

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 1, 2010

The Lincoln County Board of County Commissioners met on March 1, 2010 at the Citizens Center, Board of Commissioners Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman
Bruce Carlton, Vice Chair
George Arena
James A. Klein
Carrol Mitchem

Planning Board Members Present:

Louis McConnell, Chairman
Gary Garlow, Vice-Chairman
Tom Campbell
Karl Dearnley
Jeff Frushtick
Keith Johnson
Shelly Johnston
James Mauney

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Andrew Bryant, Planner
Susan McCracken, Social Services Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the March 1, 2010 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MARCH 1, 2010

6:30 PM Call to Order

6:31 PM Invocation – Commissioner Carlton

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:35 PM Consent Agenda

- Approval of Minutes
- Tax Requests for Releases – More than \$100
 - January 16 0 February 15, 2010
- Waived Fees (or sponsored groups status)
 - Bea's Angels East Lincoln Speedway Women's Club
- Resolutions 2010:12, 13, 15, 16, 17
- Tax Requests for Refunds
 - January 25 - February 1, 2010

3. 6:40 PM Presentation of Resolutions to Eagle Scouts

4. 6:50 PM Zoning Public Hearings – Randy Hawkins

CUP #296 - Vesuvius Vineyard Inc., applicant: A request for a conditional use permit to operate a winery with a tasting/sampling room, gift shop, meeting rooms and dining rooms in the R-T (Transitional Residential) district. The proposed winery would be located in an existing house at 6173 Vesuvius Furnace Road, Iron Station, on a 362-acre parcel on the north side of Vesuvius Furnace Road about 1.1 miles east of Beth Haven Church Road in Ironton Township.

NC 16 Corridor Vision Plan: An overview of existing conditions along old Hwy. 16 and broad recommendations for dealing with development over the next 20 years or more. The plan analyzes transportation, open space, utilities and land use along the 12.5-mile corridor, identifies issues and recommends steps to accomplish the vision goals.

5. 7:15 PM Public Comments

6. 7:30 PM Report from Lake Norman Marine Commission - Rich Permenter

7. 7:40 PM Annual Community Child Protection Team/Fatality Team Report - Mike Futrell

8. 7:50 PM Resolution #2010-11: A Resolution Ordering the Advertising of Delinquent Real Property Liens

9. 8:00 PM Update on Ethics Training from NCACC - Commissioner Klein

10. 8:10 PM Appointments - Commissioner Carlton

11. 8:20 PM Other Business

Adjourn

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda.

Consent Agenda: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Consent Agenda.

Consent Agenda

- Approval of Minutes
- February 2, 2010, February 15, 2010

- Tax Requests for Releases – More than \$100
- January 16 - February 15, 2010

NAME	YEAR	A/C NO	AMOUNT
Harrington, Leo	2009	0221586	\$193.19
Huttos Lawn Care & Maintenance	2009	0216468	\$110.01
Montco LLC	2009	0211471	\$146.69
Paynter, Steve	2009	0221619	\$147.07
Pekrul, Kirk	2009	0188355	\$219.44
Rowayton Maintenance	2008-2009	0208208	\$285.71
Westport Country Club	2009	26326	\$104.38
Wetherell, Christopher W	2006-2007	0191220	\$107.89
		TOTAL	\$1,314.38

NAME	YEAR	A/C NO	AMOUNT
CLT Express Livery LLC	2009	0201563	\$439.79
Cox, Gregory Neal	2009	0220936	\$100.25
Denver Construction Co	2009	0164121	\$115.70
Drake Enterprises of Lincolnton	2008	0210414	\$732.40
Duncan, John Walton Jr	2009	0223220	\$166.79
Enterprise Leasing Co	2009	0181120	\$294.47
Enterprise leasing Company SE	2009	0195515	\$1,686.10
Lopez, Leah	2009	0208970	\$125.09
Moore, Stephen James	2009	0171459	\$150.29
Morrow, Benjamin M	2009	0224071	\$208.60
Neal, Petro Marendia	2008	0218937	\$132.43

Patel, Anil Jayantibhai	2009	0187299	\$154.79
Petroleum Service & Calibration	2009	0146321	\$183.74
Pope, Christopher Thomas	2009	0204699	\$129.16
Solomon, Deborah Elaine	2009	0132172	\$110.34
Spain, Tracy Alan	2009	0205381	\$159.76
Stump, Dewey W	2009	0146708	\$464.72
Weaver, Timothy Andrew	2009	0223851	\$150.29
		TOTAL	\$5,504.71

- Waived Fees
 - Bea's Angels East Lincoln Speedway Women's Club
- Resolutions 2010:12, 13, 15, 16, 17
- Tax Requests for Refunds
 - January 25 - February 1, 2010

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (JANUARY 25, 2010-FEBRUARY 1, 2010)

G.S.105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00 (&) 105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Dellinger, Loy J.	2008-09	DFD	0119190	537.74
			TOTAL	\$ 537.74

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (JANUARY 25, 2010-FEBRUARY 1, 2010)

G.S.105-381(B) ALL REFUNDS MORE THAN \$100.00 (&) 105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
White, Sara S.	2008	UFD	0190348	152.74
			TOTAL	\$152.74

Presentation of Resolutions: The Board presented Resolutions to the following Eagle Scouts:

RESOLUTION

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, **Cody Barnes** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, **Cody Barnes** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Cody Barnes** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of March 2010.

Alex E. Patton
Chairman

Bruce Carlton
Vice Chairman

Carrol D. Mitchem
Commissioner

George Arena
Commissioner

James A. Klein
Commissioner

RESOLUTION

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, **Brather Cline** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, **Brather Cline** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Brather Cline** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of March 2010.

Alex E. Patton
Chairman

Bruce Carlton
Vice Chairman

Carrol D. Mitchem
Commissioner

George Arena
Commissioner

James A. Klein

Commissioner

RESOLUTION

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Kyle Ferlin has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Kyle Ferlin has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Kyle Ferlin** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of March 2010.

Alex E. Patton
Chairman

Bruce Carlton
Vice Chairman

Carrol D. Mitchem
Commissioner

George Arena
Commissioner

James A. Klein
Commissioner

RESOLUTION

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Kenny Henkle has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Kenny Henkle has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Kenny Henkle** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of March 2010.

Alex E. Patton

Bruce Carlton

Chairman

Vice Chairman

Carrol D. Mitchem
Commissioner

George Arena
Commissioner

James A. Klein
Commissioner

RESOLUTION

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Wes McLawhorn has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Wes McLawhorn has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Wes McLawhorn** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of March 2010.

Alex E. Patton
Chairman

Bruce Carlton
Vice Chairman

Carrol D. Mitchem
Commissioner

George Arena
Commissioner

James A. Klein
Commissioner

New Business/Advertised Public Hearings:

Chairman Patton announced that this was the date, Monday, March 1, 2010, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on February 19 and February 26, 2010.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, March 1, 2010, at 6:30 p.m. to consider the following matters:

CUP #296 Vesuvius Vineyard Inc., applicant (Parcel ID# 02420) A request for a conditional use permit to operate a winery with a tasting/sampling room, gift shop, meeting rooms and dining rooms in the R-T (Transitional Residential) district. The proposed winery would be located in an existing house at 6173 Vesuvius Furnace Road, Iron Station, on a 362-acre parcel on the north side of Vesuvius Furnace Road about 1.1 miles east of Beth Haven Church Road in Ironton Township.

NC 16 Corridor Vision Plan – An overview of existing conditions along old Hwy. 16 and broad recommendations for dealing with development over the next 20 years or more. The plan analyzes transportation, open space, utilities and land use along the 12.5-mile corridor, identifies issues and recommends steps to accomplish the vision goals.

Interested parties may appear at the public hearings, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

2T: Feb. 19. Feb. 26, 2010

Zoning Public Hearings – Randy Hawkins:

Conditional Use Permit No. 296 – Vesuvius Vineyard Inc., applicant: Randy Hawkins presented the following information concerning CUP No. 296.

The applicant is requesting a conditional use permit to operate a winery in the R-T (Transitional Residential) District. The proposed winery would be located in the basement of an existing house and include the following accessory uses: a tasting/sampling room, gift shop, meeting rooms and dining rooms. A ram and a handicapped-accessible restroom would be added on to the house to meet the building code for such uses. Under the Unified Development District, a winery is permitted in the R-T district only where approved by the Board of Commissioners through the issuance of a conditional use permit.

The 362-acre parcel is located at 6173 Vesuvius Furnace Road, Iron Station, on the north side of Vesuvius Furnace Road about 1.1 miles west of Beth Haven Church Road in

Ironton Township. It is adjoined by property zoned R-T and R-SF. Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan classifies this area as Rural Residential. A vineyard is located on this property. The house is listed on the National Register of Historic Places. In October 2009, the Board of Commissioners approved a conditional use permit for outdoor weddings, corporate events and other private gatherings to be held on this property.

STANDARDS FOR A WINERY

Under the Unified Development Ordinance, the following standards apply to a winery:

- A. Minimum lot area: ten acres.
- B. The facility must be operated in association with a vineyard located on the same property or adjoining properties under the same ownership. Permitted accessory uses may include but shall not be limited to a tasting/smpling room, gift shop, dining and catering facilities and meeting rooms.
- C. All structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines or road rights-f-way.

Chairman Patton opened the public hearing concerning Conditional Use Permit No. 296 – Vesuvius Vineyard Inc., applicant.

John Lineberger, applicant, stated that this request is to move their business forward. He said they want to be able to offer wine and have wine tasting at events. He said they have a 1500 square foot covered outdoor arbor with exposed sides that is considered their dining room,

Being no additional speakers, Chairman Patton declared the public hearing closed.

NC 16 Corridor Vision Plan: Randy Williams shared the NC 16 Corridor Vision Plan with the Board.

The recommendations include:

Transportation:

- Right-of-Way, 3 Lanes & Street Cross Section
- Access Management & Connectivity
- Intersection Improvements
- Consistent speed limit

Public Utilities & Services

- Sewer Availability to “Inner Core”
- Require Underground Utility Connections
- Clean & Safe Water Supply

Open Space & Recreation

- Incorporate Comprehensive Parks & Recreation Master Plan
- Share recreation space with schools
- Develop park next to Charter School
- Focal Point/Community Gathering place
 - o Trails to East Lincoln Recreation Center, Optimist Club fields, Sally's Y
 - o Amphitheater/outdoor stage
- Small Parks in Developments
- Incorporate Carolina Thread Trail
 - o Connections – Rock Springs Park and others

Land Use and Development

- Density Bonus for Conservation Area(s)
- Quality Design, Development & Materials
- Business Nodes
- Pedestrian Spaces
- Reduce Strip Development
- Future Detailed Small Area Plans Needed

Development Centers

NC 16 Recommendations

- Regional Center
 - o NC 16 & NC 73 intersection
- Community Centers
 - o NC 16 & Campground/Forney (Historical)
 - o NC 16 & South Triangle Circle (New Development)
 - o NC 16 & Old Plank Road (Future Mixed Use)
- Neighborhood Centers
 - o Remaining Major Intersections including Webb, Fairfield Forest, North Triangle, Hagers Ferry

The NC 16 Corridor Vision

- Builds a Sense of Community
- Balances Business Activity-Residential Options
- Protects What We Enjoy
- “Walkable” – Promotes Business and Safe for People
- Travel Ease – Not Congested
- Positive – Street View

Chairman Patton opened the public hearing concerning NC 16 Corridor Vision Plan.

Being no speakers, Chairman Patton declared the public hearing closed.

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

Harold Cadmus, spoke about waterfront property valuation and the disparity between the tax value and what homes and properties are selling for.

Being no additional speakers, Chairman Patton declared the public hearing closed.

Annual Community Child Protection Team/Fatality Team Report – Mike Futrell:
Mike Futrell gave the Annual Community Child Protection Team/Fatality Team Report.

Resolution #2010-11: A Resolution Ordering the Advertising of Delinquent Real Property Liens: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-11: A Resolution Ordering the Advertising of Delinquent Real Property Liens.

RESOLUTION #2010-11: A RESOLUTION ORDERING THE ADVERTISING
OF DELINQUENT REAL PROPERTY LIENS

THAT WHEREAS, NCGS 105-369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published on a date established by the Board; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property, and recommended an advertisement date of March 19, 2010 in the Lincoln Times News;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property on March 19, 2010 in the Lincoln Times News.

Passed and adopted this 1st day of March, 2010.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Update on Ethics Training from NACC – Commissioner Klein: Commissioner Klein informed the Board that Ethics training will be offered throughout the State and via a Webinar. County Commissioners are required to take this class annually, beginning this calendar year.

Adjourn: UPON MOTION by Commissioner Carlton, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex Patton, Chairman
Board of Commissioners