

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 17, 2008

The Lincoln County Board of County Commissioners met in regular session on March 17, 2008 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Bruce Carlton
James A. Klein
Marie Moore

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building & Land Development
Randy Williams, Principal Planner
Andrew Bryant, Planner
Erma Deen Hoyle, Director of Parks & Recreation
Steve Gilbert, Director of Public Works
Barry McKinnon, Sr. Utility Engineer
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the March 17, 2008 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Pastor Bill Bigham, Boger City Baptist Church, gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

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

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MARCH 17, 2008

| | | |
|-----|---------|---|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Pastor Bill Bigham Boger City Baptist |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none"> - Approval of Minutes - Tax Requests for Refunds – More than \$100 <ul style="list-style-type: none"> - February 11 – 18, 2008 - Tax Requests for Releases – More than \$100 <ul style="list-style-type: none"> - January 16 – February 15, - Waived Fees (or Sponsored Group Status) <ul style="list-style-type: none"> - Lovely Holy Temple Apostolic Church of Jesus Christ - Budget Adjustments 77, 78, 79 |
| 3. | 6:35 PM | Public Comments |
| 4. | 6:50 PM | Recommendation from Planning Board – Randy Hawkins <p>ZTA #559 - Lincoln County, applicant. <i>SOA #29 - Lincoln County, applicant</i> SOA #30 - Lincoln County, applicant</p> |
| 5. | 7:05 PM | Spring Litter Sweep 2008 |
| 6. | 7:10 PM | Carolina Thread Trail Presentation and Resolution |
| 7. | 7:25 PM | Drought Update – Steve Gilbert |
| 8. | 7:30 PM | Update on Sewer Plant – Steve Gilbert |
| 9. | 7:35 PM | Capital Project Reports – Steve Gilbert |
| 10. | 7:40 PM | Finance Officer's Report |
| 11. | 7:45 PM | County Manager's Report |
| 12. | 7:50 PM | County Commissioners' Report |
| 13. | 7:55 PM | County Attorney's Report |
| 14. | 8:00 PM | Vacancies/Appointments |

| | | |
|-----|---------|----------------|
| 15. | 8:05 PM | Calendar |
| 16. | 8:10 PM | Other Business |
| 17. | 8:15 PM | Closed Session |

Adjourn

Consent Agenda: UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Consent Agenda, approving Sponsored Group Status for Lovely Holy Temple Apostolic Church of Jesus Christ.

- Approval of Minutes
- Tax Requests for Refunds – More than \$100
 - February 11 – 18, 2008

LINCOLN COUNTY TAX DEPARTMENT MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (February 11, 2008-February 18, 2008)

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

| NAME | YEAR | DIST | A/C# | AMOUNT |
|------|------|------|------|--------|
|------|------|------|------|--------|

Hermann, Kay B. 2007 BCFD 11053 173.90
TOTAL \$173.90
- Tax Requests for Releases – More than \$100
- January 16 – February 15

| NAME | YEAR | A/C NO | AMOUNT |
|--------------------------|-------|---------|-------------------|
| Denver Pool & Spa Inc. | 2005 | 0112010 | \$372.69 |
| Environmental Management | 2007 | 0197812 | \$398.75 |
| | 1995- | | |
| Hager, Mark | 1997 | 0096854 | \$215.05 |
| Hartnett, Mike | 2007 | 0196059 | \$319.29 |
| | 1995- | | |
| Kelly, Keith W | 1997 | 18327 | \$170.28 |
| Lake Norman Aviation | 2007 | 0202149 | \$233.24 |
| McLaren Keith J | 2007 | 0125394 | \$198.53 |
| | 2005- | | |
| Mexico Auto Repair | 2007 | 0179068 | \$321.75 |
| Parata Systems LLC | 2007 | 0204859 | \$603.10 |
| Sevilla, Eusebio Mark | 2007 | 0189617 | \$156.09 |
| TOTAL | | | \$2,988.77 |

| NAME | YEAR | A/C NO | AMOUNT |
|---------------------------|------|---------|----------|
| Advanced Machine & Faric. | 2007 | 0191900 | \$112.36 |
| Anderson Stephanie Mary | 2007 | 0115253 | \$121.33 |
| Betz, Barton Erwin | 2007 | 0208364 | \$553.18 |

| | | | |
|--------------------------------|------|--------------|-------------------|
| Carpenter, Kenneth Franklin | 2007 | 0072753 | \$360.16 |
| Carroll, Robert James | 2007 | 0153976 | \$102.30 |
| Doors By Nalley Inc. | 2007 | 02066793 | \$451.98 |
| Haywood, Kyle Allen | 2007 | 0206890 | \$152.22 |
| Hines, James Donald | 2007 | 0208416 | \$128.59 |
| Hines, James Franklin | 2007 | 0102429 | \$105.57 |
| Kaufman, Michael Alan | 2007 | 0172052 | \$107.49 |
| Loria, Miguel Angel | 2007 | 0113620 | \$100.82 |
| Macleod Construction Inc. | 2007 | 0098225 | \$137.03 |
| Mele, Anthony M | 2007 | 0125545 | \$149.10 |
| Mickens, Earl | 2007 | 0175931 | \$207.61 |
| Mitchell, Kelly Scronce | 2007 | 0207007 | \$219.15 |
| Nalley, Donald Buford | 2007 | 0205630 | \$126.67 |
| Paulino, Luis G | 2007 | 0189512 | \$107.59 |
| Petroleum Service & Calibratio | 2007 | 0146321 | \$159.32 |
| Pressley, James Stamey | 2007 | 0206711 | \$119.87 |
| Robbins, Ritchie Dale | 2007 | 0208539 | \$108.58 |
| Sturdivant, Theresa Lynn | 2006 | 0201212 | \$140.17 |
| Suggs, Timothy Earl | 2007 | 0128135 | \$181.21 |
| Vaul Trust | 2007 | 0203255 | \$144.95 |
| Whitson, Anthony R | 2007 | 0135464 | \$139.06 |
| | | TOTAL | \$4,236.31 |

- Sponsored Group Status
- Lovely Holy Temple Apostolic Church of Jesus Christ
- Budget Adjustments 77, 78, 79

No. 77: Increasing expenditure & revenue line items for additional allocations of funds for Crisis Intervention Program (no county funds involved)

No. 78: Requested as additional funds were allocated to In-Home aide program from Office on Aging

No. 79: Increasing expenditure & revenue line items for funds received from Pathways to purchase program supplies to provide substance abuse services to juveniles in DJJDP caseload

Public Comments: Chairman Anderson 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 wishing to speak, Chairman Anderson declared the public comments section closed.

Recommendation from Planning Board – Randy Hawkins:

Zoning Text Amendment No. 559 – Lincoln County, applicant:

The Planning Board voted 9-0 to table the proposal.

Subdivision Ordinance Amendment No. 29 – Lincoln County, applicant:

The Planning Board voted 9-0 to table the proposal.

Subdivision Ordinance Amendment No. 30 – Lincoln County, applicant:

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to concur with the Planning Board and approve Subdivision Ordinance No. 30 – Lincoln County, applicant.

Spring Litter Sweep 2008: Erma Deen Hoyle presented the Spring Litter Sweep 2008 Proclamation.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Spring Litter Sweep 2008.

Carolina Thread Trail Presentation and Resolution: Jonathan Rhyne and Davis Cable presented information concerning the Carolina Thread Trail and a Resolution for the Board's approval.

Davis Cable stated that this Resolution is not requesting a financial commitment to this project. They are asking for the Board's support and hoping to get conceptual approval of this project and support through this resolution, and hoping to insure that the project is successful in Lincoln County.

Commissioner Carlton raised concerns about the financial commitment involved with this request.

Commissioner Patton stated that he will not be in favor of this request if it involves taking anyone's land.

George Wood suggested changing the wording in the last paragraph to say: that the Lincoln County Board of Commissioners supports the Carolina Thread Trail in concept and is committed in concept to working.....



RESOLUTION OF SUPPORT

Whereas Lincoln County is committed to maintaining and enhancing quality of life for its citizens and recognizes that the Carolina Thread Trail will contribute to quality of life by weaving together communities via a regional network of trails and greenways eventually connecting fifteen counties and millions of citizens; and

Whereas, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

Whereas, trails and their green buffer areas will help improve the quality of the air we breathe by preserving trees and vegetation and by promoting non-motorized transportation, and will enhance the quality of our water through natural buffers and mitigation of storm water run-off; and

Whereas, trails and greenways provide key amenities to neighborhoods and safe areas for our citizens and children to travel, exercise, play and connect with nature away from heavily trafficked areas; and

Whereas, trails have significant impact on the economic viability of the region through increased levels of tourism, enhanced property values, added jobs related to the construction of and along the trail, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

Whereas, trails and greenways are freely accessible community assets offering opportunities for recreation and exercise to everyone, including children, youth and families, and provide safe places for people to experience a sense of community and create stronger social and family ties; and

Whereas, there is no second chance to protect the Carolinas' great resources in this unique way for our children, grandchildren and great grandchildren, and the cost of these invaluable resources will only increase in the future; and

Whereas, private funding is available to communities from the Carolina Thread Trail for planning and construction of regional trails, and this private funding will leverage public funding from federal, state and various sources;

Now, Therefore, Be It Resolved that the Lincoln County Board of Commissioners supports the Carolina Thread Trail in concept and is committed in concept to working with neighboring communities and with the Carolina Thread Trail to plan, design and build a system of trails that will connect our communities, people and special regional points of interest for years to come. It is expressly understood that this is not a financial commitment and any financial commitments for any phase within Lincoln County would have to be considered and voted upon by the Board of Commissioners.

Name and Title

Date

UPON MOTION by Commission Moore, the Board voted unanimously to approve the Carolina Thread Trail Resolution. (Commissioner Klein was not at his seat and did not vote on this matter)

Drought Update – Steve Gilbert: Steve Gilbert gave a drought update, saying that the National Weather Service has stepped back this region from the exceptional drought to extreme.

Update on Sewer Plant – Steve Gilbert: Steve Gilbert gave an update on the sewer plant.

Capital Projects Reports – Steve Gilbert: Steve Gilbert presented the Public Works Capital Projects Reports.

Finance Officer’s Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for February, 2008.

County Manager’s Report: George Wood, County Manager, stated that he has met with all the Commissioners and about half the department heads. He stated that he and Leon Harmon are working on budget revenue projections and have done some work on the debt service schedules.

Mr. Wood updated the Board on the Universal Rubber case. He stated that there is an April 11 deadline on this case. The owner of the company has given written confirmation that he will be moved to another site by April 11. He stated that he and Jeff Taylor are looking into ways to remedy recurring code enforcement problems.

Mr. Wood stated that there will be an operating budget and a six year Capital Improvements Program, which will be by fund. He asked the Board to consider going over the enterprise funds first, followed by the fire district funds, then finishing with the smaller funds and the General Fund due to the short time frame available.

County Commissioners’ Report: Commissioner Carlton stated that the County has been working with the Charter School in East Lincoln for some time now. He asked for a representative from the Charter School to be at the meeting on April 7 to give a timeline on where they are with the road improvements.

Chairman Anderson stated that at the Lake Norman RPO meeting, information was provided for transportation models. They used as the base year 2005 and the population then was 72,184. They are projecting in five year increments, jumping to 2015 the population is estimated at 91,066. Jumping to 2035, the population is estimated at 138,633.

County Attorney’s Report: Jeff Taylor updated the Board in regards to the Interbasin Transfer.

Jeff Taylor stated that he filed a motion for a change of venue in the lawsuit Maiden filed, which will be heard on April 21.

Mr. Taylor updated the Board with the Court of Appeals decision concerning the Martin Oakes Lawsuit. He stated that the lawsuit appears to be over.

Vacancies/Appointments: Commissioner Klein stated that the applications are currently being accepted for the Highway 16 Study Group. He stated that these applications will be distributed prior to the next meeting and the group will be appointed then. He encouraged the Board to review the applications received and contact the applicants.

Calendar: Chairman Anderson presented the April 2008 calendar.

Closed Session: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter Closed Session pursuant to North Carolina General Statute § 143-318.11 – 5: To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Chairman Anderson announced that within the closed session, the contracts for fire departments were discussed.

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the Fire Contracts as presented with the addition of County Manager on page 8, Item 14a and on page 3 changing five years to the actual date five years from now.

Chairman Anderson stated that he met with the East Lincoln Volunteer Fire Chief and Board Chair. He looked over the plans for the main station and the Galloway Station. Both of these stations can be constructed for slightly less than the original cost for the main station. He stated that his opinion is that they have made a good faith effort to get the plans down to what it takes to complete their mission.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners