

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 21, 2007

The Lincoln County Board of County Commissioners met in regular session on May 21, 2007 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
James A. Klein
Marie Moore

Commissioners Absent:

Bruce Carlton

Others Present:

Stan B. Kiser, 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
Steve Gilbert, Director of Public Works
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the May 21, 2007 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Dr. Wayne Ratcliffe of Palm Springs United Methodist Church gave the Invocation, and Chairman Anderson led in the Pledge of Allegiance.

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
MAY 21, 2007

- | | |
|------------|---------------------------------------|
| 6:30 PM | Call to Order |
| 6:31 PM | Invocation – Commissioner Marie Moore |
| 6:34 PM | Pledge of Allegiance |
| 1. 6:35 PM | Adoption of Agenda |

2. 6:37 PM Consent Agenda
 - Approval of Minutes
 - May 7, 2007
 - Budget Adjustments 91 – 93
 - Tax Requests for Refunds
 - April 9 – 22, 2007
 - Resolution Approving Appointment of Tax Administrator
3. 6:40 PM Public Comments
4. 6:55 PM Planning Board Recommendation
 - WSCUP #11 – Frederick Creech, applicant
5. 7:10 PM Budget Presentation – Stan Kiser
6. 7:25 PM Solid Waste Sticker Update – Steve Gilbert
7. 7:30 PM Farmer’s Market Shelter Concept – Kevin Starr
8. 7:40 PM Capital Project Reports – Steve Gilbert
9. 7:45 PM Finance Officer’s Report
10. 7:55 PM County Manager’s Report
11. 8:00 PM County Commissioners’ Report
12. 8:05 PM County Attorney’s Report
13. 8:10 PM Calendar
14. 8:15 PM Vacancies/Appointments
15. 8:20 PM Other Business

Recess to May 23, 2007 at 3:00 PM

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the agenda adding a Proclamation for Partnership for Children and an Older Americans Month Proclamation under the consent agenda.

Consent Agenda:

- Approval of Minutes
 - May 7, 2007
- Budget Adjustments 91 – 93

No. 91: Increases to cover overages in Revenue and overages in Expense Accounts as a result of increased revenue

No. 92: To balance expense funds

No. 93: To budget cost of E911 awareness mailing
- Tax Requests for Refunds
- April 9 – 22, 2007

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (APRIL 9, 2007-APRIL 22, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Story Realty DBA	2006	CITY	0180208	141.57
			TOTAL	\$ 141.57

- Resolution Approving Appointment of Tax Administrator

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the consent agenda.

Commissioner Moore read the Older Americans Month Proclamation and the Proclamation for Partnership for Children.

Chairman Anderson thanked Madge Huffman for the job that she does and for her hard work on the Lincoln/Gaston Line.

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.

John Anderson spoke on behalf of Denver Area Business Association and presented a request to increase the number of deputies in Lincoln County.

Martin Oakes presented information concerning the East Lincoln Fire Department and tax rate. He stated that there are statutory requirements that fire departments cannot go above 10 cents without a vote from the people.

Chairman Anderson declared the public comments section closed.

Planning Board Recommendations:

Water Shed Conditional Use Permit No. 11 – Frederick Creech, applicant: The Planning Board voted 9-0 to recommend approval with the following conditions:

1) That the detention pond be designed so that the post-development release rate is

approximately the same as the pre-development rate for a 25-year storm and that the release be directed to the pipe that runs under South Grove Street Extension.

- 2) That the owner properly maintain the detention pond and submit an annual inspection report to the county.

Commissioner Moore asked if the recommendations will take care of the water or if the state will have to come in and do work on the ditches to take care of the problems.

Randy Hawkins stated that the Planning Board concluded that this project will make the situation no worse than it is right now. The water is currently going under Highway 150 toward Confederate road, this project will not contribute and may in fact reduce the water going that way.

Commissioner Klein asked if there was any factual information discussed among the Planning Board members that describes the economic impact, ad valorem tax, etc. He stated that he is concerned that the Planning Board did not ask the questions, seek the information, and this particular finding of fact is specifically for watershed conditional use.

Randy Hawkins stated that they viewed the one million dollar price tag for the project as evidence of that fact. He stated that they did a couple things he should have introduced at the public hearing, he gave the board annual taxes on comparable buildings in the county.

Watershed ordinance 10/70 option
Recommendations of Finding of Fact
For a Conditional Use Permit

Application #	WSCUP #11		
Applicant Name	Frederick Creech		
Applicant Address	3221 Mills Harris Road, Marshville, NC 28103		
Property Location	Hwy 150 Bypass and S. Grove Ext.	Watershed District	WS-IV-P
Acreage	2.5	Proposed Use	WS-IV-P

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 ☒ NO ☐
FACTUAL REASON CITED: Testimony from engineer and staff, other testimony
UPON MOTION by Commissioner Patton, the Board voted unanimously to approve based on the factual reasons cited.
2. The use meets all required conditions and specifications. YES ☒ NO ☐
FACTUAL REASON CITED: Meets all required conditions and specifications.
UPON MOTION by Commissioner Moore, the Board voted unanimously to accept the Planning Board's Finding of Fact 2 and the factual reason cited.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐
FACTUAL REASON CITED: Based on schematic presented; will improve value of property

UPON MOTION by Commissioner Moore, the Board voted unanimously to accept the Planning Board's Finding of Fact 3 and the factual reason cited.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES X NO
FACTUAL REASON CITED: Is in conformance with Land Use Plan; \$1 million building will be improvement to area.
UPON MOTION by Commissioner Patton, the Board voted unanimously to concur with the Planning Board for the factual reason cited.
5. The proposed development will substantively increase the ad valorem tax base of Lincoln County or otherwise significantly promote or expand economic development and/or job opportunities available to Lincoln County residents. YES X NO
FACTUAL REASON CITED: will increase the tax revenues based on testimony and will increase job opportunities.

A MOTION by Commissioner Klein to reject the finding of fact 5 as presented by the Planning Board – VOTE: 1 – 3 (AYES: Klein, NOES: Anderson, Patton, Moore)

Commissioner Patton stated that this is either/or, either increase the ad valorem tax base or otherwise significantly promote or expand economic development.....

A MOTION by Commissioner Patton to accept finding 5 as recommended by the Planning Board: VOTE: 3 – 1 (AYES: Anderson, Patton, Moore; NOES: Klein)

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the two conditions presented by the Planning Board.

UPON MOTION by Commissioner Patton, the Board voted 3-1 (Klein against) to concur with the Planning Board's recommendation and approve Water Shed Conditional Use Permit No. 11.

Budget Presentation – Stan Kiser: Stan Kiser, County Manager, presented the 2007/2008 budget, with \$93,482,002 in the general fund and a 61 cent tax rate.

Solid Waste Sticker Update – Steve Gilbert: Steve Gilbert, Director of Public Utilities, presented the board with a chart of data of household waste collected over the last year at the County's convenience sites. This report is only for ten months, but Mr. Gilbert would expect a 16.7% decrease if the tonnage was the same as the year before. The County is collecting 3.3% less tonnage overall while the population has grown approximately 2 – 3%. Mr. Gilbert stated that he feels this is a good indication that the stickers are having the desired effect of keeping out-of-county waste out of our convenience sites and ultimately out of the landfill.

Stickers will be mailed out with tax bills as they were last year. This year the stickers will be red with white text.

Chairman Anderson called for a five minute recess.

Chairman Anderson called the meeting back to order.

Farmer's Market Shelter Concept – Kevin Starr: Kevin Starr stated that last year, Cooperative Extension asked for the Board of Commissioners approval to explore a plan to develop a permanent farmers market site. The project would have been a joint endeavor between Lincoln County and the City of Lincolnton.

Following this approval, a detailed plan with estimates was obtained from Mr. Dennis Williams. He estimated the project would cost a minimum of \$385,000 for a site with a 50' X 112' shelter. Approximately \$200,000 of this amount was for development of the lot to include paving and concrete. Although the county approved \$60,000 for farmers market development, the cost of the project as envisioned was simply too great to be feasible.

They are now proposing to the Board of Commissioners a different concept for a permanent farmers market site. The proposed shelter would go on the grassy lot owned by the county immediately adjacent to the county's parking lot owned by the county immediately adjacent to the county's parking lot on West Water Street in Lincolnton. The current market operates on this parking lot. The shelter is greatly reduced in size to only 40' x 60' and seeks to minimize the cost of land preparation and surfacing. The proposal would include space for 10-11 vendors and the required bathrooms.

Mr. Starr asked for the Board's approval to move forward with obtaining a plan and an estimate for this concept. After this, they will ask the City of Lincolnton if they would be willing to contribute to this project. Then they will return to the County for a final decision on the project.

Currently, \$59,000 of the original \$60,000 appropriated for this project remains available.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve moving forward with the proposal as presented.

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

Finance Officer's Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for April, 2007.

County Manager's Report: Stan Kiser presented the County Manager's Report.

County Attorney's Report: Jeff Taylor reported on the possible changes to the Animal Control Ordinance limiting the number of dogs citizens can have. He spoke concerning the Rhyne Mills Condemnation case, the IBT Transfer, and the Courthouse X-Ray Machines.

Calendar: Chairman Anderson presented the June 2007 calendar. Stan Kiser asked the Board to note the date of June 12 at 3:00 p.m. as the fourth Budget Session.

Vacancies/Appointments: Commissioner Klein presented the following appointments:

JCPC Board – Appoint Commissioner Alex Patton (to replace Commissioner Klein)

Environmental Review Board – Appoint James Robert Siler

Appoint Kenneth Tucker

Appoint Michael Jones

EDA Board – Appoint Tom Anderson

Workforce Development Board – Tom Miltier

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the appointments.

Commissioner Klein presented a letter that will be sent to the various media and civic groups concerning vacancies on county boards, committees, and commissions.

Recess: **UPON MOTION** by Commissioner Moore, the Board voted unanimously to recess the meeting to May 23, 2007 at 3:00 p.m.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners