

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 2, 2008

The Lincoln County Board of County Commissioners met in regular session on June 18, 2007 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 7:25 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 and Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Randy Williams, Planner
Andrew Bryant, Planner
Rob Carson, Associate Planner
Leon Harmon, Director of Finance

Planning Board:

George Arena
Larry Craig
Darrell Harkey
Louis McConnell
Tom Campbell
Harold Howard, Jr.

Call to Order: Chairman Anderson called the June 2, 2008 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
JUNE 2, 2008

- 6:35 PM Call to Order
- 1. 6:36 PM Adoption of Agenda
- 2. 6:37 PM Consent Agenda
 - Approval of Minutes
 - Tax Requests for Refunds – More than \$100
 - April 16 – May 15, 2008
 - May 12 – 18, 2008
 - Budget Adjustment No. 104 - 105
- 3. 6:40 PM Budget Public Hearing
- 4. 7:00 PM Zoning Public Hearings – Randy Hawkins

ZMA #562 Steve Dellinger, applicant (Parcel ID# 23937) A request to rezone 0.77 acres from B-N (Neighborhood Business) to R-S (Residential Suburban). The property is located on the west side of Kara Lane about 200 feet north of Hwy. 150 in Ironton Township.

CUP #285 Jerry Bolick, applicant (Parcel ID# 13903 and 13174) A request for a conditional use permit to place a Class D mobile home in the R-R district. The proposed one-acre site is located about 2,000 feet south of the intersection of Cansler Road and Hog Hill Road in Howards Creek Township.

- 5. 7:30 PM Public Comments
- 6. 7:45 PM NC 16/NC 73 Water Line Contract – Change Order No. 1 – Steve Gilbert
- 7. 7:55 PM Presentation of Proposed Satellite Facility of Gaston College Emergency Services Training Center – Jay Flynn
- 8. 8:15 PM Other Business

Adjourn

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda adding Item 9 – Request for an Advance from the BOE, Reversing Items 3 and 4, and adding Item 10 Closed Session for a real estate matter.

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

- Approval of Minutes

- May 19, 2008
- Tax Requests for Refunds – More than \$100

NAME	YEAR	A/C NO	AMOUNT
Carpenter, John Mark	2007	0147249	\$159.74
Fields, Danny	2007	0175174	\$1,311.00
		TOTAL	\$1,470.74

- April 16 – May 15, 2008

NAME	YEAR	A/C NO	AMOUNT
Accardo, Teresa Ann	2007	0210245	\$594.13
Arel, Orville Ami	2007	0196336	\$279.51
Blake, Lynn Boone	2007	0207991	\$154.67
Boyles, Kenneth Doyle	2007	0131533	\$150.93
Bumgardner, Fred Hughes Jr.	2007	0077249	\$325.14
Bumgarner, Tara Lynn	2007	0204777	\$181.23
Carpenter, Randy Farris	2007	0205662	\$147.65
Cuevas, Raymond D	2007	0210317	\$118.64
Dellinger Builder Steve Inc.	2007	0105670	\$103.95
Ezekiel, James V	2007	0175354	\$102.56
Haynie, Ralph Allen Jr.	2007	0135015	\$121.10
Houser, Jimmy Milton	2007	0071990	\$184.28
Keene, Charles Thomas	2007	0200180	\$115.27
Lankford, William James	2007	09920	\$123.38
Proctor, Jeffrey Lynn	2007	0167079	\$151.28
Roberts, Leslie Wise	2007	0210521	\$157.83
Saltz, Joseph Anthony	2007	0200337	\$145.90
Smith, Kathryn Holiday	2007	0148970	\$129.38
Sullivan, Jason Eric	2007	0183114	\$212.22
Taylor, Wanda T	2006	0179927	\$114.04
Ward, Hope Parker	2007	0209130	\$161.58
Williams, Sherri Glen	2006	0156135	\$152.33
		TOTAL	\$3,927.00

- May 12 – 18, 2008

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (May 12, 2008 – May 18, 2008)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Jaarsma, Louis P. & Marcia B.	2003-07	PCFD	0150939	140.29
			TOTAL	\$ 140.29

- Budget Adjustment No. 104 – 105

No. 104: Trip fees collected from participants; Used to pay bus charter/admission fees –

Special Programs

No. 105: To purchase truck for maintenance crew, replacing 1992 Chevrolet needing major repair; hourly salaries available due to delay in opening new parks

Public Hearings – Zoning – Randy Hawkins:

Chairman Anderson announced that this was the date, Monday, June 2, 2008, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on May 23 and May 30, 2008.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, June 2, 2008, at 6:30 p.m. to consider the following matters:

ZMA #562 Steve Dellinger, applicant (Parcel ID# 23937) A request to rezone 0.77 acres from B-N (Neighborhood Business) to R-S (Residential Suburban). The property is located on the west side of Kara Lane about 200 feet north of Hwy. 150 in Ironton Township.

CUP #285 Jerry Bolick, applicant (Parcel ID# 13903 and 13174) A request for a conditional use permit to place a Class D mobile home in the R-R district. The proposed one-acre site is located about 2,000 feet south of the intersection of Cansler Road and Hog Hill Road in Howards Creek Township.

The public is invited to attend this meeting, 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 Department of Building and Land Development at (704) 736-8440.

2T: May 23, May 30, 2008

Chairman Anderson asked that ex parte discussions be revealed at the time cases are discussed, and none were given.

Zoning Map Amendment No. 562 – Steve Dellinger, applicant: Randy Hawkins presented the following.

The applicant is requesting the rezoning of 0.77 acres from B-N (Neighborhood Business) to R-S (Residential Suburban). This property is proposed to be subdivided from a 1.4-acre parcel that is zoned B-N in its entirety. The front part of the parcel would remain zoned B-N. The two new lots would meet the minimum lot size requirements for the respective zoning districts.

This property is located on the west side of Kara Lane about 200 feet north of Hwy. 150 in Ironton Township. It is adjoined on the north, east and west by property zoned R-S. Land uses in this area are primarily residential. The Lincoln County Land Use Plan classifies this area as Suburban Residential, an area primarily for single-family homes with projected densities of 1 – 2 homes per acre.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 562 – Steve Dellinger, applicant.

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

Conditional Use Permit No. 285 – Jerry Bolick., applicant: Randy Hawkins presented the following.

The applicant is requesting a conditional use permit to place a Class D mobile home in the Rural Residential (R-R) district. A Class D mobile home is one that was constructed prior to July 1, 1976, and that was located in Lincoln County as of December 7, 1993. In this case, the home is a 1971 model and is located at 3337 Frank Cline Road, just off Hog Hill Road. Tax records show it was located there prior to 1993. The proposed new location is about three-quarters of a mile to the south, a one-acre site that would be subdivided from a 3.2 acre parcel and a 117-acre tract owned by a relative of the applicant. The relative also owns the site where the home is currently located.

The property is located about 2,000 feet south of the intersection of Cansler Road and Hog Hill Road. It is surrounded by property zoned R-R. Land uses in this area are residential and agricultural. The Lincoln County Land Use Plan classifies this area as Rural Preservation, suitable for low-density residential uses.

Mr. Hawkins presented Exhibit 1, a photo of the mobile home.

Tom Campbell, Planning Board member, asked if there are other mobile homes in the area.

Randy Hawkins said that there are, there are doublewide and singlewide mobile homes in the area.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 285 – Jerry Bolick, applicant.

Jerry Bolick, 2884 Cansler Road, Vale, stated that there are a few reasons for this mobile home being moved. The mobile home was originally placed on the property after the brick home burned down. He stated that this mobile home needs to be moved to keep the older gentlemen that live there in a home.

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

The Planning Board recessed to 2nd floor balcony
Chairman Anderson declared a five minute recess and called the meeting back to order.

Budget Public Hearing: Chairman Anderson reviewed tax rate information and declared the budget public hearing open.

Ed Trever, former Library Director, stated with growth comes infrastructure needs and libraries are a very important center of community activity. He stated that the library system is underfunded and understaffed. He presented figures on return on investment with library funding.

Sam Ausband, Lincoln County's representative on the Lake Norman Marine Commission, stated that he recently read in the newspaper that Mr. Wood has endorsed their budget for 2008. He asked the Board to give this serious consideration. Mr. Ausband stated that he is on the next agenda for an update on the LNMC.

Martin Oakes, 8057 Lucky Creek Lane, stated that he does not see why the schools are in the Pre-K program. He stated that there is only about 2 million dollars that get spent on the kids themselves. Mr. Oakes said he feels the Board should fund the schools a little more than they are but nowhere near what they asked for.

Dr. David Martin, 7512 Cottonwood Lane, Denver, gave his reflections on the school system and the budget. He requested that the Board support the budget at a higher rate than the County Manager proposed.

Carl Robinson, 1093 Gamecock Lane, Denver, stated that he comes tonight as a parent, school board member, and resident of Lincoln County. He asked that the Board consider additional funding for the school system. He said that it is imperative for the 2 boards to work together to have a vision for the schools.

Katherine Caccia, 7621 Webbs Road, Denver, stated that she is speaking in favor of full funding for the school budget. She said she is a retiree with limited funds and is having to stick to her budget. She stated that quality education is very important in this county.

Steve Zickefoose, 1452 Willow Ridge Road, stated that he is here to speak as a citizen and Finance Director with the School System. He commended Mr. Wood on the way the budget has been presented. Mr. Zickefoose stated that mandated expenses are what it takes to stay at the same level as previously funded. He asked the Board to please take into account mandated expenses so programs do not have to be eliminated.

Charles Moore, 2283 Story Street, Lincolnton, asked the Board to look at this budget seriously. He stated that the schools need to be funded. Mr. Moore said he has four children and they need a good education.

Chairman Anderson stated that the Board meets tomorrow night at 6:00 p.m. to really begin the process of trying to determine what will be included in the budget.

Being no additional speakers, Chairman Anderson declared the public hearing on the budget closed.

Chairman Anderson declared a brief recess.

Chairman Anderson called the meeting back to order.

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 hearing closed.

NC 16/NC 73 Water Line Contract – Change Order No. 1 – Steve Gilbert: Steve Gilbert presented the following information concerning Change Order No. 1.

This Change Order addresses the additional work to be done by Lovingood, Inc., that will be required to complete the project. The work is needed to add the cost of 519 linear feet of water line installation by boring, which was not anticipated when the plans were originally drawn. The State does not allow open cuts in the widened pavement in this area, and these bores will provide the connections with the existing water system without requiring any pavement cuts. The change order adds \$212,382.25 to the cost of the work, increasing the total cost of the project from \$817,508.48 to \$1,029,890.73. This change order adds no time to the contract.

The Public Works Department recommends approval of Change Order No. 1 to the construction contract with Lovingood, Inc., covering the additional work, bringing the total cost of the project to \$1,029,890.73, and leaving the project completion date unchanged at July 19, 2008.

Commissioner Carlton asked if we knew the roads would be widened and that we could not cut up the road after it was done.

Mr. Gilbert stated that they had hoped to get in there before the road widening was completed, but it wasn't put in quick enough.

Commissioner Carlton stated that this cost almost a quarter of a million dollars. He asked if lessons have been learned from this mistake where this will be avoided in the future.

Mr. Gilbert stated that it is their intent in the future to avoid costs like these.

George Wood stated that going forward with the NC 73 project, they are starting at Highway 27 and going to East Lincoln Middle School and there is a fairly narrow right of way. He said that he asked Mr. Gilbert to consult with DOT to get approval from them that if this stuff is put in the ground, we will not be required to move it in the future if the road is four-laned. Mr. Gilbert stated that he has spoken with DOT about this but could not get anything in writing.

Chairman Anderson asked Jeff Taylor to write a letter to DOT advising them officially that we are putting this line in and if this line will need to be moved the county should be made aware of this now.

UPON MOTION by Chairman Anderson, the Board voted 4 – 1 (Klein against) to concur with the Public Works Department's recommendation of approval of Change Order No. 1.

Commissioner Patton asked Mr. Gilbert to explain to the Board the situation with wood in convenience sites.

Steve Gilbert stated that the convenience sites were set up to accept household waste and recyclable materials. He stated that there are bins set up for bulk waste, compactors where people can throw trash bags in them, bins for refrigerators and washing machines, and bins for glass, plastics, cardboard, cans, and paper. He stated that these are not set up for commercial waste or construction and demolition waste. Mr. Gilbert said that the state defines scraps of wood from a home construction project as demolition debris or construction debris, which is not supposed to go into the part of the landfill where municipal or household solid waste goes. Construction debris is supposed to go into a separate part of the landfill.

Mr. Gilbert stated that he looked at all seven convenience sites today and there are spaces at every site to add a container for construction and demolition debris. He stated that this will cost money, but containers can be set up at these sites.

Presentation of Proposed Satellite Facility of Gaston College Emergency Services Training Center – Jay Flynn: Jay Flynn stated that he is here tonight representing the Lincoln County Fire and Rescue Association. Ann Davis, from Gaston College was also the Pumpkin Center Fire Chief and Board of Directors.

Mr. Flynn presented a rough drawing of a training site at the current Pumpkin Center Fire Department site on Lee Lawing Road and Highway 150. He said this is an unfunded project so they are looking for private donations to help get this started. Mr. Flynn stated that they are also in the process of putting together a steering committee to start a capital fundraising project.

All of the classes are currently located in Dallas at the main campus of Gaston College and Gaston College is partnering with them in this venture. Ownership of the property will remain with Pumpkin Center, the Association hopes to raise the funds to build the project, and Gaston College will manage it.

Ann Davis stated that they currently have a residential burn building at Gaston College. She stated that they only have about \$50,000 in their building, due to materials and labor being donated.

George Wood stated that he has received a request from Dr. Martin, Superintendent of the schools, to front 1.2 million dollars within the next 30 days so they can proceed

with projects this summer while the children are out of school. Mr. Wood stated that this money will be taken from the General Fund.

UPON MOTION by Commissioner Moore, the Board voted unanimously to proceed with this request.

Other Business: Chairman Anderson gave an update from the RPO meeting, saying DOT is facing a significant financial shortfall. He stated that as requests come up for new subdivisions or new commercial developments, a much more significant burden is going to be placed on the developer or builder.

Commissioner Klein stated that there will be three vacancies coming open on the Planning Board in a few weeks. He stated that the Board will receive packets for the next meeting with all the applicants on file.

Commissioner Carlton asked Kelly Atkins, Director of Building and Land Development, for an update on the Charter School.

Kelly Atkins stated that they are waiting for the AIG office to determine if the cross section of the driveway cut is okay with what Mr. Wulforth turned in. He stated that they should know something within two weeks.

Closed Session: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter closed session pursuant to N.C.G.S 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

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners