

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JANUARY 7, 2008**

The Lincoln County Board of County Commissioners met on January 7, 2008, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Others Present:

Michael Talbert, Interim County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Steve Gilbert, Director of Public Works  
Barry McKinnon, Sr. Utility Engineer

**Call to Order:** Chairman Anderson called the January 7, 2008, 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 Anderson presented the agenda for the Board's approval.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to adopt the agenda adding 8a – County Manager's Report.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**JANUARY 7, 2008**

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. 6:34 PM Consent Agenda
  - Approval of Minutes
  - Budget Adjustment No. 60
  - Requests for Sponsored Group Status
    - The Reach Up Tour
    - Piedmont Council of Boy Scouts
  - Bylaws of the Lincoln County Environmental Review Board
- 3. 6:35 PM Public Comments
- 4. 6:50 PM Regional Stormwater Partnership – Henry Fogle
- 5. 7:05 PM Drought Update – Steve Gilbert
- 6. 7:10 PM Odor Control Update – Steve Gilbert
- 7. 7:15 PM Update on Sewer Plant – Steve Gilbert
- 8. 7:20 PM Vacancies/Appointments
- 9. 7:30 PM Other Business
- 10. 7:40 PM Closed Session

Adjourn

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

Chairman Anderson advised that Piedmont Council of Boy Scouts should be waived fees instead of sponsored group status.

- Approval of Minutes
  - November 19, 2007
- Budget Adjustment No. 60

No. 60:

- Tax Releases – More than \$100  
November 16 – December 15, 2007

NAME	YEAR	A/C NO	AMOUNT
Abernethy Chev-Olds, Inc.	2007	0074144	\$140.11
BB&T Leasing Corp.	2007	0130549	\$117.60
Broach, Arron	2007	0070941	\$109.37

Bumgarner, Tara Lynn	2007	0205582	\$117.00
Chang, Hope Jackson	2007	0163708	\$458.94
Costner, Kenneth Ray	2007	0206144	\$127.77
Cresci, Brian	2007	0140550	\$478.76
Davis, Joseph Daniel	2007	0206772	\$254.94
Drum, Tommy Dale	2007	0078412	\$100.97
Dugan, Vern M	2007	0194330	\$158.98
Edwards, David Eugene	2007	0176957	\$306.42
Elrac, Inc.	2007	0178556	\$233.26
Forest Products, Inc	2007	0206921	\$498.65
Grissom, Herbert Thomas Jr.	2007	0154964	\$176.82
Harman, Walter Cornelius III	2007	0207002	\$150.35
Hawkins Modular Home Sets	2007	0149574	\$102.61
Hazell, Jeffrey Lee	2007	0207047	\$170.00
Isley, James William	2007	0094437	\$112.39
Jennings, Clara Hoig	2007	0206985	\$215.28
Johnson, Lynn L	2007	0189731	\$162.10
Marasco Christopher	2006	0171998	\$131.99
Martin, Tracy Allen	2007	0207141	\$180.06
Melton, Charles R	2007	0189722	\$160.88
Mower, Brenda	2007	0206894	\$104.83
Pearson, Benjamin Carlos	2007	0204833	\$129.06
Plummer, Kelley Patterson	2007	0205502	\$105.01
Radebaugh, Daniel Eric	2007	0163544	\$177.44
Reed, Patricia Wilson	2007	0161014	\$118.17
Reynolds, Gregory Scott	2007	0206371	\$190.59
Sigmon, Michael Wayne	2007	0073603	\$199.06
Stevens, Matthew Thomas	2007	0206776	\$109.53
Warren, Terry Wayne	2007	0207163	\$142.03
<b>TOTAL</b>			<b>\$5,940.97</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Cable, Teddy Norris	2007	01491	\$135.61
Casto, Jeffrey Allan	2007	0162929	\$109.23
Cochrane Furn. Co. Inc. #10	2007	24609	\$4,228.84
Cochrane Furn. Co. Inc. #35	2007	41570	\$6,376.65
Coughlan, John	2007	0185728	\$146.16
Herbert, Douglas Merrill	2007	0129225	\$244.79
Lusk, Douglas Eugene	2007	0207645	\$135.17
M & G Publishing (DBA)	2006	0187356	\$191.13
Parata Systems LLC	2007	0202267	\$649.43
Vanevery, C Jason	2002	0154704	\$111.85
Vanevery, C Jason	2004-2006	0154704	\$649.01

WLS Grill (DBA)	2007	0197765	\$321.75
		<b>TOTAL</b>	<b>\$13,299.62</b>

- Requests for Sponsored Group Status
  - The Reach Up Tour
- Waived fees
  - Piedmont Council of Boy Scouts
- Bylaws of the Lincoln County Environmental Review Board

**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.

Michael Cooney stated that he spoke at the last meeting about ordinances that may affect Tri County Animal Rescue. He stated that Tri County has set forth an action plan to peacefully exist with their neighbors while continuing their mission. Tri County is no longer accepting any new dogs of any size, type, or breed and is making it clear to the public that this is the case. They are hosting widely publicized open houses aimed at finding local homes for as many of these dogs as possible and waiving all fees in hopes of placing many of the adoptable dogs. Tri County is calling on breeders and kennels from all over the region and nation to find homes for the older, less adoptable dogs. Estimates are being gathered to have sound dampening insulation installed to reduce the noise impact during the transition and for the remaining dogs in the future. Research and consultation is underway to measure and resolve any perceived odor. Mr. Cooney spoke about the gross exaggerations made at the previous meeting concerning the noise and smell from the kennels.

Joann Hager, 6587 Highway 27, stated that Tri County did not hire the attorney who spoke at the last meeting. She said that Ms. Young spoke about water being contaminated from run-off, but the State of NC tests community wells on a monthly basis and no fecal material has been found in the well. She stated that there are cow pasture and horse pastures near the kennel. Ms. Hager said that Animal Control has been to their house and documented no barking there.

Sabrina Tate, 5712 Country Lane, Stanley, spoke of an issue of Animal Control where she reported an animal that was being neglected asking to remain anonymous. Animal Control gave her name out and she was harassed. She stated that there is no accountability in the Animal Control Office and it should be taken from the Sheriff's Department. She also spoke concerning a situation near her home where her neighbors had to move due to the amount of beagles kept in a small are.

Karen Dunn, 2075 Hines Circle Road, Stanley stated that if animal control would have done the investigation they are supposed to do, they would have gone to the home and seen the beagles the previous speaker mentioned. She said the Sheriff should not be an elected official.

**Regional Stormwater Partnership – Henry Fogle:** Henry Fogle, Vice Chairman of Lincoln Natural Resources Committee, presented information regarding the Regional Stormwater Partnership.

The Regional Stormwater Partnership is being formed by Centralina Council of Governments to:

- Build capacity among local and regional staff to deal with water quality issues through storm water best management and effective public educational practices.
- Create a platform for local and regional strategic collaborative action to preserve buffers, restore streams and promote BMPS
- Engage the public on a region-wide “education for action” focused on doable actions each citizens can undertake to make a difference in storm water quality.

Over 20 other cities and counties in the Centralina region have indicated that they will provide up to three years of matching funds for this program, which includes:

- Quarterly professional meetings and workshops to build capacity among storm water, public works and planning professionals.
- Creation and implementation of regional adopt-a-stream, storm drain marking and “sedimentation spotters” programs
- Significant public education for action through a partnership with WCNC’s Water Wise Program
- Demonstration of BMPs
- A strategic planning component

Centralina has received a Clean Water Management Trust Fund grant for funding to initiate this program. Total estimated cost of the program including local matching and grant support is estimated at \$550,000. Lincoln County’s share of matching funds will be \$12,000 over a three year period.

Both the Director of Building and Land Development and the Director of Soil & Water Conservation/Natural Resources Department were consulted regarding joining the partnership.

The LNRC voted to approve the request and to recommend that the Commission allocated funding at their next meeting.

Rebecca Yarbrough discussed the benefits of doing this on a regional basis.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to move this to budget deliberations to consider it for funding beginning in July 2008.

**Drought Update – Steve Gilbert:** Steve Gilbert gave an update on the drought situation, saying that the rains in December were above average. We finished the year 19 ½ inches short of normal rainfall.

**Odor Control Update – Steve Gilbert:** Steve Gilbert gave an update on the odor control situation, saying the supplier for the odor control device will be on site in the morning doing testing and has given a commitment to get the problem corrected.

**Update on Sewer Plant – Steve Gilbert:** Steve Gilbert gave an update on the sewer plant, saying they have received no word from the State on this yet. He stated that not hearing is probably a good thing, due to the fact that they would have probably called with problems. He stated that he asked about doing the grading ahead of time and the response was that the request would be sent upstairs.

**Appointments:** Commissioner Klein presented Karl Dearnley for appointment to the Planning Board.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the appointment of Karl Dearnley to the Planning Board.

Commissioner Klein presented Samuel Ausband for appointment to the Lake Norman Marine Commission to fill the unexpired term of Mac Byrum.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the appointment of Samuel Ausband to the Lake Norman Marine Commission.

Commissioner Klein presented the reappointments of Neil Ferguson, Ron Best, and Elliott Loftin for appointment to the Board of Equalization and Review.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the reappointment of Neil Ferguson, Ron Best, and Elliott Loftin to the Board of Equalization and Review.

**Managers Report:** Mr. Talbert reminded the Board of the meeting to discuss the UDO, which will be held on January 17 at 6:00 p.m.

Mr. Talbert presented a request from an elderly couple in Vale for water from Cleveland County. Cleveland County is within about 600 feet of their home and would like to run this water and on toward the intersection of Highways 10 and 18. Mr. Talbert recommended letting them proceed.

Mr. Talbert stated that he sent out a list of Board of Commissioners goals from the retreat. He stated that another draft will be sent out and this will be put on the agenda for approval.

Mr. Talbert stated that he visited the Tri County Animal Rescue today and found some very favorable things. He stated that it is not as bad as it seems. He said the odor and noise were not prevalent until you got very, very close to the facility. He stated that the facility was very well run, was clean, and had many volunteers around. Mr. Talbert stated that he felt very good about Tri County's mission and what they were accomplishing. He stated that the only issue he had with them was the overcrowding. He stated that there are no dogs running loose or terrorizing the neighborhood, no threat of escape. Mr. Talbert said they provide a tremendous service to the community and if they can reduce the number of dogs by half, that will be a lot of the battle for them.

Mr. Talbert stated that he will be bringing an Animal Services Advisory Board for the Commissioners approval to the next meeting. He asked the Board to bring recommendations to him for members on this committee.

**Other Business:** Commissioner Patton stated that he would like to get word to the new appointee to the Lake Norman Marine Commission that the Board has requested information from the Lake Norman Marine Commission that they are not currently getting. He stated that he was concerned about the number of markers down and how long they had been down and the list was removed from their webpage.

Chairman Anderson suggested inviting Mr. Ausband to a budget session.

Chairman Anderson stated that the Board recently approved a resolution concerning the speed limit on Club Drive. He stated that he received a letter from DOT saying this request was not approved.

**Closed Session:** **UPON MOTION** by Commissioner Klein, the Board voted unanimously to enter closed session pursuant to NCGS 143-318.11 (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Chairman Anderson advised that no action was taken in closed session.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners