

LINCOLN COUNTY BOARD OF COMMISSIONERS	MINUTES JUNE 16, 1997
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The Lincoln County Board of County Commissioners met in regular session on June 16, 1997 at the Citizens Center, Auditorium, 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, came at 11:00 p.m.

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

CALL TO ORDER

Chairman McConnell called the June 16, 1997 meeting to order.

INVOCATION

Rev. John Bell, pastor of Bethphage Lutheran Church, was not present to give the invocation. In Rev. Bell's absence was Father Rick Farwell, St. Dorothy's Catholic Church. Father Rick Farwell of St. Dorothy's Catholic Church gave the invocation.

ADOPTION OF THE AGENDA

Chairman McConnell presented the Agenda and amendment to the agenda for the June 16, 1997 Board of Commissioners meeting.

**AGENDA
BOARD OF COUNTY COMMISSIONERS
LINCOLN COUNTY, NORTH CAROLINA
JUNE 16, 1997**

- | | |
|------------|---|
| 7:00 PM | Call to Order |
| 7:00 PM | Invocation--Rev. John Bell, Bethphage Lutheran Church |
| 7:00 PM | Adoption of the Agenda |
| 1. 7:00 PM | Approval of Minutes
May 19, 1997 Regular Meeting |

2. 7:00 PM Consent Agenda
Sponsored Group Status
Gaston College
Tax Request for Releases
Less Than \$100 -- May 1 - 31 , 1997
More Than \$100 -- May 1 - 31, 1997
Tax Request for Refunds
Less Than \$100 -- May 2 - 31, 1997
More Than \$100 -- May 2 - 31, 1997
Request for Utility Adjustments-- May 13 - June 9, 1997
Budget Adjustment Nos. 137 - 138
3. 7:00 PM Public Hearings--Subdivision Ordinance Amendments

Subdivision Ordinance Amendment No. 9--Water & Sewer Lines

Subdivision Ordinance Amendment No. 10--Traffic Safeguards for Major Subdivisions
4. 7:15 PM South Fork Conservation Project - Rick McSwain
Clean Water Management Grant
5. 7:30 PM Recommendations from Planning Board Meeting - June 10, 1997

Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant; Brady J. and Jacquelin Hoffman, Property Owner-
Announcement of Application Withdrawal

Conditional Use Permit No. 107--Chris Barrett, Applicant; Carolina Centers, LLC, Property Owners

Zoning Map Amendment No. 207 Valedale Angus Farms, Inc., Owner; George E. Sain, II, Applicant

Zoning Map Amendment No. 208--Kenneth M. McCurry, Applicant

Zoning Map Amendment No. 209--Jim and Kim Houser, Applicants

Zoning Map Amendment No. 210--Jimmy Houser, Applicant

Zoning Map Amendment No. 211--Thornburg Machine & Machine, Owner; Michael Nale, Applicant

Zoning Map Amendment No. 212--Donna Owens, Applicant

Zoning Map Amendment No. 213--Kreshon Family Limited, Applicant

Zoning Text Amendment No. 214--Staff Initiated Text Change (Allow Automobile Sales Lots as a use by right in the Industrial General (I-G) zoning district)

Conditional Use Permit No. 104-- Howard Lee Bass, Jr., Applicant

Conditional Use Permit No. 105--F & H Properties, LLC, Applicant; Peggy C. Sigmon, Property Owner

Conditional Use Permit No. 106--Nextel Communications, Inc., Applicant; Russell L. Dellinger, Property Owner

Parallel Conditional Use Rezoning No. 34--Willie Bass, Applicant

Parallel Conditional Use Rezoning No. 35--J. C. & Betty Nicholson, Applicants--**Announcement of Application Withdrawal**

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|-----|---------|---|
| 6. | 8:00 PM | Public Comments |
| 7. | 8:10 PM | Cable TV Update-Centralina COG--Sandra Albrecht |
| 8. | 8:25 PM | Waterline Extension for Hershall Lackey Road |
| 9. | 8:35 PM | Request for Department of Social Services Automation |
| 10. | 8:45 PM | Report on School Building Financing |
| 11. | 8:55 PM | Administrative Action Environmental Impact Statement on Highway 16 |
| 12. | 9:05 PM | Order of Collection for 1997-1998 Taxes |
| 13. | 9:10 PM | Vacancies
Board of Variances and Appeals, Alternates (2)
321 Corridor Study Committee (4) |

Library Board (1 - North Brook Seat)
Child Fatality Prevention Team (1)
Planning Board (1)
Region F Aging Advisory Committee (3)
Centralina Private Industry Council (2)
Region F Emergency Medical Services Advisory Council (3)
Gaston-Lincoln Mental Health Area Board (2)
Council on Aging (2)

14. 9:10 PM Appointments
15. 9:15 PM Calendar
16. 9:20 PM County Commissioners' Report
17. 9:30 PM County Manager's Report
18. 9:40 PM Closed Session-Contractual, Legal, and Personnel

Adjourn

Please note the Board of Commissioners will meet jointly with the Planning Board on July 14, 1997 at 6:30 p.m. The purpose of the meeting will be to hold zoning public hearings. The Board of Commissioners will meet for their regular meeting on July 14, 1997 at 7:00 p.m. The Board of Variances and Appeals will also meet on July 14, 1997 at 7:30 p.m.

**AMENDMENT TO AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
JUNE 16, 1997**

The following information was submitted after completion of agenda, and should be added to agenda as Item 4A:

- 4A. Jail Project-M. B. Kahn-Nick Montanez

The following should be added to agenda Item No. 5:

5. 7:30 PM Recommendations from Planning Board Meeting-June 10, 1997

Major Subdivision--Lakeside Pointe

Rebecca B. Shoupe

Clerk to the Board

Commissioner James Hallman motioned to adopt the agenda with amendments for the June 16, 1997 meeting.

Seconded by Commissioner Larry Craig.
Unanimously approved.

APPROVAL OF MINUTES

Chairman McConnell presented the minutes of the May 19, 1997 Regular Board of Commissioners meeting for approval.

Commissioner Larry Craig motioned that the minutes of May 19, 1997 Regular Meeting be approved.

Seconded by Commissioner James Hallman.
Unanimously approved.

CONSENT AGENDA

Chairman McConnell presented the Consent Agenda for June 16, 1997 for approval.

**Sponsored Group Status
Gaston College**

Gaston College is requesting sponsored group status for the use of the Citizen Center auditorium on June 21, 1997.

Tax Request for Releases

Less Than \$100 -- May 1 - 31 , 1997

Attinelli, Christopher Eugene	1996	0116820	13.55
Beard, Debbie Cash	1996	12411	9.19
Biggerstaff, Woodrow & Grace	1997	06269	60.77
Blackwell, Charles Clyde & Vert	1995-96	01010	41.26
Burgess, Ricky D. & Kim	1995-96	41804	155.60
Burns, Betty	1996	0062123	12.05
Chilton, Alfred E. Jr. & Teresa	1992-96	11837	90.41
Conner, Teresa Ann	1996	0086871	70.50
Crompton, Jerry L.	1992-96	31386	367.24
Cruse, Donald	1996	31389	2.13
Davis, Douglas F. & Brenda S.	1997	0060458	99.01
Hudson, Ricky	1996	38104	73.59
Leonard, Eric Michall	1995-96	0072318	56.22
Mendenhall, Karl J.	1995-96	41200	109.28
Meyer, Adam	1996	43079	16.03

Montville, Allen	1995-96	36016	106.84
Mullins, James E. & Norma J.	1995-96	09641	14.42
Parker, Bruce	1992-96	43232	282.77
Ramseur, Kimberly	1989	28471	6.30
Ray, Terry A. & Susan F.	1996-96	40686	30.84
Rudisill, John Wesley	1996	0087249	3.66
Rushton, Donald	1996	0115657	77.55
Sanford, Mark & Georgia	1995-96	01020	30.85
Schronce, Monty & Deborah	1988-91	02405	118.84
Webb, William A. Jr.	1996	14912	18.50
Woodie, Goldie	1991-92	33152	35.89

MOTOR VEHICLES

Abernethy, Horace David Jr.	1997	0065614	18.95
Adams, Roger Lee	1996	0118000	34.17
Alexander, Sybil Abernethy	1996	0078754	14.04
Alwran, Wendy Josey	1995	0092523	36.94
Avery, Bobby Larry Jr.	1996	0066698	.42
Barbagli, Ronald	1996	0112301	7.18
Baxter, William Gene	1996	0120732	21.98
Beam, Nelson Bradford	1996	0086408	9.55
Bell, Fred E.	1996	0118727	38.78
Birchfield, Beverly Walker	1996	0077987	3.54
Blue, Harry Reid	1997	0114474	68.96
Bolick, Bradley Otha	1996	0098523	11.56
Bollinger, Howard Eugene Jr.	1996	0089736	41.60
Boulware, Nancy Stamey	1996	0078111	20.40
Boyles, George D. Jr. & Patricia	1996	01082	21.16
Broome, Jerry L.	1996	19476	26.54
Brown, Clarence McCarl Jr.	1996	0117943	3.56
Bunker, Landon	1996	40264	3.53
Busha, Kimberly Poteet	1996	0107999	39.89
Cabiness, Terry Newell	1997	0091887	37.45
Caldwell, Tiffany Renae	1996	0105699	98.51
Cantrell, Richard Harold	1996	0104706	22.88
Carpenter, Dianne Ethier	1996	0121334	95.68
Cash, Barbara Faulkner	1996	0113655	18.41
Charles, Agnes McRavion	1996	0084488	7.95
Charles, Arrice	1996-97	11806	13.87
Clowers, George Edward	1996	0121525	63.26
Cole, Joseph & Julia	1996	12131	84.17
Cook, Renee Richard	1996	0101345	1.90
Cook, Tony M. & Christy B.	1997	21615	39.77
Cortran, Inc.	1996	0120750	111.13
Dellinger, Lisa Rose	1996	0082540	.27
Eades Wood Inc.	1996	0065678	47.76
Eckerson, Edward Everett	1996	0121433	65.50
Empiregas Inc. of NC	1997	0121717	91.70
Erwin, Stephen Philip	1996	0119257	81.02

Farr, Bryan Lee	1996	0070194	1.97
Featherstone, Elizabeth Miller	1996	0083527	22.74
Finger Bros. Inc.	1997	0064975	10.58
Fornshell, John W.	1996	0108895	64.65
Garrison, Ruben Wesley	1996	0121633	2.41
Guerrero, Barbara Walters	1995	0075818	23.41
Habashi, Maher Fahim	1996	0102023	63.55
Hammer, Harold Leach	1996	40192	6.51
Hampton, Aide Gonzales	1995	0087952	14.85
Hampton, Calvin Marshall	1996	0104574/0086999	34.13
Harris, Beneta A.	1995	0110889	30.09
Harrold, Patricia Lee	1996	0109200	57.26
Harwood, Charles Dean	1996	0075076	51.34
Heafner, J. H. Co.	1997	0065415	45.54
Heavner, Keith Warren	1996	0071374	49.05
Helton, Larry T.	1996	0113499	33.92
Hester, Bobby Eugene	1996	0079213	17.59
Hight, Jerry Edward	1996	0077027	4.87
Hill, Olivia Rainwater	1996	0112913	33.57
Holbrook, John Wayne	1996	0120615	8.42
Holley, Angela Jenkins	1996	0085021	22.06
Holliday, Dana Howard	1997	0119519	56.04
Holt, Barry Ray	1996	0086057	66.03
Hopkins, Patsy Loposay	1996	0086759	1.74
Houck, Lonnie R.	1996	01181	15.62
Houser, Paul C. & Joyce	1996	16140	34.73
Hoyle, Warren Fitzhugh	1996	0070367	61.35
Huffstetler, Juan Powell	1996	0121386	32.68
Huffstetler, Keith Robert	1996	0083902	34.23
Huffstetler, Palmer Eugene	1996	0121343	13.28
Hughes, Jimmie A. Jr.	1996	0120179	48.92
Jenkins, Joseph Earl	1996	0065049	73.63
Johnson, Donna Marie	1996	0114716	3.55
Johnson, Howard	1996	0121236	66.15
Kenner, Barry L.	1996	14093	4.52
Keever, Alice Martin	1996	0121636	3.62
Keever, John Howard	1996	0100413	9.04
Keller, Marian Poole	1996	0102736	12.00
Kennedy, Audie Lane	1996	0086607	38.95
Lamp, James David	1996	0120942	8.92
Lawing, Donald Rodney	1996	0121327	99.89
Leache, Thomas Scott	1996	0120547	38.44
Ledford, Lester Jr. & Virginia	1996	19155	31.78
Lenox Sales Inc.	1996	0078873	3.83
Lewis, Gary & Patricia	1996	19197	2.36
Lingerfelt, Carroll & Frances	1996	36739	8.21
Little, Gloria Denise	1996	0102968	11.30
Maksimiv, Miroslava Vasilyenna	1996	0120906	50.32
Mapes, Floyd Eugene Jr.	1996	0065639	3.36
Martin, Judy Rebecca	1996	31455	80.61
Martin, Theodore Jr.	1994	0073501	8.43
Matney, Timothy Ray	1996	0073723	6.87
Mayes, Dana Duncan	1996	0090164	17.03
McAnulty, Douglas Jefferson	1996	0121458	19.43

McCaskill, Dorothy Barnes	1996	0093734	20.10
McCleave, Linda Misher	1996	0119929	18.32
McClure, Roger Terry	1996	0084277	7.88
Mcdermet, Amanda Elizabeth	1996	0121272	22.37
McIntire, Donald Ray	1996	0073710	101.83
Miller, John Edward	1996	0087656	22.30
Morrison, Chris	1995	0087471	9.09
Morrison, Henry Christopher	1996	0074409	35.77
Morrison, Kimberly Thompson	1996	0118506	97.73
Moss, Jason Tate	1996	0121351	22.65
Motz, Verge Clifton III	1995/96	0087555	8.70
Neagle, Steven Lee	1996	0061064	38.97
Nelson, John Robert	1996	0112714	11.65
New, Johnnie Douglas	1995	0113983	10.01
Nixon, Clarence Odell	1996	46119	3.53
Parker, Barry Wayne	1996	0109061	5.43
Parker, Donald Edison	1996	0120650	91.82
Pate, Jonathan Chadler	1996	0086247	7.29
Patton, Joseph Marlo	1996	0111005	14.97
Pennington, William Steve	1995	0068032	7.02
Pittenger, Frank Towner	1996	0106113	17.83
Powell, Dale Andrew	1996	0073021	20.97
Powell, Weldon Durant	1996	0120032	32.66
Proctor, Ronald Lee	1997	0121817	48.44
Queen, Wayne Jackson	1996	0121616	34.90
Ramseur, Herman Jay	1996	0120941	30.84
Reeves, Kenneth Lee	1996	0101516	2.18
Rex, Steven William	1996	0087537	82.92
Reynolds, Larry Bertain	1996	0121554	2.62
Richard, Fox Bobbi	1996	0080489	12.07
Riegel, Robert Edward	1996	0083551	62.65
Roberts, Kenneth Miles	1996	0068783	15.44
S & S Leasing Inc.	1996	0101379	61.21
Sage, Michael James	1996	0118624	1.21
Sain, Norma Jean	1996	0089086	15.55
Sayre, Belma Lee Highlands	1996	0078804	58.03
Schism, Deborah Propst	1996	0104383	1.16
Schladensky, George Wilkinson	1996	0100257	5.98
Schroeder, Dale Keith	1996	0069491	59.17
Scronce, Bobby Gene	1996	0075431	8.80
Shelton, Harry Gene	1996	0091051	6.81
Shuford, William Sidney Jr.	1996	0121599	50.24
Sigmon, David Osborne	1997	0121111	17.01
Smith, Jackie Eugene	1996	0121426	19.77
Steele, Keith Andrew	1996	0089748	8.32
Strickland, Donna Gregory	1993	0069403	4.68
Suggs, Darrell Hoyt	1996	0102088	9.61
Suttle, E. E. & Sons Inc.	1997	26102	14.07
Sykes, Mary Brooks	1996	0120674	32.41
Tennent Company	1997	0121747	96.86
Thompson, Ricky Lynn	1996	0108989	52.78
Times Oil Corp.	1997	26144	159.08
Todd, Forrest Craig	1996	0070928	60.70
Townsend, William Roger	1997	0121655	13.26

Tricor Management Services	1997	0121804	21.57
Tucker, Doris M.	1996	0067866	57.47
Tutterow, Jeffery T.	1996	21665	45.48
Warner, John Wesley	1996	0119533	56.15
Water Ink Tech Inc.	1996	0104669	88.45
Weed, Thomas A.	1996	0119755	15.72
Wilfong, Marvin Theodore	1997	0121816	12.25
Windham, Ernestine Daniels	1996	0105570	10.43
Womack, Edsel Stone	1997	0121725	43.98

More Than \$100 -- May 1 - 31, 1997

Alexander, John H. & Marsha	1996	11644	118.08
Beard, Harold & Debbie	1996	44868	159.06
Crumpton, Jerry L.	1989-91	31386	336.20
Russell, Katrina C.	1991-92	42835	267.30

MOTOR VEHICLES

Adams, Carl Richard	1996	0101329	266.55
American Craft Corp.	1996	0081062	194.55
Barger, William Victor III	1996	0120660	126.28
Bengham, Aaron Vaughn	1996	0119423	144.84
Bolick, Bradley Otha	1996	0098523	111.22
Burke, Timothy D. & Susie R.	1997	45862	110.63
Carolina Applicators Inc.	1997	0121831	154.96
Centura Bank	1996	0091680	121.46
Clar-Mar Inc.	1995	0120490	212.57
Clowers, Tammy Rochelle	1996	0120612	153.64
Corestates Dealer Serv. Corp.	1996	0121532	220.15
Craddock, Teresa Gail	1996	0120577	128.57
Crane, Robert Gary	1995	0110277	266.31
Crouthers, James Michael	1996	0120963	164.00
Ellis, Rebecca Lutz	1996	0120522	145.68
Empiregas Inc. of N. C.	1997	0121717	447.30
Fracaro, Barbara Becker	1996	0120919	181.96
Gholson, Edward Lee	1996	0121530	131.10
Harvey, Mack Wayne	1996	0111180	136.92
Hedrick Gravel & Sand Co.	1996	25111	114.30
Holley, Michael A.	1996	0113656	170.27
Huss, Theodore Worth	1996	0082168	102.94
Johnson, Howard	1997	0121236	193.60
Lenox Sales Inc.	1997	0121093	133.93
Lineberger, Judy Helms	1996	0121453	136.77
Morgan, Lindsay Dean	1997	0097640	123.80
Nationsbanc Leasing Corp.	1997	0102074	155.04
Payseur, Mark William	1995	0082263	173.76
Pitman, Joyce Ann	1996	0121385	145.68
Reynolds, Larry Bertain	1996	0121595	129.06
Rippy, Tony Dean	1996	0080059	117.17
Robbins, James Franklin	1996	0121383	179.95
Secrest, William Vernon	1997	0118463	327.76

Simmons, Mercer & Peggy	1996	03285	159.78
Sloan, Charles Bryant	1996	0120891	119.42
Southern Freight Inc.	1997	0087891	1072.62
Stankovich, Mark Charles	1996	0117033	125.44
Todd, Forrest Craig	1996	0070928	137.31
Town Square Ford Inc. Rental	1996	0089603	167.37
Vance Roofing Co. Inc.	1997	0118466	359.79
Ward, Jack Howard Jr.	1996	0121416	115.19
Watts, Emily Timmerman	1996	0086465	126.42

Tax Request for Refunds

Less Than \$100 -- May 2 - 31, 1997

Annals

Heafner, Randy T.	1995	14473	\$3.35
Lowman, Robert Edward	1996	16570	66.79
Mayfield, John C. & Thelma	1996	16257	1.36
McClain, Creola D.	1996	10283	24.57
Tate, Steven G.	1996	0091823	28.43

MOTOR VEHICLES

Alexander, Sybil A.	1996	0078754	\$14.04
Benfield, Jennings Ray	1996	0086572	17.10
Brown, Charles Watson	1996	0079762	14.59
Charles, Agnes McRavion	1995	0084488	16.19
Clafin, Lyle Curtis	1996	0121397	55.00
Coffey, Randall Lee	1996	0099198	8.97
Cole, Louis Ray	1994	0102175	44.49
Costa, Michael Gereard	1995	0110545	72.50
Davis, Nathan & Debra	1996	01843	23.95
Dexter, Leanne Taylor	1996	0112381	22.15
Gilbert, Sherry Lail	1996	0108713	31.15
Hoyle, James Hugh & Mary	1996	02802	20.15
Hudson, Charles Vernon	1996	0120625	22.05
Johnson, Wayne	1996	0068443	2.95
Jones, Mary Deborah	1997	0078445	1.32
Keener, Rodney Lander	1996	0097028	4.24
Keener, Rodney Lander	1996	0070851	24.50
Kester, Bobby Brent	1997	00189	1.00
Leonhardt, Rebecca Ann	1996	0076114	54.73
Lewis, Gary & Patricia	1996	19197	4.12
Lovelace, Jack & Marcella	1996	16356	1.33
Lovelace, Jack & Marcella	1996	16356	21.09
Martin, Roger Allan	1996	0116516	90.85
McLeod, Robert Lorne	1997	0121719	68.37
Moore, Gene Douglas, Jr.	1996	0120962	48.32

Motz, Verge Clifton, III	1995	0087555	5.20
Mullinax, Armina M.	1996	0108192	2.29
Newton, William Frank	1996	0120508	14.61
Perkins, Claude & Nellie	1996	13740	4.59
Pittman, Kerry B & Mary	1996	0105756	1.44
Robinson, Lewis Edward Jr.	1996	0077421	1.58
Rural Development	1996	04736	7.38
Stone, Cecil Aubrey Jr.	1996	0078500	5.38
Tanner, Harold Glenn	1996	0087145	35.25
Thomas, Emmett Lee	1996	0116030	2.06
Watts, Marvin W. & Hessie	1997	39411	53.32
Watts, Peggy Smith	1997	0066018	3.71
Williams, Betty Louise	1996	0109707	5.08

More Than \$100 -- May 2 - 31, 1997

Annals

Cole, Louis R. & Rhonda	1996	12133	\$162.56
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MOTOR VEHICLES

Goodson, Jane Elizabeth	1996	0108608	\$245.92
Rural Development	1996	10283&06971111	1.95

Request for Utility Adjustments-- May 13 - June 9, 1997

<u>Name</u>	<u>Account No.</u>	<u>Amount</u>
Clark, Harvey	8165211 00	\$ 54.43
Leonard Alarm	6101351 00	29.40
Randall, Jeff	11201010 00	85.99
Wood, Patricia	8164092 00	138.35

Budget Adjustment Nos. 137 - 138

Budget Adjustment No. 137 is to purchase d-base, educational booklets on lead poisoning, and environmental supplies for lead control.

Budget Adjustment No. 138 is for additional funds that were allocated for the In-Home Aide program.

Commissioner James Hallman motioned that the Consent Agenda for June 16, 1997 be approved.

Seconded by Commissioner Beth Saine.
Unanimously approved.

PUBLIC HEARINGS

Chairman McConnell announced that this was the date, Monday, June 16, 1997 which was advertised in the *Lincoln Times-News* on June 6, 1997 and June 13, 1997 for Public Hearings on subdivision ordinance amendments.

NOTICE LINCOLN COUNTY PUBLIC HEARING SUBDIVISION ORDINANCE AMENDMENTS

Notice is hereby given that a public hearing will be held by the Lincoln County Board of Commissioners on June 16, 1997 at 6:30 P.M. in the Lincoln County Citizens Center, Board of Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton concerning the following amendments to the Lincoln County Subdivision Ordinance.

Section 406 Water and Sewer Systems. More specifically this amendment will increase the distance within which a developer will be required to extend existing public water and or sewer services to a new development.

Section 405.7 Traffic Safeguards for Major Subdivisions

Following the public hearing on the matter mentioned in this advertisement, the Board of Commissioners may take action.

Interested parties and citizens may obtain further information from the Lincoln County Building and Land Development Department, 302 North Academy Street, Lincolnton, NC 28092.

By the Order of the Lincoln County
Board of Commissioners,
Rebecca B. Shoupe, Clerk to the Board

Publish: June 06, and June 13

Subdivision Ordinance Amendment No. 9, Section 406 Water and Sewer Systems

Chairman McConnell opened the public hearing for Subdivision Ordinance Amendment No. 9, Section 406 Water and Sewer Systems.

Chairman McConnell recessed the public hearing for Subdivision Ordinance Amendment No. 9, Section 406 Water and Sewer Systems until June 23, 1997 at 6:30 p.m.

Subdivision Ordinance Amendment No. 10, Traffic Safeguards for Major Subdivisions

Chairman McConnell opened the public hearing for Subdivision Ordinance Amendment No. 10, Traffic Safeguards for Major Subdivisions.

Chairman McConnell recessed the public hearing for Subdivision Ordinance Amendment No. 10, Traffic Safeguards for Major Subdivisions until June 23, 1997 at 6:30 p.m.

SOUTH FORK CONSERVATION PROJECT-RICK MCSWAIN CLEAN WATER MANAGEMENT GRANT

Rick McSwain, Natural Resources Conservationists, explained the Clean Water Management Grant. Mr. McSwain stated that the grant would be a joint effort between the N. C. Forest Service, Lincoln County Soil and Water Conservation District Board and staff, N. C. Wildlife Resources Commission, Natural Resources Conservation Service and the Lincoln County Board of Commissioners. The property is approximately 210.7 acres. The objective of the interagency committee is to convert the farmland to a permanent vegetative cover. The project would include 35 acres of hardwood trees, 100 acres of pine trees, 7 acres of natural regeneration of trees, and 20 acres of perennial vegetative cover for wildlife habitat enhancement. On this tract wetlands would be enhanced and created. A parking lot would be constructed along with an outdoor classroom. A nature trail around the project would connect the parking lot with the outdoor classroom. The hardwood trees would be established through the NC Forest Service.

This project would be used to show landowners what their options are for reforestation. The pine tree establishment would follow N. C. Forest Service guidelines and consist of a mixture of Loblolly and Shortleaf Pine. Mr. McSwain stated that over the past few years, landowners have harvested their native Shortleaf Pine and replaced them with Loblolly pine. There are few places where Shortleaf pine have been established and, as a result, there has become a shortage of Shortleaf Pine. This site would be used to demonstrate Shortleaf Pine establishment and management of both Shortleaf and Loblolly Pine.

A 2.7 mile nature trail would encompass the entire tract. A road used by farm equipment exist and would be maintained for the nature trail. An outdoor classroom would be created by leaving an opening in the pine tree establishment. This site would be used by interested groups to promote environmental awareness. The county's contribution to the project would be approximately \$3,605.00.

Commissioner Larry Craig asked if there would be a lot of maintenance to this project? Mr. McSwain answered that the project would be a low maintenance project and asked Elizabeth Synder, County Forest Ranger, to comment.

Mrs. Synder stated in regards to the trees that would be planted it would be approximately 15 years before the first thinning would be needed.

It was a consensus of the Board that Rick McSwain provide more information to the Clerk for the Board's review.

JAIL PROJECT - M. B. KAHN - NICK MONTANEZ

Nick Montanez, Construction Manager for M. B. Kahn Construction, stated that he and Sheriff Pickens were scheduled to go to Raleigh on June 17, 1997 for comments from the Department of Correction on the Lincoln County Detention Center Plans.

Mr. Montanez requested Board of Commissioners' approval to proceed with the design development plans of the Lincoln County Detention Center subject to comments from the Department of Corrections.

Mr. Montanez reported that groundbreaking for the Lincoln County Detention Center will be mid-August and construction should start in October or November of 1997.

It was a consensus of the Board that Mr. Montanez proceed with the design development plans for the Lincoln County Detention Center subject to the Department of Corrections comments.

RECOMMENDATIONS FROM PLANNING BOARD MEETING - JUNE 10, 1997

Major Subdivision - Lakeside Pointe

Jack Chandler, Director of Public Services, distributed a copy of the Planning Board's recommendation and a letter of suggestions from citizens.

A motion by Commissioner Terry Brotherton to delay action on Major Subdivision - Lakeside Pointe until June 23, 1997 at 6:30 p.m. to have the county manager present.

Seconded by Commissioner Larry Craig.
Unanimously approved.

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

Chairman McConnell stated that Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant, request had been withdrawn.

Conditional Use Permit No. 107--Chris Barrett

Jeff Vernon, Director of Building and Land Development, presented background information on Conditional Use Permit No. 107--Chris Barrett and stated that the Planning Board did not make a recommendation at their meeting on June 10, 1997.

A motion by Commissioner James Hallman to delay action on Conditional Use Permit No. 107--Chris Barrett until June 23, 1997 at 6:30 p.m.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Zoning Map Amendment No. 207--Valedale Angus Farms, Inc., Owner; George E. Sain, II, Applicant

Jeff Vernon, Director of Building and Land Development, presented information on Zoning Map Amendment No. 207--Valedale Angus Farms, Inc., Owner; George E. Sain, II, Applicant and stated that the Planning Board recommended rezoning the subject property to Residential Suburban (R-S) instead of Residential Transitional (R-T) as requested by applicant.

A motion by Commissioner James Hallman to delay decision on Zoning Map Amendment No. 207--Valedale Angus Farms, Inc., Owner; George E. Sain, II, Applicant, until further discussion with applicant to find out the applicant's intent.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Map Amendment No. 208--Kenneth M. McCurry, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 208--Kenneth M. McCurry, Applicant and stated that the Planning Board recommended denial of Zoning Map Amendment No. 208--Kenneth M. McCurry, Applicant.

A motion by Commissioner James Hallman to deny Zoning Map Amendment No. 208--Kenneth M. McCurry, Applicant, based on the Planning Board's recommendation to deny the request.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Map Amendment No. 209--Jim and Kim Houser, Applicants

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 209--Jim and Kim Houser, Applicants and stated that the Planning Board recommended denial of Zoning Map Amendment No. 209--Jim and Kim Houser, Applicants.

A motion by Commissioner Larry Craig to rezone the subject property to Residential-Suburban (R-S) instead of Residential Rural (R-R) as requested by applicants.

Seconded by Chairman McConnell.

Vote: 3:2

Yes: Chairman McConnell, Commissioners Craig and Brotherton

No: Commissioners Hallman and Saine

Zoning Map Amendment No. 210--Jimmy Houser, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 210--Jimmy Houser, Applicant and stated that the Planning Board, vote of 4:1, recommended denial of Zoning Map Amendment No. 210--Jimmy Houser, Applicant.

A motion by Commissioner Larry Craig to rezone subject property to Residential Suburban (R-S) instead of Residential Transitional (R-T) as requested by applicant to provide protection to neighborhood and allow Mr. Houser to make the best use of his property.

Seconded by Chairman McConnell

Vote: 3:2

Yes: Chairman McConnell, Commissioners Craig and Brotherton

No: Commissioners Hallman and Saine

Zoning Map Amendment No. 211--Thornburg Machine & Supply, Owner; Michael Nale, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 211--Thornburg Machine & Supply, Owner; Michael Nale, Applicant and stated that the Planning Board recommended approval of Zoning Map Amendment No. 211--Thornburg Machine & Supply, Owner; Michael Nale, Applicant.

A motion by Commissioner Terry Brotherton to approve of Zoning Map Amendment No. 211--Thornburg Machine & Supply, Owner; Michael Nale, Applicant.

Seconded by Commissioner Larry Craig.
Unanimously approved.

It was a consensus of the Board of Commissioners that the Planning Board and Building and Land Development staff address and present the Board with provisions to the Lincoln County Zoning Ordinance in regards to the nonconforming use section so property owners that are considered nonconforming in their current zoning district would be allowed to make changes to their property without having to apply for nonconforming use approval.

Zoning Map Amendment No. 212--Donna Owens, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 212--Donna Owens, Applicant and stated that the Planning Board recommended that the applicant subdivide property leaving 400' Residential Single Family (R-SF) on front of lot and rezone rest of property to Residential Transitional (R-T).

A motion by Commissioner Larry Craig to postpone the decision on Zoning Map Amendment No. 212--Donna Owens, Applicant, to allow applicant time to record subdivision plat.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Map Amendment No. 213--Kreshon Family Limited, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Map Amendment No. 213--Kreshon Family Limited, Applicant and stated that the Planning Board recommended approval of Zoning Map Amendment No. 213--Kreshon Family Limited, Applicant.

A motion by Commissioner Terry Brotherton to approve Zoning Map Amendment No. 213--Kreshon Family Limited, Applicant, as requested.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Text Amendment No. 214--Staff Initiated Text Change (Allow Automobile Sales Lots as a use by right in the Industrial General (I-G) zoning district)

Jeff Vernon, Director of Building and Land Development, presented background information on Zoning Text Amendment No. 214--Staff Initiated Text Change (Allow Automobile Sales Lots as a use by right in the Industrial General (I-G) zoning district) and stated that the Planning Board recommended approval of Zoning Text Amendment No. 214--Staff Initiated Text Change (Allow Automobile Sales Lots as a use by right in the Industrial General (I-G) zoning district).

A motion by Commissioner Larry Craig to approve Zoning Text Amendment No. 214--Staff Initiated Text Change (Allow Automobile Sales Lots as a use by right in the Industrial General (I-G) zoning district)

Seconded by Commissioner James Hallman.
Unanimously approved.

Conditional Use Permit No. 104--Howard Lee Bass, Jr., Applicant

Jeff Vernon, Director of Building and Land Development, presented background information Conditional Use Permit No. 104--Howard Lee Bass, Jr., Applicant and stated that the Planning Board recommended approval of Conditional Use Permit No. 104--Howard Lee Bass, Jr., Applicant.

Chairman McConnell presented the findings of fact.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #104

Date: June 16, 1997

Applicant's Name: Howard Lee Bass, Jr.
Address: 277 East Jones Street
Blacksburg, SC 29702

Property Owner's Name: Same as above.
Address:

Property Location: 2684 Catsquare Road
Map 2686-22-25-3144

Existing Zoning: R-SF

Proposed Conditional Use: 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 James Hallman.
Seconded by Commissioner Beth Saine.
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 James Hallman.
Seconded by Commissioner Beth Saine.
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 James Hallman.
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 James Hallman.
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 June 2, 1997, 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 no "fair and reasonable conditions" attached. Seconded by Commissioner Beth Saine.

Vote: Unanimous.

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

- 1.

2.

Chairman
Lincoln County Board of Commissioners

June 16, 1997

Clerk to Board of Commissioners

June 16, 1997

Conditional Use Permit No. 105--F & H Properties, LLC, Applicant; Peggy C. Sigmon, Property Owner

Jeff Vernon, Director of Building and Land Development, presented background information Conditional Use Permit No. 105--F & H Properties, LLC, Applicant; Peggy C. Sigmon, Property Owner and stated that the Planning Board recommended approval of Conditional Use Permit No. 105--F & H Properties, LLC, Applicant; Peggy C. Sigmon, Property Owner.

Chairman McConnell presented the findings of fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #105

Date: June 16, 1997

Applicant's Name: F & H Properties, LLC
Address: 231 Eastover Drive
Concord, NC 28025

Property Owner's Name: Peggy C. Sigmon
Address: P. O. Box 398
York, SC 29745

Property Location: Corner of Highway 16 and Cherry Point Drive
Map 4603 19 60 8199

Existing Zoning: B-N/DH

Proposed Conditional Use: Business/Quick Oil Change

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 Terry Brotherton.

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.

Vote: Unanimous.

2. The use meets all required conditions and specifications. Yes X No

Motioned by Commissioner Terry Brotherton.

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 Terry Brotherton.

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.

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 Terry Brotherton.

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.

Vote: Unanimous.

After having held a public hearing on June 2, 1997 and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous.

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

1.

2.

June 16, 1997

Chairman
Lincoln County Board of Commissioners

June 16, 1997

Clerk to Board of Commissioners

**Conditional Use Permit No. 106--Nextel Communications, Inc., Applicant;
Russell L. Dellinger, Property Owner**

Jeff Vernon, Director of Building and Land Development, presented background information on Conditional Use Permit No. 106--Nextel Communications, Inc., Applicant; Russell L. Dellinger, Property Owner and stated that the Planning Board recommended approval of Conditional Use Permit No. 106--Nextel Communications, Inc., Applicant; Russell L. Dellinger, Property Owner, with two conditions:

Tower will be disassembled and removed when no longer used.
Tower will have capacity to co-locate at least two other carriers.

Mr. Vernon also stated that he had received a letter that was requested by the Board of Commissioners from the engineer regarding safety.

Chairman McConnell presented the findings of fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #106

Date: June 16, 1997

Applicant's Name: Nextel Communications, Inc.
Address: 1760 The Exchange, NW, Suite 200
Atlanta, Georgia 30339

Property Owner's Name: Russell L. Dellinger
Address: 1659 South Highway 16
Stanley, NC 28164

Property Location: 1659 South Highway 16, Stanley, North Carolina
Map 4600 01 18 3288

Existing Zoning: R-SF

Proposed Conditional Use: Construct a 180' telecommunications facility

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 Beth Saine.
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 Beth Saine.
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 June 2, 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 two "fair and reasonable conditions" and letter from engineer regarding safety 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. Tower will be disassembled and removed when no longer used
2. Tower will have capacity to co-locate at least two other carriers.

A copy of the letter from the engineer is attached to the minutes as Exhibit A.

June 16, 1997

Chairman
Lincoln County Board of Commissioners

June 16, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 34--Willie Bass, Applicant

Jeff Vernon, Director of Building and Land Development, presented background information on Parallel Conditional Use Rezoning No. 34--Willie Bass, Applicant and stated that the Planning Board recommended approval with the conditions stated in application plus no outside storage. The conditions are as follows:

Operating hours to be 7 a.m. to 10 p.m. only
Monday through Saturday operation only.
Ground-mounted sign to be no greater than 24 sq. ft.
No new driveways to be created.
No outside storage to be allowed.

A motion by Commissioner James Hallman to approve rezoning 1.7 acres from Residential Single Family (R-SF) to Business-Neighborhood (B-N).

Seconded by Commissioner Beth Saine.
Unanimously approved.

Chairman McConnell presented the findings of fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR#34

Date: June 16, 1997

Applicant's Name: Willie Bass
Address: 6806 Little Mountain Road
Sherrills Ford, NC 28673

Property Owner's Name: Same as above.
Address:

Property Location: Campground Road
Map 3695 11 65 1687

Existing Zoning: R-SF

Proposed Conditional Use: Upholstery Shop

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 ☒ No ☐
Motioned by Commissioner Terry Brotherton.
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.
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes ☒ No ☐
Motioned by Commissioner Terry Brotherton.
Seconded by Commissioner Larry Craig.
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 ☒ No ☐
Motioned by Commissioner Terry Brotherton.
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.
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 ☒ No ☐
Motioned by Commissioner Terry Brotherton.
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.
Vote: Unanimous.

After having held a public hearing on June 2, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous.

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

1. Operating hours to be 7 a.m. to 10 p.m. only.
2. Monday through Saturday operation only.
3. Ground-mounted sign to be no greater than 24 sq. ft.
4. No new driveways to be created.
5. No outside storage to be allowed.

June 16, 1997

Chairman
Lincoln County Board of Commissioners

June 16, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 35--J. C. & Betty Nicholson, Applicants

Jeff Vernon, Director of Building and Land Development, stated that he received a letter requesting the withdrawal of Parallel Conditional Use Rezoning No. 35--J. C. & Betty Nicholson, Applicants, application.

A motion by Commissioner Larry Craig to accept the withdrawal requests of Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant; Brady J. and Jacquelin Hoffman, Property Owner and Parallel Conditional Use Rezoning No. 35--J. C. & Betty Nicholson, Applicants.

Seconded by Commissioner James Hallman.
Unanimously approved.

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.

Ray Holmes, Chairman of the East Lincoln County Water and Sewer Advisory Board stated that Tom Cox, member of the Lincoln County Board of Health, says that Lincoln County is violating state law by issuing permits to repair private septic systems when public sewer is available and that Mr. Cox plans to notify state officials regarding this matter.

Commissioner Terry Brotherton stated that there was a lot of people in east Lincoln County that it will cause serious financial problems if they were forced to hook on. Commissioner Brotherton stated that the appropriate action would be for Mr. Cox to tend to his own business and that Mr. Cox has no compassion whatsoever for his fellow man.

Commissioner Brotherton stated that Mr. Cox and other people that created this monster should live with it and pay for it. The hook-on requirement would have little effect on the district's financial problems. Commissioner Brotherton stated this thing would never have passed had these types of statements been made beforehand. Mr. Brotherton stated that if Raleigh wants to enforce it let Raleigh come and enforce it or let Mr. Cox enforce it.

Commissioner Brotherton stated that he would not vote to destroy these people financially.

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

CABLE TV UPDATE-CENTRALINA COG--SANDRA ALBRECHT

Sandra Albrecht, Centralina Council of Government explained the rate increase for Charter Communications. Ms. Albrecht stated that in 1996 Cencom/Charter Communications was established as a Small Cable System and having met the definition of a "small cable system", Charter was able to obtain a form of rate relief by being allowed to establish rates using a simplified cost-of-service formula based on five factors: total operating expenses, net rate base, rate of return, number of channels, and number of subscribers. Charter may increase its rates, according to FCC guidelines, as often as it wishes, and may increase the amount up to the maximum permitted per channel rate of \$1.72. Charter has set its actual per channel rates much lower, at \$0.72 per channel starting July 1, 1997. July 1, 1997 new rate for basic service tier will increase to \$9.95 and expanded basic \$17.30.

WATERLINE EXTENSION FOR HERSHAL LACKEY ROAD

Doug Chapman, County Engineer, stated that a petition had been submitted requesting water service along Hershal Lackey Road which would include 15 potential customers. The cost of construction for installing the waterline would be \$57,050.00. The approximate payback period for installation of waterline with a total of 15 customers would be seven (7) years or 120 months. Mr. Chapman asked the Board if they wish for him to pursue drawing waterline plans for Hershal Lackey Road.

It was a consensus of the Board that County Engineer, Doug Chapman, pursue drawing waterline plans for Hershal Lackey Road.

REQUEST FOR DEPARTMENT OF SOCIAL SERVICES AUTOMATION

It was a consensus of the Board to delay Request for Department of Social Services Automation until the June 23, 1997 meeting at 6:30 p.m.

REPORT ON SCHOOL BUILDING FINANCING

Leon Harmon, Director of Finance, explained the Lincoln County School Building Program financing to complete Northbrook and West Lincoln in the middle of August 1998 and complete Pumpkin Center in June 1999.

Mr. Harmon also presented budget adjustment no. 144. Budget Adjustment No. 144 - budget for State School Building Bond Act of 1996 funds received by County and appropriated to Pumpkin Center project.

A motion by Commissioner Larry Craig to approve budget adjustment no. 144.

Seconded by Chairman McConnell.
Unanimously approved.

ADMINISTRATIVE ACTION ENVIRONMENT IMPACT STATEMENT ON HIGHWAY 16

Rick French, County Manager, stated that he had received a summary of the Environmental Impact Statement on the new Highway 16.

A motion by Commissioner Larry Craig to accept the summary and instruct County Manager to write a letter requesting that the new Highway 16 project be moved ahead of schedule if possible.

Seconded by James Hallman.
Unanimously approved.

ORDER OF COLLECTION FOR 1997-1998 TAXES

ORDER OF COLLECTION

* * * * *

	*
State of North Carolina	*
	*
County of Lincoln	*
	*

* * * * *

TO: The Tax Administrator of Lincoln County

Pursuant to North Carolina General Statute #105-321(b), you are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office Of The Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of _____, 1997.

Louis E. McConnell, Chairman
Board of County Commissioners

ATTEST:

Rebecca Shoupe, Clerk
Board of County Commissioners

A motion by Commissioner Terry Brotherton to approve the Order of Collection for 1997-98 Taxes.

Seconded by Commissioner James Hallman.
Unanimously approved.

VACANCIES

Board of Variances and Appeals, Alternates (2)
321 Corridor Study Committee (4)
Library Board (1 - North Brook Seat)
Child Fatality Prevention Team (1)
Planning Board (1)
Region F Aging Advisory Committee (3)
Centralina Private Industry Council (2)
Region F Emergency Medical Services Advisory Council (3)
Gaston-Lincoln Mental Health Area Board (2)
Council on Aging (2)

APPOINTMENTS

Commissioner Hallman presented the following for appointment:

REGION F AGING ADVISORY COMMITTEE:

Reappoint Ben Neal 2 year term
Reappoint Pinkie Mosteller 2 year term

CENTRALINA PRIVATE INDUSTRY COUNCIL (PIC):

Reappoint Allan Mackie 2 year term
Reappoint Wayne Lowe 2 year term

REGION F EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL:

Reappoint Randy Shives 2 year term
Reappoint C. Dean Hastings 2 year term
Bill Ward to fill the unexpired term of Rick Spake

CENTRALINA DEVELOPMENT CORPORATION:

Reappoint Walter Lineberger eighth 1 year term
Reappoint C. D. (Chip) Stroup, III eighth 1 year term

GASTON-LINCOLN MENTAL HEALTH AREA BOARD:

Reappoint Al Arrowood 4 year term
Reappoint Ann Ford 4 year term

COUNCIL ON AGING:

Zaye Robinette-Aging Professional 3 year term
Shirlee McLean-Staff Support & Aging Professional 3 year term

CHILD FATALITY PREVENTION TEAM:

Rebecca Rhoney 1 year term

LIBRARY BOARD (North Brook Seat):

Kathryn Shidal to fill the unexpired term of Bobbi Baker

EAST LINCOLN COUNTY WATER AND SEWER ADVISORY BOARD

William F. Reinke 2 year term
William Clemmer 2 year term
Harry Hawkins 2 year term

A motion by Commissioner James Hallman to nominate the above persons for appointment to the specified Boards excluding the nominations for Council on Aging.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

A motion by Commissioner James Hallman to nominate Shirlee McLean, Staff Support & Aging Professional, to the Council on Aging for a 3 year term.

Seconded by Chairman McConnell.
Unanimously approved.

A motion by Commissioner James Hallman to nominate Zaye Robinette, Aging Professional, to the Council on Aging for a 3 year term.

Seconded by Commissioner Beth Saine.
Vote: 3:2
Yes: Commissioners Hallman, Saine, and Brotherton
No: Chairman McConnell and Commissioner Craig

CALENDAR

Chairman McConnell presented the calendar for July 1997.

Commissioner Craig reminded the Board of the unveiling of the Battle of Ramsour's Mill Mural at the Citizens Center on June 22, 1997 at 3:00 p.m.

Commissioner Craig reminded the Board of the groundbreaking for the Lincoln Campus Gaston College/Senior Center on June 25, 1997 at 11:00 a.m.

COUNTY COMMISSIONERS' REPORT

Commissioner Beth Saine stated that her neighbor, Bob Jordan, wanted her to relay to the Board that they are doing a fine job.

COUNTY MANAGER'S REPORT

Rick French, County Manager, stated that there will be a budget work session on June 23, 1997 at 6:30 p.m. at the end of the recessed meeting.

It was a consensus of the Board that dental insurance be for full time employees only, it is not to be carried over.

Mr. French stated that he has contacted an area contractor for an estimate on Alexis Acres regarding the road.

CLOSED SESSION-CONTRACTUAL, LEGAL, AND PERSONNEL

A motion by Commissioner Larry Craig to go into closed session to discuss contractual, legal, and personnel matters.

Seconded by Commissioner James Hallman.
Unanimously approved.

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

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

Chairman McConnell stated that no action was taken during closed session.

Jeff Taylor, Assistant County Attorney, presented the Board with a termination agreement for Grier-Fripp Architects.

NORTH CAROLINA

TERMINATION AGREEMENT

LINCOLN COUNTY

THIS AGREEMENT, entered into as of the ____ day of _____, 1997, by and between **LINCOLN COUNTY**, a body corporate and politic, hereinafter called the County, and **GRIER-FRIPP ARCHITECTS**, hereinafter called Grier-Fripp;

WITNESSETH:

WHEREAS, the parties hereto have previously entered into an agreement for Grier-Fripp's professional services dated June 30, 1994; and

WHEREAS, the time for performance stated in the aforesaid agreement for professional services has expired; and

WHEREAS, the County and Grier-Fripp have determined that it is in the best interest of both parties to terminate their contractual relationship by mutual consent;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, the parties hereby agree as follows:

1. Each party agrees that neither party is at fault and agrees that it is signing this agreement of its own free will with no malice or ill feelings toward the other party.

2. Each party shall hold harmless and indemnify the other against any loss, injury, or alleged damages arising out of either party's past performance under the aforesaid June 30, 1994, agreement.

3. Whether solicited or volunteered, each party shall refrain from negative comments with respect to the other's performance under the June 30, 1994, agreement.

4. Grier-Fripp hereby waives any and all claims for further compensation or expenses under the June 30, 1994, agreement.

5. Should any of Grier-Fripp's principals or staff violate the terms of this agreement, the County shall be entitled to recover damages relating to such violation, including attorneys' fees, interest, court costs, and expenses arising therefrom.

6. Should the Lincoln County Board of Commissioners or County staff acting in their official capacity violate the terms of this agreement, Grier-Fripp shall be entitled to seek termination expenses as defined in Article 8 of the June 30, 1994, agreement plus interest, court costs, and expenses arising therefrom.

This agreement entered into as of the day and year first above written.

GRIER-FRIPP ARCHITECTS

By: _____
Alan T. Baldwin
President

LINCOLN COUNTY

By: _____
Louis E. McConnell, Chairman
Lincoln County Board of
Commissioners

Attest: _____
Rebecca B. Shoupe
Clerk to the Board

A motion by Commissioner Larry Craig to adopt the termination agreement for Grier-Fripp Architects.

Seconded by Commissioner Terry Brotherton.

Unanimously approved.

ADJOURN

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to recess until June 23, 1997.

Commissioner Larry Craig motioned that the Board recess until June 23, 1997 at 6:30 p.m.

Seconded by Commissioner James Hallman.
Unanimously approved.

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