any type of coverings put on it. The proposed text is as follows:

The placing or attaching of any items or coverings onto the mural on the main wall of the lobby of the Citizens Center is prohibited. The use of screens, plants, etc.. placed in front of the mural will be allowed. Repair of any damage resulting from any items being attached or coverings over the mural will be the responsibility of the person(s) on the Contract requesting use of the facility.

A motion by Commissioner James Hallman to amend the Application For Use of The Lincoln County Citizens Center Auditorium by adding the above text.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

## **RESOLUTION REGARDING AIR QUALITY STANDARDS**

Rick French, County Manager, stated that this is a resolution that we have prepared in objection to the new standards proposed by the U. S. Environmental Protection Agency. These new standards would severely limit our business climate. A letter and copy of this resolution will be forwarded to the President, Governor, United States Senate, United States Congress, Lieutenant Governor, and Secretary of State.

The resolution is as follows:

### **A RESOLUTION URGING THE CONGRESS OF THE UNITED STATES OF AMERICA TO RETAIN EXISTING NATIONAL AMBIENT AIR QUALITY STANDARDS.**

**WHEREAS**, the U.S. Environmental Protection Agency has proposed new standards for ozone and particulate matter, and

**WHEREAS**, these new standards could have a significant impact on local governments, substantially expanding the number of areas out of compliance with the National Ambient Air Quality Standards; and

**WHEREAS**, full implementation of the existing standards for ozone has not yet been fully completed; and

**WHEREAS**, EPA is proposing significant new monitoring requirements to determine whether and where there is a problem with respect to the proposed new standard for particulate matter, and

**WHEREAS**, there is scientific uncertainty as to whether particulate matter (regulated at 2.5 microns) or a constituent comprising PM2.5 (sulfur dioxide, nitrogen oxide, volatile organic compounds) is a health risk; and

**WHEREAS**, court-ordered deadlines to resolve issues involving complex scientific matters are inappropriate; and

**WHEREAS**, Governor James B. Hunt has stated that the revisions to the ambient air standards that EPA is proposing could have a profound economic impact on North Carolina, and has urged EPA to consider the full and very broad range of implications on North Carolina citizens and to move with caution until there is broader agreement among the scientific community.

**NOW, THEREFORE, BE IT RESOLVED** that Lincoln County calls on the United States Congress to:

- reaffirm the existing standard for ozone to allow sufficient time to assess the impact of the current pollution control programs before imposing more stringent requirements;
- overturn the court-ordered deadlines for the issuance of new standards for particulate matter, and
- require the EPA to conduct adequate and appropriate monitoring and scientific research to assure that any new standards for particulate matter are based on sound scientific information.

**ADOPTED** this \_\_\_\_\_ day of April, 1997.

## **LINCOLN COUNTY**

---

Louis E. McConnell, Chairman  
Board of Commissioners

### **ATTEST:**

---

Rebecca B. Shoupe, Clerk to  
Board of Commissioners

A motion by Commissioner Larry Craig to pass the resolution objecting the new standards proposed by the U. S. Environmental Protection Agency.

Seconded by Commissioner James Hallman.  
Unanimously approved.

### **VACANCIES**

Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)  
321 Corridor Study Committee (9)

Commissioner Hallman advised that he is working on appointments.

### **APPOINTMENTS**

Commissioner Hallman advised that there were no appointments.

### **CALENDAR**

Chairman McConnell presented the calendar for the month of May.

Rick French, County Manager, reminded the following dates:

April 24, 1997	7:00 p.m.	Meeting with Chamber of Commerce and Ann Gaither
April 28, 1997	6:30 p.m.	Departments review and finance report from Leon Harmon
May 5, 1997	6:30 p.m. 7:30 p.m.	Public Hearing with Planning Board Board of Variances and Appeals

### **COUNTY COMMISSIONERS' REPORT**

Jeff Taylor, Assistant County Attorney, distributed a proposed copy of a Health Massage/Bodywork Therapists Ordinance. The proposed ordinance is as follows:

**ORDINANCE GOVERNING PERMITS  
FOR HEALTH MASSAGE/BODYWORK THERAPISTS**

WHEREAS, on March 17, 1975, the Lincoln County Board of Commissioners did adopt an Ordinance Relating to Licensing Provisions Relative to Masseurs, Massage Parlors, Health Salons, and Clubs; and

WHEREAS, the aforesaid Ordinance was adopted in part to protect the citizens of Lincoln County from massage parlors providing services of a prurient or sexual nature; and

WHEREAS, the aforesaid Ordinance contained certain exceptions for medical and health care professionals; and

WHEREAS, other than the aforementioned exceptions for medical and health care professionals, the aforesaid Ordinance did not make any distinction to recognize persons who are trained or certified in massage therapy and did not provide specific guidelines for permitting trained or certified persons to practice massage therapy except under the restrictions of that Ordinance; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that trained or certified massage therapists possess skills that may legitimately be of benefit to the citizens of Lincoln County and that it would be in the best interests of the health and safety of the citizens of Lincoln County to establish a framework specifically for issuing permits to recognize trained or certified massage therapists;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1.     Purpose.

A.     In the interest of public health, safety, welfare, and morals, and to protect the public from unqualified practitioners and unethical businesses, the following privilege license provisions and regulations are hereby adopted.

B.     The provisions of this Ordinance shall not apply to the following:

- (1)     physicians, surgeons, chiropractors, osteopaths, physical therapists, or podiatrists duly licensed to practice in this State, or

registered or licensed practical nurses governed by the North Carolina Nursing Practices Act;

(2) athletic directors, trainers, or similar personnel who are affiliated with an educational institution or professional sports team and whose work is limited to members of such professional or educational institution teams; or

(3) licensed cosmetologists, barbers, or beauty culturists who do not give or hold themselves out to give massage treatments other than customarily given in such establishments, solely for the purpose of beautification.

## Section 2. Definitions.

The following definitions shall apply to words and phrases used in this Ordinance:

A. *Health massage/bodywork therapy* means systems of activity applied to the superficial or deep tissues (muscles, tendons, ligaments, connective tissue, or skin) of the body by means of applying pressure with the hands, feet, arms, or elbows for therapeutic and/or relaxing purposes. Soft tissue health massage/bodywork practices are designed to promote general relaxation, improve flexibility and pliability of the soft tissues or relieve stress and muscle hypertension, and to enhance a general sense of well-being in the client. The term *therapy* does not include the diagnosis or treatment of disease, medical procedures, or the use of modalities for which a license to practice medicine, chiropractic, physical therapy, acupuncture, or podiatry is required by law.

B. *Health massage/bodywork therapist* means any person who (1) is engaged in the practice of health massage/bodywork therapy and (2) has graduated from an institute or school of massage therapy licensed under a state licensing requirement, is certified by the American Massage Therapy Association or the National Certification Board for Therapeutic Massage and Body Work, or meets the criteria of Section 3(D) of this Ordinance.

C. *Health massage/bodywork therapy establishment* means any business or establishment where health massage/bodywork therapy is performed solely by health massage/bodywork therapists.

## Section 3. Licensing.

A. No person shall perform health massage/bodywork therapy as herein defined for compensation until such person has applied for and received a permit from the Lincoln County Zoning Administrator or designee.

Such permit shall be issued only to those persons meeting the definition of health massage/bodywork therapist as defined herein.

B. Application for the permit required by this section shall be on a form approved by and filed with the Lincoln County Zoning Administrator or designee. Such application shall include (1) the name and business address of the applicant and (2) proof satisfactory to the Lincoln County Zoning Administrator or designee that the applicant possesses a diploma or certificate of graduation from an institute or school of health massage/bodywork whose curriculum is licensed under applicable state regulations, a valid document of certification from the American Massage Therapy Association or the National Certification Board for Therapeutic Massage and Body Work, or the information required by Section 3(D) of this Ordinance.

C. Each application for a permit shall be accompanied by a fee pursuant to a schedule adopted by the Lincoln County Board of Commissioners.

D. Any person who has been engaged in the business of health massage/bodywork for at least three years prior to applying for a permit hereunder shall be deemed to be a health massage/bodywork therapist under this Ordinance if such person completes the following steps:

- (1) file the application form required in Section 3(B) of this Ordinance;
- (2) pay the appropriate fee as required in Section 3(C ) of this Ordinance;
- (3) submit verification and documentation satisfactory to the Zoning Administrator of at least 500 hours of experience in the practice of health massage/bodywork therapy; and
- (4) submit three letters of reference from state-licensed health care professionals or health massage/bodywork therapists who hold valid permits under this Ordinance, attesting to the sound moral character, professional qualifications, and competence of the applicant.

Section 4. Persons or Businesses to Use Only Licensed Health Massage/Bodywork Therapists.

A. No person or business shall allow anyone to perform health massage/bodywork therapy upon the premises operated or occupied by that person or business unless the individual performing health massage/bodywork therapy has been issued a permit as required by this Ordinance.

B. Every health massage/bodywork therapist shall post the permit required by this Ordinance in his or her work area at all times.



Section 5. Compliance With Other Laws and Regulations.

A. Except as provided in Section 5(B) of this Ordinance , nothing contained in this Ordinance shall relieve applicants from the responsibility of complying with all other applicable statutes, ordinances, rules, and regulations of the United States of America, the State of North Carolina, and Lincoln County.

B. To the extent that the requirements of this Ordinance may conflict with the provisions of the Ordinance Relating to Licensing Provisions Relative to Masseurs, Massage Parlors, Health Salons, and Clubs adopted by the Lincoln County Board of Commissioners on March 17, 1975, this Ordinance shall control. No applicant who qualifies for a permit under this Ordinance shall be required to comply with the provisions of the aforesaid 1975 Ordinance. In all other respects the 1975 Ordinance shall remain in full force and effect.

Section 6. Enforcement.

Violations of this Ordinance may be enforced by any one or more of the remedies authorized by Section 153A-123 of the North Carolina General Statutes, including, but not limited to, the following:

A. The Lincoln County Zoning Administrator or designee may issue a citation which subjects the offender to a civil penalty of fifty dollars (\$50.00) to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within twenty (20) days after being cited for a violation.

B. A civil action seeking an injunction and order of abatement may be directed toward any person creating or allowing a violation of this Ordinance, including the owner or person otherwise having actual or legal control of the premises upon which the violation occurs.

C. A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. A violation of this Ordinance upon the issuance of a misdemeanor warrant shall be punishable under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty (30) days and/or a maximum fine of fifty dollars (\$50.00).

Section 7. Effective Date.

This Ordinance shall become effective on July 1, 1997.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 1997.

---

Louis E. McConnell  
Chairman, Board of Commissioners  
Lincoln County

ATTEST:

---

Rebecca B. Shoupe  
Clerk to the Board

Commissioner Terry Brotherton stated in regards to the Health Massage/Bodyworks Therapists Ms. Crouse is present maybe she would like to speak.

Yvonne Crouse stated that basically the massage therapy is what we want to get an ordinance passed on so we would have something to cover us since North Carolina does not have a licenser at this time. This is a health modality not a massage parlor we want this to be distinguished.

It was a consensus of the Board to table the Health Massage/Bodywork Therapists Ordinance to the April 28, 1997 meeting.

## **COUNTY MANAGER'S REPORT**

Rick French, County Manager, announced that Lincoln County has been awarded a Community Development Block Grant for Economic Development by the North Carolina Department of Commerce. The grant, in the amount of \$403,500 is to assist with the construction of public sewer facilities along Highway 16 to Julius Blum, Inc. Lincoln County will provide a \$134,500 match to the grant.

The grant will allow for the expansion of facilities at Julius Blum, Inc. by providing access to public sewer. Blum, a long standing corporate citizen and major employer in Lincoln County, will be creating new jobs as a result of expansion, committing to employ persons with prior low and moderate family income status. The expansion will create higher paying jobs for citizens of Lincoln County.

Mr. French stated that the expansion will create at least 37 new jobs and that he would like to look at grants with other industry.

## **County Manager's Report**

## **MEMORANDUM**

**TO:** Louis E. McConnell, Chairman  
Board of Commissioners

**FROM:** Rick French, County Manager

**SUBJECT:** County Manager's Report

**DATE:** April 16, 1997

1. County staff have started the budget process. I will be spending a tremendous amount of time on budget items during the next month. Our first budget meeting will be on April 28, 1997 at 6:30 p.m. Department Heads will have an opportunity to briefly present their request. I will also schedule Leon Harmon (financial report) on the 28th. The schools will not be able to present their budget until May 5, 1997. On April 28, 1997, I would like for us to schedule four budget work sessions. One work session could be focused on the East Lincoln Sewer District and scheduled at the Water Treatment Plant. Listed below are a few thoughts on the budget:
  - Early revenue estimates increase by one million dollars. The schools will be asking for \$500,000 and Social Services Department request is over \$800,000 more. A 2 1/2% cost-of-living increase for all employees will be approximately \$250,000.
  - Several County Department Heads have requested merit increases back in the budget.
  - The tax for the East Lincoln Sewer District is now estimated at 22 cents (down from 29 cents). How do we finance sewer extensions outside the district?
  - What about the recommendations from the David Griffith Study? Social Service and Health questions on personnel? What about primary care services?

The 1997-98 budget process will be our most challenging ever.

2. I have been working on a response to the water interconnect from High Shoals. I hope to have a report ready by our May 5, 1997 meeting. Doug Chapman and I are developing some cost data on the High Shoals Water System.

Thank you.

Mr. French stated that the blue notebooks were support work for the budget. At the April 28, 1997 meeting several departments will be coming to present their budget and also budget work session dates will need to be set one being in the eastern part of the county.

Mr. French stated that he is trying to establish hours at the east office thinking maybe 8 a.m. until noon be office hours for contractors to come in and get permits. Have these hours until the Building and Land Development Department is fully staffed again.

Mr. French stated that he is also working on the water interconnect request from High Shoals hoping to have something at the May meeting.

## **CLOSED SESSION**

Chairman McConnell advised that there was a need for a Closed Session for the purpose of discussing a personnel matter.

Commissioner Larry Craig motioned that the Board go in to Closed Session.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

Commissioner James Hallman motioned for the Board to come out of Closed Session.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

Chairman McConnell advised that the Board would return to Open Session.

## **OPEN SESSION**

Commissioner Terry Brotherton stated that he had been contacted by someone at the Rock Springs Campground and they would like to continue to dispose of their garbage at the Optimist Convenient Site.

It was a consensus of the Board that Rick French, County Manager, talk to John Avery, Director of Solid Waste, to inform employees that Rock Springs Campground may dispose of their garbage at the Optimist Convenient Site.

## **ADJOURNMENT**

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

Commissioner James Hallman motioned that the Board adjourn.

Seconded by Commissioner Beth Saine.  
Unanimously approved.