

**LINCOLN COUNTY
BOARD OF COMMISSIONERS****MINUTES
MAY 5, 1997**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 5, 1997 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

Jeffrey Taylor, Assistant County Attorney
Richard French, County Manager

Planning Board Members present were:

John Black, Chairman
Mike Baker, Vice-Chairman
Ronald Smith, Secretary
Gary Garlow
James Funderburk
Stanley Roseboro
Jerry Geymont

Also present were Jeff Vernon, Director of Building and Land Development; Jack Chandler, Director of Public Services; Steve Smith, Land Use Coordinator; Sherry Mobley, Customer Service Clerk; and Rebecca B. Shoupe, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman McConnell called the May 5, 1997 meeting to order.

AGENDA**LINCOLN COUNTY BOARD OF COMMISSIONERS****AND****PLANNING BOARD****MAY 5, 1997****PUBLIC HEARINGS**

- 6:30 PM Call to Order
1. 6:30 PM Marty Eaddy--Board of Education Budget
2. 7:00 PM Barbara Pickens--Sheriff's Department Budget
3. 7:30 PM Public Hearings
- Zoning Map Amendment No. 200--Regina Crenshaw, Applicant
- Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants
- Zoning Text Amendment No. 202--Chris Barrett, Applicant
- Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant
- Zoning Map Amendment No. 204--Glenda Miller, Applicant
- Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant
- Zoning Map Amendment No. 206--Terry Hull, Applicant
- Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners
- Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant
4. 8:15 PM Resolution to Sell Surplus Personal Property of Lincoln County, North Carolina
5. 8:20 PM Vacancies
321 Corridor Study Committee (9)
Child Fatality Prevention Team (1)
Council on Aging (2)
Library Board (2)
Regional Library Board (2)
Board of Variances and Appeals, Alternates (2)
6. 8:20 PM Appointments
7. 8:25 PM Recommendations from Planning Board Meeting -- May 5, 1997

- Zoning Map Amendment No. 200--Regina Crenshaw,
Applicant
- Zoning Map Amendment No. 201--Raymond and Tammy
Frye, Applicants
- Zoning Text Amendment No. 202--Chris Barrett, Applicant
- Zoning Text Amendment No. 203--Larry Griffin, Sr.,
Applicant
- Zoning Map Amendment No. 204--Glenda Miller, Applicant
- Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant
- Zoning Map Amendment No. 206--Terry Hull, Applicant
- Conditional Use Permit No. 103--Cellco General
Partnership/dba Bell Atlantic Nynex Partnership,
Applicants; Marvin and Nancy Phillips, Owners
- Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr.,
Applicant
8. 8:45 PM Other Business
9. 8:50 PM Closed Session--Contractual and Personnel
- Adjourn

Please note the Board of Commissioners will meet jointly with the City of Lincolnton and Centralina Council of Governments on May 14, 1997 at 6:15 p.m. at the Cultural Center. The Board of Commissioners will meet with the East Lincoln Water and Sewer Advisory Board on May 15, 1997 at 7:00 p.m. for a budget work session at the East Lincoln High School Cafeteria. The Board of Commissioners Regular Meeting will be May 19, 1997 at 7:00 p.m. and the East Lincoln Water and Sewer District Meeting will also be May 19, 1997 at 6:30 p.m. The Board of Commissioners will meet on May 20, 1997 at 6:30 p.m. for a budget work session. The Board of Commissioner will also conduct a public hearing on May 28, 1997 at 6:30 p.m. on the 1997-1998 budget.

A motion by Commissioner Hallman to change items 1 and 2 on the agenda to follow the public hearings.

Seconded by Commissioner Craig.
Unanimously approved.

Commissioner Craig stated that Larry Griffin, Sr., had called and asked to be taken off of the May 5, 1997 agenda and placed on the agenda in 30 days to give him time to further study a highway concern.

Commissioner Craig stated that Historical Coordinator, Darrell Harkey, has been approached by the Law Enforcement Association who wish to place a monument on the court square in honor of officers killed in the line of duty.

A motion by Commissioner Craig to remove Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant off of the May 5, 1997 agenda, add a item 2A Request to place a monument on Court Square, and adopt the May 5, 1997 agenda with corrections.

Seconded by Commissioner Hallman.
Unanimously approved.

PUBLIC HEARING - ZONING ISSUES

Chairman McConnell announced that this was the date, Monday, May 5, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on April 25, 1997 and May 2, 1997 for a Public Hearing on zoning requests.

NOTICE OF PUBLIC HEARING LINCOLN COUNTY BOARD OF COMMISSIONERS

The Lincoln County Board of Commissioners will hold a public hearing on Monday, May 5, 1997 at 6:30 p.m. in the Commissioners Board Room, on the third floor of the Citizens' Center, 115 W. Main St., Lincolnton, NC. The hearing concerns the following matters:

ZMA 200 - Regina Crenshaw

The applicant is requesting to rezone approximately 81 acres from R-T to R-S. The property is located off Lee Moore Rd. PIN: 367500879439 Parcel Id: 33732

ZMA 201 - Raymond & Tammy Frye

The applicants are requesting to rezone approximately 18 acres from R-SF to R-S.

The property is located off Gates Land Rd. PIN: 363102557516 Parcel Id: 350632

ZTA 202 - Chris Barrett

The applicant is requesting to add the following text to Section 10.12 I-G General Industrial District under Section 10.12.2 Conditional Uses: "T. Construction and Demolition Waste Landfill". This would allow a construction and demolition landfill as a conditional use in the I-G district.

ZTA 203 - Larry Griffin, Sr.

The applicant is requesting to add the following text to Section 10.12 I-G General Industrial District under Section 10.12.2 Conditional Uses: "T. Construction,

Demolition and Land-Clearing Debris Landfills." This is similar to the proposed text amendment above but would also allow land-clearing debris landfills as a conditional use in the I-G.

ZMA 204 - Glenda Miller

The applicant is requesting to rezone approximately 56 acres consisting of several lots from R-R/D-H to R-SF/D-H. The properties are located at the intersection of Hwys 18 & 27. PIN: Various - map available at Bldg & Land Development office

ZMA 205 - Willie Bass, Jr.

The applicant is requesting to rezone approximately 1.7 acres from R-SF to B-N. The property is located off Campground Rd. beside the Mobile Home Park. PIN: 369511651687 Parcel Id: 32060

ZMA 206 - Terry Hull

The applicant is requesting to rezone several properties along Hull McGinnis Rd. from R-T to R-SF. PIN: Various - map available at the Bldg & Land Dev. Office

PCUR 32 - Larry Griffin, Sr.

The applicant is requesting to rezone approximately 176 acres from R-T to I-G/C-U. The property is located off Hwy 73 near Plank Rd. PIN: 367300406982 Parcel Id: 26741

The public is invited to attend this meeting. Further information on any of these matters can be obtained by contacting the Lincoln County Building & Land Development Department, 302 N. Academy St., Lincolnton, NC 28092 (704) 736-8724

By order of the Lincoln County Board of Commissioners
Rebecca Shoupe, Clerk to the Board

Advertise: April 25, 1997 & May 2, 1997

Zoning Map Amendment No. 200--Regina Crenshaw, Applicant

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 200--Regina Crenshaw, Applicant.

Regina C. Crenshaw is requesting to rezone approximately 81 acres from Residential Transitional (R-T) to Residential Suburban (R-S). The property is located on the west side of Lee Moore Road approximately 1600 feet from the intersection of Lee Moore Road and Highway 150. The subject property has approximately 1600 feet of road frontage on Lee Moore Road which has already been subdivided into lots. The property is currently zoned R-T. The adjoining property to the north, west, and south is zoned R-S while the property to the east is zoned R-T and R-S. The Lincoln County Land Development Plan calls for lower density residential development.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 200--Regina Crenshaw, Applicant.

Regina Crenshaw, applicant, spoke in favor of the request.

Harold Cecil, owner of property, stated that he would like to have the property rezoned to Residential Suburban (R-S) to have a better looking subdivision.

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. 200--Regina Crenshaw, Applicant, closed.

Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants.

Raymond and Tammy Frye are requesting to rezone approximately eighteen (18) acres from Residential Single Family (R-SF) to Residential Suburban (R-S).

The property is located at approximately 980 Hoffman Road in the Long Shoals Community. The property is currently zoned both R-SF and R-S. The adjoining property to the north is zoned both R-SF and R-S, the adjoining property to the west is zoned R-SF, and the adjoining property to the south is also zoned R-SF and R-S. The Lincoln County Land Development Plan calls for higher density residential development.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants.

Tammy Frye, applicant, stated that the reason for the rezoning is that she has a handicap child and wants to place a Class A mobile home on the property for a part-time caregiver for the child.

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. 201 Raymond and Tammy Frye, Applicants, closed.

Zoning Text Amendment No. 202--Chris Barrett, Applicant

Jack Chandler, Director of Public Service, presented information regarding Zoning Text Amendment No. 202--Chris Barrett, Applicant.

The applicant, Chris Barrett, is petitioning the Board of Commissioners to amend section 10.12 I-G General Industrial District. Specifically the applicant is

petitioning to have "Construction and Demolition Waste Landfill" added to section 10.12.2 making a Construction and Demolition Waste Landfill a conditional use in the I-G district.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 202--Chris Barrett, Applicant.

Bill Parsons of Highway 73 stated that he feels a landfill should be a conditional use.

Chris Barrett, applicant, distributed and highlighted information to the Board. Mr. Barrett stated that he sees that a C & D Landfill in industrial general under conditional use would be least offensive to any other business or residence.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 202--Chris Barrett, Applicant, closed.

Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant

Jack Chandler, Director of Public Service, presented information on Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant.

The applicant, Larry A. Griffin, Sr., is petitioning the Board of Commissioners to amend section 10.12 I-G General Industrial District. Specifically the applicant is petitioning to have "Construction, Demolition and Land-clearing Debris Landfills" added to section 10.12.2 making Construction, Demolition and Land-clearing Debris Landfills a conditional use in the I-G district.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant.

Dick Brolin of B. K. Barringer and Associates stated that he would like to postpone Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant.

Commissioner Craig stated that the Board had already adopted the agenda and would have to proceed with the public hearing. Mr. Brolin stated that one of the prerequisites that goes in the package to the State for a landfill of this nature is to obtain local authority's resolution to permit a site under their zoning jurisdiction. An evaluation of species of animal and plant, ground water, and soil types has to be documented and submitted to the State. Then, a ruling whether or not the landfill will be approved from a State level is made.

Bobby Harkey, Principle of East Lincoln Middle School, spoke in opposition of the request.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant, closed.

Zoning Map Amendment No. 204--Glenda Miller, Applicant

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 204--Glenda Miller, Applicant. Mr. Chandler also stated that he has two written request from property owners that wish to remove their property from the request.

Glenda B. Miller is requesting to rezone approximately 740 acres from Residential Rural (R-R) to Residential Single Family (R-SF). The property is located on NC Highway 18 from South Hebron Church Road north to NC Highway 10 South. The request includes some 42 separate tracts. The subject properties and most of the adjoining properties are all currently zoned R-R. The Lincoln County Land Development Plan calls for medium density residential development.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 204--Glenda Miller, Applicant.

Glenda Miller, speaking on behalf of the Toluca Community, stated that she wants the property rezoned to prevent trailers, trailer parks and modular homes being brought into their community. Ms. Miller presented photos to Board of the way their land and community looks now and photos of mobile homes that they would not like to see sitting on this beautiful land.

Peggy Bingham spoke in favor of the request.

Nancy Sailors of Highway 18 spoke in favor of the request.

Dean Lutz stated that presently he has a bid on the corner lot which is owned by Mr. and Mrs. Crowe. Mr. Lutz stated that he has no intentions of making a trailer park on the corner lot.

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. 204--Glenda Miller, Applicant, closed.

Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant

Jack Chandler, Director of Public Service, stated that Willie Bass withdrew his application.

Zoning Map Amendment No. 206--Terry Hull, Applicant

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 206--Terry Hull, Applicant.

Terry Lee Hull is requesting to rezone approximately 165 acres from Residential Transitional (R-T) to Residential Single Family (R-SF).

The property is located on Hull-McGinnis Road between Waters Road and River Road. The subject property is located on both the east and west sides of Hull-McGinnis Road and is comprised of eighteen (18) separate tracts. The subject property is currently zoned R-T and has R-SF zoning to the east and west. The Lincoln County Land Development Plan calls for lower and medium density residential development.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 206--Terry Hull, Applicant.

Terry Hull of 2659 Hull-McGinnis Road stated that the reason for rezoning to Residential Single Family (R-SF) is to continue to have a growing community and keep undesirable businesses out of the community.

Vicki Hull of 2650 Hull-McGinnis Road stated that she supports the rezoning. Ms. Hull stated the reason to rezone is to protect our investment. Ms. Hull does not want mobile homes.

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. 206--Terry Hull, Applicant, closed.

Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

Jack Chandler presented Conditional Use Permit No. 103-- Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

The applicants are requesting approval for a communications facility with a 250 foot lattice tower and a 300 square foot equipment shelter. The Property is zoned Industrial General (I-G). Towers in excess of 100' tall require conditional use approval in this district.

The property is located at approximately 1755 Triangle Circle near the intersection of Triangle Circle and North Highway 16. The land consists of 7.004 acres and is currently vacant. The subject property is zoned I-G with the D-H Overlay covering the eastern portion of the tract. The adjoining property to the northwest is zoned R-SF, to the southwest is zoned I-G, to the south and east is mix of I-G and B-G.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

Bill Durbin, Bell Atlantic representative, distributed a site plan with the exact location of property site and answered the Board's questions.

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. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners, closed.

Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

Application was postponed for 30 days.

Chairman McConnell called for a brief recess.

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

Chairman McConnell called the public hearing meeting back to order.

A motion by Commissioner Craig to recess the public hearing meeting to hold the Board of Variances and Appeals meeting.

Seconded by Commissioner Brotherton.
Unanimously approved.

Chairman McConnell called the public hearing meeting back to order.

MARTY EADDY--BOARD OF EDUCATION BUDGET

Chairman McConnell recognized the Chairperson of the Lincoln County School Board, Ms. Jean Dellinger.

Jean Dellinger stated on behalf of the Board of Education she appreciates the opportunity to present the Lincoln County Schools proposed 1997-1998 school budget. The Board of Education appreciates the support that the Board of Commissioners have given them in the past. Ms. Dellinger introduced Joe Morgan, Chairman of the Budget Committee.

Joe Morgan stated that the Board of Education is asking for a current expense increase of \$459,800 (7.62%) and a capital outlay increase of \$100,000

(13.1%) which brings the Board of Education 1997-1998 budget to \$7,359,400 a 8.23% increase.

Dr. Marty Eaddy reviewed the 1997-1998 Board of Education budget breakdown.

BARBARA PICKENS--SHERIFF'S DEPARTMENT BUDGET

Sheriff Barbara Pickens distributed and presented the proposed 1997-1998 Sheriff's Department budget. Sheriff Pickens stated that the total requested budget for the sheriff office and jail is \$4,317,150 an increase of 18% in the sheriff's office and 11% in the jail.

Commissioner Craig stated that Darrell Harkey, Historic Coordinator, had been approached by some of the law enforcement officers who would like to have a monument placed on the court square in honor of any officers that may have been killed or died in the line of duty in Lincoln County. Due to research that must be done for this project Mr. Harkey would like the Board of Commissioner's approval of allowing a monument to be placed on the court square subject to approval from the Lincoln County Historic Properties Commission.

A motion by Commissioner Craig to allow the Law Enforcement Association place an approved monument on the courthouse grounds in honor of officers killed in the line of duty.

Seconded by Commissioner Saine.
Unanimously approved.

RECOMMENDATIONS FROM PLANNING BOARD MEETING -- MAY 5, 1997

Jack Chandler, Director of Public Service, presented the Planning Board's recommendations as follows:

Zoning Map Amendment No. 200--Regina Crenshaw, Applicant

Unanimous vote of approval as submitted.

A motion by Commissioner Craig to approve Zoning Map Amendment No. 200--Regina Crenshaw, Applicant, based on the Planning Board's recommendation to rezone property from Residential Transitional (R-T) to Residential Suburban (R-S).

Seconded by Commissioner Brotherton
Unanimously approved.

Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants

Unanimous vote of approval.

A motion by Commissioner Brotherton to grant Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants.

Seconded by Commissioner Hallman.
Unanimously approved.

Zoning Text Amendment No. 202--Chris Barrett, Applicant

Unanimous vote to table Zoning Text Amendment No. 202--Chris Barrett, Applicant, until the Planning Board's regular meeting in June.

A motion by Commissioner Craig to honor Planning Board's wish to table Zoning Text Amendment No. 202--Chris Barrett, Applicant, until Planning Board's regular meeting in June.

Seconded by Commissioner Hallman.
Unanimously approved.

Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant

Unanimous vote to table Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant, until the Planning Board's regular meeting in June.

A motion by Commissioner Craig to honor Planning Board's wish and table Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant, until Planning Board's regular meeting in June.

Seconded by Commissioner Hallman.
Unanimously approved.

Zoning Map Amendment No. 204--Glenda Miller, Applicant

Jack Chandler presented the Board of Commissioners a map of the request due to the recommendation of the Planning Board.

Unanimous vote to approve Zoning Map Amendment No. 204--Glenda Miller, Applicant, excluding the two property owners that asked to be left out of rezoning request and corner lot owned by Mr. and Mrs. Crowe.

A motion by Commissioner Hallman to defer decision on Zoning Map Amendment No. 204--Glenda Miller, Applicant, until the May 19, 1997 Board of

Commissioner's meeting to see if all property owners involved in the rezoning request are in agreement with the rezoning of their property.

Seconded by Commissioner Saine.
Unanimously approved.

Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant

Application was withdrawn.

Zoning Map Amendment No. 206--Terry Hull, Applicant

Unanimous vote of approval.

A motion by Commissioner Craig to honor Planning Board's recommendation to rezone property from Residential Transitional (R-T) to Residential Single Family (R-SF) whereas we have a majority of the landowners wishing for the rezoning to be approved.

Seconded by Commissioner Saine.
Unanimously approved.

**Conditional Use Permit No. 103--Cellco General Partnership/dba Bell
Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners**

Unanimous vote of approval.

Chairman McConnell presented the Findings of Fact for Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 103 Date: May 5, 1997

Date: May 5, 1997

Applicant's Name: Cello General Partnership/DBA Bell Atlantic Nynex
Partnership
Address: 8921 Research Drive
Charlotte, NC 28262

Property Owner's Name: Marvin J. and Nancy Phillips
Address: 4684 Stratford Lane
Denver, NC 28037

Property Location: Approximately 1755 Triangle Circle near the intersection of
North Highway 16
Map

Existing Zoning: I-G

Proposed Conditional Use: Communications Facility with a 250' lattice tower and
a 300 square foot equipment shelter

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 Craig.
Seconded by Commissioner Hallman.
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 Craig.
Seconded by Commissioner 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 Brotherton.
Seconded by Commissioner 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 Brotherton.
Seconded by Commissioner 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.
Vote: Unanimous.

After having held a public hearing on May 5, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Craig motioned that the Conditional Use Permit be approved with the no "fair and reasonable conditions" attached. Seconded by Commissioner Brotherton.

Vote: Unanimous.

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

1.

2.

May 5, 1997

Chairman
Lincoln County Board of Commissioners

May 5, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

Application was postponed for 30 days.

VACANCIES

321 Corridor Study Committee (9)

Child Fatality Prevention Team (1)

Council on Aging (2)

Library Board (2)

Regional Library Board (2)

Board of Variances and Appeals, Alternates (2)

APPOINTMENTS

A motion by Commissioner Hallman to make the following appointments:

Library Board:

Reappoint Stan Kiser

Reappoint Mary Leitch

Bobbi Baker's North Brook Seat is still open.

Gaston Lincoln Regional Library Board:

Reappoint Stan Kiser

Reappoint Mary Leitch

Mrs. Price has already been appointed to replace Bobbi Baker.

Council on Aging:

Beatrice Gantt

Bobbi Warlick (Ms. H. R. Bud Warlick)

321 Corridor Study Committee:

Floyd Dean

Columbus Turner, Jr.

Bill Leonhardt

Hollis Henderson

Steve Isaac

Seconded by Commissioner Craig.

Unanimously approved.

CLOSED SESSION-CONTRACTUAL

Chairman McConnell entertained a motion to go into Closed Session to discuss a contractual matter.

A motion by Commissioner Craig to go into closed session on a contractual matter.

Seconded by Commissioner Hallman to come out of closed session and go into open session.

Unanimously approved.

A motion by Commissioner Craig to hire M. B. Kahn as the Construction Management Firm for the Lincoln County Detention Center contingent on County Attorney finalizing the contract.

Seconded by Commissioner Saine.

Unanimously approved.

A motion by Commissioner Craig to hire Wilkins, Wood, Goforth as the Architect Firm for the Lincoln County Detention Center contingent upon County Attorney's approval of contract based on Rick Ott's (Senior Executive Vice-President for M. B. Kahn Construction) recommendation.

RESOLUTION TO SELL SURPLUS PERSONAL PROPERTY OF LINCOLN COUNTY, NORTH CAROLINA

Rick French, County Manager, presented the Resolution to Sell Surplus Personal Property of Lincoln County, North Carolina.

RESOLUTION
TO SELL SURPLUS PERSONAL PROPERTY OF
LINCOLN COUNTY, NORTH CAROLINA

WHEREAS, Lincoln County government has numerous items of personal property that are no longer needed by Lincoln County offices, and

WHEREAS, North Carolina General Statute 160A-270 (b) provides an expeditious procedure for selling surplus personal property;

WHEREAS, the surplus property consists of vehicles, trucks, desks, furniture, bicycles, and other surplus items of personal property.

THEREFORE BE IT RESOLVED, that the County Manager and/or Finance Officer be authorized to sell, at public auction, surplus personal property of Lincoln County on Saturday, June 7, 1997 in the County parking lot (behind the Jail) on West Water Street in Lincolnton. The terms of the sale will be for cash to the highest bidder.

Adopted this 5th day of May, 1997.

Louis E. McConnell, Chairman
Board of Commissioners

ATTEST:

Rebecca B. Shoupe
Clerk to the Board

A motion by Commissioner Craig to approve the Resolution to Sell Surplus Personal Property of Lincoln County, North Carolina.

Seconded by Commissioner Hallman.
Unanimously approved.

OTHER BUSINESS

Rick French, County Manager, stated that Bill Ward, Safety and Training Director, has received a bid from Safeway Removal, Inc. in the amount of \$12,822.00 for the removal of asbestos from the county jail.

A motion by Commissioner Hallman to accept the bid from Safeway Removal, Inc., in the amount of \$12,822.00 to remove asbestos from the county jail.

Seconded by Commissioner Saine.
Unanimously approved.

Mr. French advised the Board of eight proposed new developments in east Lincoln County.

Mr. French reminded the Board of the breakfast and "Report to the People" in the Cooperative Extension Department on Friday, May 9, 1997 at 7:30 a.m.

Mr. French reminded the Board of the May 15, 1997 dedication ceremony at the Forney Creek Waste Water Treatment Plant at 4:00 p.m.

Mr. French informed the Board that the "Welcome to Lincoln County" signs will be installed on Highway 321 on May 6, 1997.

CLOSED SESSION-PERSONNEL

Chairman McConnell entertained a motion to go into Closed Session to discuss a personnel matter.

A motion by Commissioner Hallman to go into Closed Session to discuss a personnel matter.

Seconded by Commissioner Craig.
Unanimously approved.

A motion by Commissioner Craig to come out of closed session and go into open session.

Seconded by Commissioner Hallman.
Unanimously approved.

A motion by Commissioner Craig to adopt a Memorandum of Understanding between the Board of Commissioners, Sheriff, and County Manager. The Memorandum of Understanding is as follows:

MEMORANDUM OF UNDERSTANDING CONCERNING EMPLOYEES OF LINCOLN COUNTY COMMUNICATIONS CENTER AND ANIMAL CONTROL

THIS MEMORANDUM OF UNDERSTANDING entered into this ____ day of May, 1997, among the Lincoln County Board of Commissioners, the Lincoln County Sheriff, and the Lincoln County Manager:

WHEREAS, the Lincoln County Board of Commissioners has found it desirable and in the best interests of the citizens of Lincoln County to reorganize county government to place the Animal Control and Communications Center departments under the Lincoln County Sheriff; and

WHEREAS, the employees currently employed in said departments have attained permanent status under the Lincoln County Personnel Policy and are therefore entitled to be supervised and administered according to the terms of the Lincoln County Personnel Policy; and

WHEREAS, the Sheriff possesses the authority under the North Carolina Constitution and General Statutes to exercise exclusive authority over her employees, including generally the authority to hire and fire at will; and

WHEREAS, the Board of Commissioners and the Sheriff have agreed upon a means for protecting the interests of the affected employees and the constitutional and statutory prerogatives of the Sheriff in carrying out the reorganization and desire to enter into this Memorandum of Understanding to memorialize their terms; and

WHEREAS, the Board of Commissioners has approved this Memorandum of Understanding and has agreed, by motion duly made, seconded, and approved, to carry out the aforesaid reorganization;

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD among the Board of Commissioners, the Sheriff, and the County Manager of Lincoln County that:

1. The County Manager will designate, from the currently employed staff of Animal Control and the Communications Center, one employee of each to serve as the head of his respective department.

2. The department heads so designated by the County Manager will report to the Sheriff, who will serve, from and after the date of this Memorandum of Understanding, as the immediate supervisor of the said department heads.

3. All employees working under the respective heads of the Communications Center and Animal Control will report to the appointed heads of their respective departments and ultimately to the Sheriff.

4. The Sheriff will supervise all Animal Control and Communications Center employees, including their respective heads, under the terms of the Lincoln County Personnel Policy and will continue to honor any and all rights, procedures, and benefits accruing to said employees under the Lincoln County Personnel Policy.

5. With respect to supervision of the aforesaid employees, the Sheriff will report to the County Manager, who shall have the same ultimate authority over the aforesaid employees that currently exists under the Lincoln County Personnel Policy.

6. The provisions outlined in this Memorandum of Understanding apply only to employees employed in the affected departments as of the date hereof, and it is understood that upon any vacancy arising hereafter in any of the affected positions for any reason, the Sheriff will have the authority to fill such

vacancy pursuant to her usual personnel procedures. Any employee hired to fill such vacancy will be considered an employee of the Sheriff and not a county employee under the Lincoln County Personnel Policy.

7. In addition to the responsibility of managing and supervising employees as outlined hereinabove, the Sheriff will be responsible for preparing annual budgets for Animal Control and the Communications Center and other such documents as may reasonably be needed in the course of supervising these departments.

Louis E. McConnell
Chairman, Lincoln County Board of Commissioners

Barbara A. Pickens
Lincoln County Sheriff

Richard L. French
County Manager

ADJOURN

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the May 5, 1997 meeting.

Commissioner Hallman motioned that the Board adjourn.

Seconded by Commissioner Craig.
Unanimously approved.

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