

**LINCOLN COUNTY
BOARD OF COMMISSIONERS**

**MINUTES
JULY 21, 1997**

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

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

Don Pendleton, County Attorney
Jeffrey Taylor, Assistant County Attorney
Richard French, County Manager

Also present were Jeff Vernon, Director of Building and Land Development; Judith Francis, Zoning Administrator; and Kathey Ballard, Clerk to the Planning Board.

CALL TO ORDER

Chariman McConnell called the July 21, 1997 meeting to order.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JULY 21, 1997

7:00 PM	Call to Order
7:00 PM	Invocation
7:00 PM	Adoption of the Agenda
1. 7:00 PM	Consent Agenda
	Sponsored Group Status
	Piedmont Council Boy Scouts of America
	Tax Request for Refunds
	Less Than \$100-- June 1-30, 1997
	More Than \$100-- June 1-30, 1997
	Tax Request for Releases

Less Than \$100-- June 2-30, 1997
More Than \$100-- June 2-30, 1997
Request for Utility Adjustments--June 9-July 3, 1997

2. **7:00 PM** **Public Comments**

3. **7:15 PM** **N.C. Forest Service Report--Elizabeth Synder**

7:30 PM **At this time the Board of Commissioners will recess the July 21, 1997 Regular Meeting and open the July 21, 1997 Board of Variances and Appeals Meeting.**

4. **8:00 PM** **Recommendations from the Planning Board**
Please bring the CUP/PCUR Findings of Fact
back from the July 14, 1997 meeting.

Zoning Map Amendment No. 216--Richard S. Howard, Applicant

Zoning Map Amendment No. 217--F & H Properties, LLC., Applicant

Zoning Map Amendment No. 220--Ray Ledford, Applicant

Zoning Map Amendment No. 222--Boyce and Rita Lynch/William C. Edwards, Applicants

Conditional Use Permit No. 108--Edwin Carroll Towery, Applicant

Conditional Use Permit No. 109--George Sain, Applicant

Conditional Use Permit No. 110--Samuel H. Edwards, Applicant

Conditional Use Permit No. 111--Boyce & Rita Lynch, Applicants

Parallel Conditiona use Rezoning No. 37-- Flay Clifton Scronce, Applicant

**Parallel Conditional Use Rezoning No. 38--
Dean Sain, Applicant**

**Parallel Conditional Use Rezoning No. 39--
Dana C. Paul, Applicant**

**Zoning Text Amendment No. 218--Staff
Initiated Text Amendment/Signs**

**Zoning Text Amendment No. 221--Staff
Initiated Text Amendment:
Telecommunications / Transmission Tower**

5	8:30 PM	Utility Extension Policy
6.	8:40 PM	Substandard road Policy.
7.	9:00 PM	Resolution Authorizing Application to Local Government Commission for Authority to Issue Grant Anticipation Notes with Respect to Funds due to Lincoln County under the Public Building Act of 1996
8.	9:05 PM	Vacancies Board of Variances and Appeals, Alternates (2) Highway 321 Corridor Study (4) Planning Board (1) Region F Aging Advisory Committee (2)-1 alternate Gaston-Lincoln Mental Health Board (1)
9.	9:05 PM	Appointments
10.	9:10 PM	Calendar
10(a).		County Commissioners Report
11.	9:15 PM	County Manager's Report
12.	9:20 PM	Closed Session--Personnel & Contractual & Legal
		Adjourn

**Please note that the Board of Commissioners will meet jointly with the
Planning Board on August 4, 1997 at 6:30 P.M. The purpose of the meeting will be
to hold zoning public hearings. The Board of Variances and Appeals will also meet**

on August 4, 1997 at 7:30 p.m. The Board of Commissioners regular meeting will be on August 18, 1997 at 7:00 p.m.

Chairman McConnell entertained a motion to adopt agenda with the elimination of Item 3--N.C. Forest Service Report--Elizabeth Synder from the agenda.

A motion by Chairman Hallman to adopt agenda with the elimination of Item 3--N.C. Forest Service Report--Elizabeth Synder from the agenda.

Seconded by Commissioner Saine.

Unanimously approved.

Consent Agenda

Chairman McConnell presented the consent agenda.

Sponsored Group Status

Piedmont Council Boy Scouts of America

Tax Request for Refunds

Less Than \$100-- June 1-30, 1997

More Than \$100-- June 1-30, 1997

Tax Request for Releases

Less Than \$100-- June 2-30, 1997

More Than \$100-- June 2-30, 1997

Request for Utility Adjustments--June 9-July 3, 1997

A motion by Commissioner Brotherton to approve Consent Agenda as presented.

Seconded by Commissioner Saine.

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.

Being no one, who wishes to speak, Chairman McConnell declared the Public Comments closed.

Recommendations from the Planning Board

Zoning Map Amendment No. 216--Richard S. Howard, Applicant

Judith Francis, Zoning Administrator presented recap of Zoning Map Amendment No. 216--Richard S. Howard, Applicant, and stated that the Planning Board Unanimously recommends approval as requested.

Commissioner Brotherton motioned approval as requested.

Seconded by Commissioner Hallman.
Unanimously approved.

Zoning Map Amendment No. 217--F & H Properties, LLC., Applicant

Judith Francis, Zoning Administrator, presented recap of Zoning Map Amendment No. 217--F & H Properties, LLC., Applicant, and stated that the Planning Board unanimously recommends approval as requested.

Commissioner Brotherton motioned to approve as requested.

Seconded by Commissioner Saine.
Unanimously approved.

Zoning Map Amendment No. 220--Ray Ledford, Applicant

Judith Francis, Zoning Administrator, presented recap of Zoning Map Amendment No. 220--Ray Ledford, Applicant, and stated that the Planning Board unanimously recommend denial as requested.

Commissioner Hallman motioned to deny, based on unanimous recommendation of denial from the Planning Board.

Seconded by Commissioner Saine.
Unanimously denied.

Zoning Map Amendment No. 222--Boyce and Rita Lynch/William C. Edwards, Applicants

Judith Francis, Zoning Administrator, presented recap of Zoning Map Amendment No. 222--Boyce and Rita Lynch/William C. Edwards, Applicants, and stated that the Planning Board unanimously recommended approval as requested.

Commissioner Brotherton motioned to approve request as presented.

Seconded by Commissioner Hallman.
Unanimously approved.

Conditional Use Permit No. 108--Edwin Carroll Towery, Applicant

Judith Francis, Zoning Administrator, presented recap of Conditional Use Permit No. 108--Edwin Carroll Towery, Applicant, and stated that the Planning Board unanimously recommended approval as requested.

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

Application Number: CUP # 108

Date: July 14, 1997

Applicant's Name: Edwin Carroll Towery
Address: 888 Highway 274
Cherryville, NC 28021

Property Owner's Name: Same as above.

Property Location: Wehunt Store Road
Map 2674 00 01 8892

Existing Zoning: R-S

Proposed Conditional Use: Mobile Home

Findings of Fact

- A. 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 Hallman
Seconded by Commissioner Brotherton
Factual reasons Cited: That the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous
- B. The use will meet all required conditions and specifications
Motioned by Commissioner Hallman Yes X No _____
Seconded by Commissioner Brotherton
Factual Reasons Cited: That the use will meet all required conditions and specifications.
Vote: Unanimous
- C. 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 Hallman
Seconded by Commissioner Brotherton

Factual Reasons Cited: That the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

Vote: Unanimous

D. The location and character of the 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 Development Plan for the area in question. Yes X No

Motioned by Commissioner Hallman

Seconded by Commissioner Brotherton

Factual Reasons Cited: That the location and character of the 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 Development Plan for the area in question. Yes X No

Motioned By Commissioner Hallman

Seconded by Commissioner Brotherton

Vote: Unanimous

After having held a public hearing on July 14, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous

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

1.

2.

July 14, 1997

Chairman
Lincoln County Board of Commissioners

July 14, 1997

Clerk to Board of Commissioners

Conditional Use Permit No. 109--George Sain, Applicant

Judith Francis, Zoning Administrator presented a recap of Conditional Use Permit No. 109--George Sain, Applicant, and stated that the Planning Board unanimously recommended approval as presented.

RECOMMENDATION ON FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

Application Number: CUP # 109

Date: July 14, 1997

Applicant's Name: George Sain
Address: 6869 Sain Milling Road
Vale, NC 28168

Property Owner's Name: Same as above.

Property Location: Sain Milling Road
Map 2686 70 7166

Existing Zoning: R-S

Proposed Conditional Use: 1997 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 Hallman
Seconded by Commissioner Brotherton
Factual reasons Cited: That 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 will meet all required conditions and specifications
Motioned by Commissioner Hallman Yes X No
Seconded by Commissioner Saine
Factual Reasons Cited: That the use will meet 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 Hallman
Seconded by Commissioner Brotherton
Factual Reasons Cited: That 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 the 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 Development Plan for the area in question. Yes X No

Motioned by Commissioner Hallman

Seconded by Commissioner Saine

Vote: Unanimous

Factual Reasons Cited: That the location and character of the 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 Development Plan for the area in question. Yes X No

After having held a public hearing on July 14, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous

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

1.

2.

July 14, 1997

Chairman
Lincoln County Board of Commissioners

July 14, 1997

Clerk to Board of Commissioners

Conditional Use Permit No. 110--Samuel H. Edwards, Applicant

Judith Francis, Zoning Administrator, presented recap on Conditional Use Permit No. 110--Samuel H. Edwards, Applicant, and stated that the Planning Board unanimously recommend approval as requested.

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

Application Number: CUP # 110

Date: July 14, 1997

Applicant's Name: Samuel H Edwards
Address: 2474 Twin Creeks Road
Denver, NC 28037

Property Owner's Name: Same as above.

Property Location: Twin Creeks Road
Map 4604 04 50 3723

Existing Zoning:

Proposed Conditional Use: Accessory Building

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 Hallman
Seconded by Commissioner Brotherton
Factual reasons Cited: That 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 will meet all required conditions and specifications
Motioned by Commissioner Hallman Yes X No
Seconded by Commissioner Saine
Factual Reasons Cited: That the use will meet 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 Hallman
Seconded by Commissioner Saine
Factual Reasons Cited: That 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 the 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 Development Plan for the area in question. Yes X No

Motioned by Commissioner Hallman

Seconded by Commissioner Saine

Vote: Unanimous

Factual Reasons Cited: That the location and character of the 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 Development Plan for the area in question. Yes X No

After having held a public hearing on July 14, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous

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

1.

2.

July 14, 1997

Chairman
Lincoln County Board of Commissioners

July 14, 1997

Clerk to Board of Commissioners

Conditional Use Permit No. 111--Boyce & Rita Lynch, Applicants

Judith Francis, Zoning Administrator, presented a recap of Conditional Use Permit No. 111--Boyce & Rita Lynch, Applicants, and stated that the Planning Board recommended unanimous approval with condition that applicant install screening between these lots and the residential property and the church.

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

Application Number: CUP # 111

Date: July 14, 1997

Applicant's Name: Boyce & Rita Lynch
Address: 3450 North Highway 16
Denver, NC 28037

Property Owner's Name: Same as above.

Property Location: Highway 16
Map 3695 16 74 9327

Existing Zoning: B-N

Proposed Conditional Use: Mini-Warehouses/Storage Building

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 Brotherton
Seconded by Commissioner Hallman
Factual reasons Cited: That 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 will meet all required conditions and specifications
Motioned by Commissioner Brotherton Yes X No _____
Seconded by Commissioner Saine
Factual Reasons Cited: That the use will meet 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 Hallman
Factual Reasons Cited: That 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 the 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 Development Plan for the area in question. Yes X No

Motioned by Commissioner Brotherton

Seconded by Commissioner Saine

Vote: Unanimous

Factual Reasons Cited: That the location and character of the 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 Development Plan for the area in question. Yes X No

After having held a Public Hearing on July 14, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

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

Vote: Unanimous

In recommending said Conditional Use, the following conditions were recommended by the Lincoln County Board of Commissioners.:

1.

2.

July 14, 1997

Chairman
Lincoln County Board of Commissioners

July 14, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 37--Flay Clifton Scronce, Applicant

Judith Francis stated that Flay Clifton Scronce, Applicant has decided to withdraw application.

Commissioner Hallman motioned to approve withdrawal of application of Parallel Conditional Use Rezoning No. 37--Flay Clifton Scronce, Applicant, and to refund application fee, based on fact that he will re-apply at later date.

Seconded by Commissioner Brotherton.

Unanimously approved.

Parallel Conditional Use Rezoning No. 38--Dean Sain, Applicant

Judith Francis, Zoning Administrator, stated that Dean Sain, Applicant, has decided to withdraw application and request refund.

Motion by Commissioner Brotherton to approve withdrawal of application of Parallel Conditional Use Rezoning No. 38--Dean Sain, Applicant, and to refund application fee.

Seconded by Commissioner Saine.

Unanimously approved.

Parallel Conditional Use Rezoning No. 39--Dana C. Paul, Applicant

Judith Francis, Zoning Administrator, presented recap of information on Parallel Conditional Use Rezoning No. 39--Dana C. Paul, Applicant, and stated that the Planning Board unanimously recommended denial.

Chairman McConnell entertained a motion to delay a decision on Parallel Conditional Use Rezoning No. 39--Dana C. Paul, Applicant, to the August 4, 1997 meeting to allow Applicant to obtain a site plan from reliable person, stating how ditch and water can be successfully re-routed without disturbing the neighborhood.

Motioned by Commissioner Hallman to delay decision on Parallel Conditional Use Rezoning No. 39--Dana C. Paul, Applicant, to the August 4, 1997 meeting to allow applicant to obtain a site plan from reliable person, stating how ditch and water can be successfully re-routed without disturbing the neighborhood.

Seconded by Commissioner Saine.

Unanimously approved.

Zoning Text Amendment No. 218--Staff Initiated Text Amendment/Signs

Judith Francis, Zoning Administrator, presented recap of Zoning Text Amendment No. 218--Staff Initiated Text Amendment/Sign, and stated that Planning Board unanimously recommended approval as submitted.

Commissioner Brotherton stated that we should not discourage business advertisement, and recommended to change from current proposal of 64 square feet to 100 square feet per facility, to a new proposal of 64 square feet to 110 square feet per facility and to include single and multi tenant signs.

Seconded by Commissioner Saine.

Unanimously approved.

**Zoning Text Amendment No. 221--Staff Initiated Text Amendment:
Telecommunications / Transmission Tower**

Judith Francis, Zoning Administrator, stated that the Planning Board decided to defer Zoning Text Amendment No. 221--Staff Initiated Text Amendment: Telecommunications / Transmission Tower until staff can confer with the County Attorney in regards to bonds.

Jeff Vernon asked Board, in regards to Waterside Landing, if they want Phase Approval of the Golf Course layout as well as the building phases.

Chairman McConnell stated yes.

Motion by Commissioner Hallman to recess Board of Commissioners regular meeting to have Board of Variance and Appeals.

Seconded by Commissioner Saine.

Unanimously approved.

RECESS

Chairman McConnell called the July 21, 1997, regular meeting of the Board of Commissioners back to order.

UTILITY EXTENTION POLICY

Doug Chapman, County Engineer, presented the Utility Extention Policy.

UTILITY EXTENSION POLICY

Section 200. General Principles of Utility Extension

- a. This Policy shall apply to utility line extensions for the Lincoln County Water System and the East Lincoln County Water and Sewer District.
- b. No utility line may be connected to the County's system unless such line or main (i) is properly designed and constructed to service the properties intended to be served directly by such line or main and (ii) is of a size and design sufficient to accommodate any necessary expansion of the system to serve other properties.
- c. The County shall own and control any and all lines and related facilities connected to and serviced by its system, except for those lines, or facilities of other public bodies connected to and serviced by the County's system under contracts approved by the Commissioners.

- d. To comply with County obligations imposed by North Carolina statutes, or in cases of emergency where it is found to be in the public interest or necessary to protect the public health, the County may authorize extensions of utility lines in specific areas.
- e. All extensions must be constructed in accordance with County engineering criteria, standards and specifications, and in conformity with any existing policies and plans which are adopted by the County.

Section 201. Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Policy.

- 1. Extension - Any utility line lengthening required to connect additional customers to the existing utility system.
- 2. Availability fee - An established charge for connection to the County utility system. This charge may be adjusted in accordance with County policy and rate system.
- 3. County's Service Area - Any areas inside the boundary of Lincoln County serviced by the County's water system or the East Lincoln County Water and Sewer District, and any future extensions thereof; except any areas covered by a municipal system, except areas serviced by lines of other public bodies connected to and serviced by the County's system shall not be included in the County's service area, and except any areas served by privately owned utilities that have been approved by the County.

Section 202. Extension Policies within County's Service Area

- a. The County may provide the following basic facilities within the County's service area utilizing revenue bond, grant funds, current enterprise revenues, user charges, special assessments, availability fees, and other available funds:
 - 1. Outfall sewers;
 - 2. Sewage pumping stations designed and intended to serve more than one property;
 - 3. Sanitary sewer force mains;
 - 4. Sewage treatment plants;
 - 5. Water distribution mains;
 - 6. Water booster pump stations;
 - 7. Water storage tanks; and
 - 8. Water treatment plants.
- b. The County will schedule the construction of the basic facilities described in subsection 202(a) each year on the basis of need and subject to budgetary limits. If an applicant for service desires to have unscheduled and expanded facilities constructed by the County, he shall file an application with the Department of Public Works, in accordance with Sections 203 and 204 of this Policy.
- c. Utility extensions from the basic facilities described in subsection 202(a) to individual customer services may be made by or through the County for the following reasons:
 - 1. The need to protect health, public safety and welfare.
 - 2. Upon request of property owners of existing development.

3. Upon application of developers of new development including business activities, industrial development, residential development, and similar ventures.
- d. Except as provided in Sections 203 and 204, all applicants for connection to the County's utility system shall pay availability fees in effect at the time the application is made.

Section 203. Extensions for Need and Existing Development

- a. All extensions from the basic facilities described in Section 202(a) to individual customer services for need or existing developments will be made by the County's Public Works Department, or by County approved licensed contractors. These extensions will be financed by the connection fees, monthly user charges, and any applicable special district taxes.
- b. Extensions of service within the County for existing developed areas shall be made as follows:
 1. Property owners requesting water and/or sewer service shall petition the County to provide services. The petition for extension of service shall be provided to the County Engineer and shall designate the names, addresses, and signatures of property owners requesting service in conformance with the provision of this Policy.
 2. Whenever it is determined by the Board of Commissioners based on evidence presented that an area is without service and that the protection of the public health requires that extensions be made into such area, the Board of Commissioners, may authorize the extension of such lines.
 3. The Board of Commissioners may adopt other such rules and regulations as are necessary to carry out the requirements of this Policy.
- c. Extension of utility service outside the boundary limits of Lincoln County and/or the East Lincoln Water and Sewer District shall be considered by special exception only.
- d. Extension request petitions outlined in subsection 203 (b) (1) shall be reviewed by the County Engineer. The County Engineer shall prepare a feasibility study for the project, which includes cost estimates for extension of utility lines to serve the properties requesting service and a payback analysis. The payback analysis shall include project construction costs, connection fee revenue, monthly use revenue, any special district taxes, sewer disposal costs, and/or water supply costs. The feasibility of a project shall be determined by the Board of Commissioners, based on the results of the payback analysis and/or the construction costs of the necessary improvements. A feasible project shall have a payback period less than 5 years, and/or revenues generated from tap fees that total at least 50 percent of the cost of construction.
- e. Projects may be disapproved if funds are not available to construct the necessary improvements.

Section 204. Extensions for New Development.

- a. Any person desiring to install a utility line to new developments within the County's service area, that is to be connected to and served by the system of the County shall make application thereof to the County Engineer and shall furnish such information or exhibits as follows:

1. Provide a location map indicating properties to be served, and the total number of lots/customers to be served.
2. Submit six (6) copies of engineering plans, profiles, and specifications of such utility lines to the County Engineer for approval. All plans shall bear the seal of a Registered Professional Engineer.

b. No utility line may be installed and connected to the County system except as authorized by the Board of Commissioners. The applicant shall be subject to the following provisions:

1. Installation of all utility lines within the development, including any required valves, hydrants, taps, manholes, sewer lift stations, force mains or collector sewer lines necessary in connection therewith, shall be the responsibility of the applicant. All lines shall be installed by a contractor licensed by the State of North Carolina to make such installations. Such installations shall be done in accordance with engineering plans, profiles, and specifications approved by the County Engineer, a copy of the same shall be endorsed as to such approval for the applicant's use. The applicant shall be responsible, at his own expense, for the preparation and submission of any required plans, profiles, and specifications, necessary to obtain approval for line extensions from the North Carolina Department of Environment, Health and Natural Resources, and for any other engineering fees in connection with the installation of such utilities.
2. The installation of the utilities shall be subject to observation by the County during construction. No connection to the County system shall be made until the utilities have been tested to the satisfaction of the County and the written approval and acceptance of such installation given by the County Engineer. After such approval and acceptance, the County shall thereafter repair and maintain the same, except the applicant shall be responsible for defects in workmanship or materials or any noncompliance with the plans and specifications that appear within one year after such acceptance.
3. The applicant shall, at his expense (including attorney fees and recording expenses), obtain for or provide to the County such perpetual rights-of-way or deeds as shall be specified by the County for the construction, maintenance, and operation of such utilities, including any encroachment agreements that may be required from the North Carolina Department of Transportation or a railroad or other public utility.
4. Upon completion of the utilities and the connection thereof to the County's system, all improvements shall thereupon and thereafter be the entire and sole property of the County and under the sole and exclusive control of the County. Utility lines shall be transferred to the County/District by deed prior to final plat approval. Transfer deeds shall reference "as-built" drawings by a Registered Professional Engineer.
5. Neither the applicants nor any other person shall be entitled to any service laterals from any line installed by the applicant except upon permission of the County and the payment of any connection charges required by the ordinances or regulations of the County.
6. If a utility line, shall be required by the County in excess of the size required for that development, the County will agree to reimburse the applicant the difference in the cost of installation for any such line. Such difference in cost shall be determined by the County Engineer and stated in an extension contract. However, the County will not agree to refund any such difference if the installed line size is necessary to serve the property of the applicant. Any such cost differences which the County agrees to refund shall be due and payable without

interest to the applicant within 60 days after the date on which the utilities to be installed under the contract have been completed and accepted and approved by the County.

7. The applicant shall agree to indemnify and save harmless the County from any and all loss, cost, damages, expense and liability (including attorney's fees) caused by accident or occurrence causing bodily injury or property damage arising from the installation of such utilities by the applicant or the contractor of the applicant. The applicant or the contractor of the applicant shall maintain worker's compensation coverage as well as general liability insurance with policy limits of not less than \$1,000,000 per occurrence for bodily injury and \$250,000 for property damage. The applicant will furnish certificates of such insurance to the County with the provisions that the County will be given thirty days written notice of any intent to terminate such insurance by either the applicant or the insuring company.
8. In the event the applicant violates any of the terms of this Policy, the County shall have the right to declare all or any of the rights of the applicant under the contract forfeited, and to remove and disconnect any connections that might have been made to the County's system.

- c. Applicants requesting utility lines to be extended to the developed property, at the expense of the County, shall indicate so in a letter accompanying application submitted to the County Engineer. All utility extensions to new developments funded by the County shall be made by the Public Works Department, or by a County approved, licensed contractor. The County Engineer shall prepare a construction cost estimate of any necessary extensions from the existing system to the proposed development. The Board of Commissioners shall determine if the project is feasible based on the revenue generated by availability fees versus the cost to extend service to the property. A project shall be feasible if a minimum of 50 percent of the construction costs are provided by availability fees paid by the developer, at the time of platting. Projects may be disapproved if funds are not available to construct the necessary extensions. When extensions to new developments are made as provided in this subsection, required advance payment of availability fees for each service connection shall be paid prior to final plat approval.
- d. Without limiting the right of the Board of Commissioners to disapprove for any reason whatsoever the execution of any written contract between an applicant and the County prepared in accordance with this Policy, the Board will not approve any contract for the installation of any utility line to be connected to and served by its system if in its judgment (i) the projected volume of water that would be used by any properties to be serviced thereby would unduly tax the available distribution, collection or treatment capacity of the County, or (ii) it would not be financially feasible for the County to commit itself to such cost.
- e. Before submitting a formal application under subsection 204 (a) an applicant may request from the County an informal advisory opinion on its willingness to allow such service line extension. Such request shall be filed with the County Engineer, together with such documentation as the County Engineer deems necessary, and the County Manager may thereafter bring such request before the Board of County Commissioners pursuant to normal agenda procedures. Any advisory opinion given by the Board or Staff shall not bind the County to approve an application submitted thereafter or execute any contract prepared this Section.

Commissioner Craig recommended approval of Utility Extension Policy, with the fees to be set at the next Board of Commissioners meeting.

Seconded by Commissioner Saine.

Unanimously approved.

SUBSTANDARD ROAD POLICY

Assistant County Attorney, Jeff Taylor, presented information on draft proposal of the Substandard Road Policy.

OUTLINE FOR DISCUSSION GUIDELINES FOR LINCOLN COUNTY POLICY FOR IMPROVEMENTS TO SUBSTANDARD ROADS

Before selecting any roads for improvements under the new local legislation, the Board of Commissioners needs to set a policy for (1) selecting the roads to be improved; and (2) making the assessment to recoup the County's money from properties benefitted.

The statute sets the first requirement: the County must receive a petition for the improvements signed by "at least 75 percent of the owners of the property to be assessed, who must represent at least 75 percent of all the lineal feet of frontage."

For additional requirements, Section 5 of the new local legislation authorizes the Board to choose among the following considerations:

- (1) chronological order of petitions received (petitions meeting the 75 percent requirement) ["first come, first served"]
- (2) number of citizens to be served per mile of the proposed improvement [How many people will benefit?]
- (3) severity of the need relative to other similar situations [who needs it the most?]
- (4) amount of any funds advanced by the citizens petitioning for the improvement [Here the Board could set a specific amount, for instance, 75 percent of the cost must be advanced by the petitioning citizens; the Board could also provide that, say, if one group has 75 percent of the money but another road has 80 percent of their money, the 80 percent group gets their road paved first. Or, the Board could use a specific dollar amount.]
- (5) "other reasonable factors" that the Board may determine [use your imagination]?

Based on these five choices, the Board would not necessarily be required to pave the first road on a first-come, first-service basis if another group had raised a larger share of the money needed for its road or if the Board felt that the second group had a greater need or a greater number of people to be benefitted.

Example:

Goose Downs Subdivision brings in its 75 percent petition in April 1998. It has 85 percent of the money and only needs 15 percent from the County. There are 50 houses with a total of 150 residents on Goose Downs Road.

Friendley Forest Subdivision brings in its 75 percent petition in May 1998. It has only 75 percent of the money, but there are 200 houses with 300 residents who will benefit.

Under either first-come, first-served or amount of money raised, Goose Downs would go first. But the Board could decide that Friendly Forest, having more residents, goes first because more people would benefit.

NOTE: This is an incomplete example. I have not attempted to provide all the scenarios; I have only tried to give you an illustrative example.

The Board also needs to determine, in advance, how assessments are to be handled. The statute gives the Board the flexibility to use a different formula for different projects, and you might want to do so because two situations might be entirely different.

The choices are:

- (1) assess based on frontage on the road, in equal number of dollars per foot;
- (2) assess based on street frontage of lots served or subject to being served, in equal number of dollars per foot [this method would allow consideration of possible future lots to be connected in a subdivision}”
- (3) assess based on area of land served or subject to being served, at an equal number of dollars per acre;
- (4) assess based on tax valuation of land being served or subject to being served, at an equal rate per dollar of valuation [this method would not include the valuation of structures, only the valuation of the land]; or
- (5) a combination of two or more of the above methods.

NOTE: The Board would not be required to use the same assessment method for each project. You might have some instances where one method seems fair and others where another method seems more fair.

Example: In a subdivision where the road frontages are roughly equal, frontage might be the fairest consideration. But what if some properties only have a 45-foot right of way touching the road? Residents of those lots will be using the road, too, so an acreage requirement might be more fair. And in situations where some lots are cleared and ready for construction (or are already occupied) and some are wooded, tax value might be more appropriate.

Commissioners agreed to set work session date for August 11, 1997, at 7:00 PM, which would be open to the public.

RESOLUTION AUTHORIZING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR AUTHORITY TO GRANT ANTICIPATION NOTES WITH RESPECT TO FUNDS DUE TO LINCOLN COUNTY UNDER THE PUBLIC BUILDING ACT OF 1996

Leon Harmon presented the Resolution Authorizing Application To Local Government Commission For Authority To Grant Anticipation Notes With Respect To Funds Due To Lincoln County Under The Public Building Act of 1996.

**RESOLUTION AUTHORIZING APPLICATION TO
LOCAL GOVERNMENT COMMISSION FOR AUTHORITY
TO GRANT ANTICIPATION NOTES WITH RESPECT TO
FUNDS DUE TO LINCOLN COUNTY UNDER THE
PUBLIC BUILDING ACT OF 1996**

WHEREAS, the Public Building Bond Act of 1996 has taken effect and the Board of Commissioners of the County of Lincoln desires to borrow money for the purpose for which bonds are authorized to be issued by said Bond Act in anticipation of the receipt of a grant of a portion of the proceeds of the sale of said bonds; **NOW, THEREFORE**,

Be IT RESOLVED by the Board of Commissioners of the County of Lincoln, as follows:

1. The maximum aggregate principal amount of notes to be issued is \$6,112,029. Negotiable notes, each designated "Public Building Bond Act of 1996 Grant Anticipation Notes" shall be issued for any portion of said sum so borrowed.

2. The Chairman of the Board of Commissioners of the County of Lincoln is hereby authorized to fix the rate of interest up to a maximum interest rate not to exceed seven percent (7%), the place or places of payment, and the denomination or denominations of the notes.

3. Each of said notes shall be signed by the Chairman and the Clerk of the Board of Commissioners of the County of Lincoln and the seal of said County shall be affixed to each of said notes.

4. The County Manager of the County of Lincoln is hereby authorized to make application to the Local Government Commission of North Carolina for its approval of said notes in the manner prescribed by The Local Government Finance Act. Said Local Government Commission is hereby requested to authorize and approve the issuance of said notes and upon request, to sell the notes in the manner prescribed by said Act. Said notes, when they shall have been sold by said Commission in the manner provided by law and when they shall have been executed in the manner prescribed by this resolution, shall be turned over to the State Treasurer of the State of North Carolina for delivery to the purchasers to whom they may be sold by said Commission.

ADOPTED this 21st day of July, 1997, by the Lincoln County Board of Commissioners at a duly constituted meeting.

LINCOLN COUNTY

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

Motioned by Commissioner Hallman to approve Resolution Authorizing Application To Local Government Commission For Authority To Issue Grant Anticipation Notes With Respect To Funds Due To Lincoln County Under The Public Building Act of 1996.

Seconded by Commissioner Craig.
Unanimously approved.

VACANCIES

Chairman McConnell presented vacancies.

Commissioner Hallman stated there are two more vacancies to list, Mr. Ben Neal had declined appointment to the Region F Aging Advisory Committee, but his wife Elizabeth Neali had agreed to serve.

Commissioner Hallman presented letter of resignation from the Gaston-Lincoln Mental Health Board from Ann D Ford.

APPOINTMENTS

Motioned by Commissioner Hallman to appoint Mrs. Elizabeth Neal to the Region F Aging Advisory Committee.
Seconded by Commissioner Saine.

Unanimously approved.

CALENDAR

Chairman McConnell stated that Work Session is scheduled for August 11, 1997 at 7:00 PM.

COUNTY COMMISSIONERS REPORT

Commissioner Brotherton presented County Commissioners Report in regards to allowing septic tank usage in the 'back up' capacity.

Chairman McConnell entertained motion to allow homeowners to use septic tank as emergency backup in electrical power outages, or in the event of pump failure subject to approval of workable solution.

Commissioner Brotherton motioned to allow homeowners to use septic tank as emergency backup in electrical power outages, or in the event of pump failure subject to approval of workable solution.

Seconded by Commissioner Craig.
Unanimously approved.

Chairman McConnell stated that Pumpkin Center Fire Department has delapidated trailer at their site on Lee Lawing road, for training purposes, and this shouldn't be allowed, especially since mobile home park in the same area had recently been rejected by the Board.

Commissioner Craig agreed that it doesn't look good.

Commissioner Craig stated that he had received several calls and comments from the public in regards to the Tax Department employees, advising people that a mobile home next door to their property would devalue their own property value 15 to 20 percent. Commissioner Craig stated that Board of Commissioners should instruct Tax Department Employees to stop telling folks this or lower all taxes on property with a mobile home next to it.

Chairman McConnell instructed the County Manager to send a memo to the Tax Department informing them not to give out any hypothetical information to the public, and that any adjustment to property taxes will be addressed at next re-appraisal.

Chairman McConnell presented Card of Thanks from Rebecca and Joe Shoupe for Shower and Going Away gift.

COUNTY MANAGER'S REPORT

County Manager, Rick French, presented County Manager's Report

MEMORANDUM

TO: Louis E. McConnell, Chairman
Board of Commissioners

FROM: Rick French, County Manager

SUBJECT: County Manager's Report

DATE: July 17, 1997

1. We will need to adopt the 1997 third and fourth quarter schedule for the East Lincoln County Water and Sewer District Board. The meeting time will be set at 6:30 PM (30 minutes before our regular meeting schedule). The dates are as follows:

August 18, 1997	6:30 PM	October 20, 1997	6:30 PM
September 22, 1997	6:30 PM	November 17, 1997	6:30 PM

2. Audrey Setzer, Special Projects Coordinator, has enclosed a memorandum for the Charles R. Jonas Library plaque. Please review and let's discuss it on Monday night.

3. Social Services Director Andy Pittman has submitted two items for approval. Please note the enclosed memos regarding printers and surplus food.

4. The 1997 North Carolina Association of County Commissioners Annual Conference will be held in Greensboro on August 14-17, 1997. A voting delegate needs to be designated for the business session. Please check your calendars.

5. Enclosed is a copy of a follow-up to the East Lincoln Water and Sewer District Advisory Board, as it relates to the septic system issue.

6. The date for the Western Regional Reception and Ceremony has been set for Outstanding Volunteer Service. The date will be August 11, 1997 in Asheville. The exact location has not been determined. More to follow.

7. Do we need three meetings per month? County staff are concerned for County Commissioners and Planning Board members. It seems our meetings are so long, dealing with so many zoning (growth related) matters. One idea might be to hold public hearings on zoning on one night, dedicate the second to conditional use permits and variance and appeal matters and the last Monday dedicated as a regular meeting. One problem with this idea is zoning, conditional use issues vary in numbers. To compound our situation is the application time frame. Could zoning issues (minor) be approved by county staff? Are

there changes in the zoning text that could be adopted eliminating so many applications?
At this point, there are far more questions than answers.

Motioned by Commissioner Saine to accept Item 1- schedule for East Lincoln County Water and Sewer District Board meeting dates as proposed by Mr. French.

Seconded by Commissioner Craig.
Unanimously Approved.

Motioned by Commissioner Craig to approve Item 2-Charles R Jonas, Library plaque, as presented for the purpose of obtaining estimates.

Advised by Jeff Taylor, voting not necessary.

Rick French, County Manager presented Memo from Marvin A. Pittman, in regards to the Surplus Food Distribution

MEMO

TO: Rick French
County Manager

FROM: Marvin A Pittman

RE: Surplus Food Distribution

DATE:July 9, 1997

Attached is information from the Department of Agriculture regarding Surplus Food Distribution. We are requesting a decision from the County Commissioners as to whether they would like for us to continue to have this distribution at the National Guard Armory on a quarterly basis or turn it over to the food bank in our region. The attached map shows that the closest food bank to Lincoln County is the Metrolina Food Bank in Charlotte.

Thank you for you attention in this matter and if you have any questions, please let me know.

Commissioners decided to leave surplus food distribution as is, as to not cause unnecessary hardship on needy people.

County Manager, Rick French presented Memo from Lynn Scruggs, of DSS, in regards to Purchase of Printers of the department.

MEMO

TO: Rick French

County manager

FROM: Lynn Scruggs

RE: Purchase of printers

DATE: July 9, 1997

Attached is an ADP Equipment Acquisition Plan for the purchase of four printers for our department. These printers are not included in the SACWIS purchase that was approved for our Children's Services Unit. This Plan must be sent to the State Office for approval before any purchase can be made and requires your signature along with Leon's.

If you have any questions, please let me know.

Commissioners approved request as requested.

County manager, Rick French stated that the 1997 North Carolina Association of County Commissioners annual conference will be held in Greensboro on August 14-17, 1997. A voting delegate needs to be designated for the business session.

Chairman McConnell suggested to appoint Commissioner Hallman as official delegate for this purpose.

CLOSED SESSION

Motioned by Commissioner Saine to go into Closed Session.

Seconded by Commissioner Craig.

Unanimously approved.

Motioned by Commissioner Hallman to come out of closed session.

Seconded by Commissioner Craig.

Unanimously Approved.

ADJOURN

Motioned by Commissioner Hallman to adjourn.

Seconded by Commissioner Saine.

Unanimously Approved.