

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 7, 2007

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 7, 2007, 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
Bruce Carlton
James A. Klein
Marie Moore

Planning Board Members Present:

Jerry Geymont, Chairman
John Pagel, Vice Chairman
Terry Whitener, Secretary
George Arena
Clyde Brown
Larry Craig
Darrell Harkey
Harold Howard Jr.
Louis McConnell

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
Candi Cornwell, Associate Zoning Administrator
Andrew Bryant, Associate Planner
Stacy Yates, Associate Planner
Amy Brown, Clerk to the Planning Board
Madge Huffman, Director of Tax
Steve Gilbert, Director of Public Utilities
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the May 7, 2007 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Patton 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 Klein, the Board voted unanimously to adopt the agenda as submitted adding items concerning the Mundy House, Closed Session, and a Resolution.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MAY 7, 2007

- | | |
|------------|--|
| 6:30 PM | Call to Order |
| 6:31 PM | Invocation – Commissioner Patton |
| 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<ul style="list-style-type: none">- April 16, 2007- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none">- March 26 – April 8, 2007- Tax Requests for Releases – More than \$100<ul style="list-style-type: none">- March 16 – April 15, 2007- Budget Adjustment No. 84 – 86- Letters of Credit 52, 53, 54- Request for Service Weapon<ul style="list-style-type: none">- Family of Bobby Martin |
| 3. 6:35 PM | Highway 150 Corridor Study Scope of Services and Service Agreement Confirmation – Andrew Bryant |
| 4. 6:40 PM | Report from the Planning Board – Jerry Geymont |
| 5. 6:45 PM | Zoning Public Hearings – Randy Hawkins |

WSCUP #11 Frederick Creech, applicant (Parcel ID# 84205) A request for a conditional use permit to exceed the 24-percent limit on built-upon area for a project with curb and gutter in the South Fork Catawba River WS-IV Watershed Protected Area as a special non-residential intensity allocation. The applicant is proposing to develop a 2.5-acre lot with a dialysis center having a built-upon

area of 52 percent. The property is located on the northwest corner of South Grove Street Extension and Hwy. 150 Bypass at the end of Midtown Drive in Lincoln Township.

6. 7:00 PM Public Comments
7. 7:15 PM Insurance Plan for County Employees
8. 7:30 PM Requests from Lincoln County Board of Education
 - Request to Apply for Qualified Zone Academy Bonds (QZAB)
 - Request for the Board of Commissioners to Authorize School Bond
9. 7:45 PM Neighborhood Community Notification Process Update
10. 8:00 PM Uniform Addressing for 911 Emergency – Madge Huffman
11. 8:10 PM Qualification Submittals for Engineering Services – Steve Gilbert
12. 8:15 PM Water Conservation Ordinance Revision – Steve Gilbert
13. 8:20 PM Other Business

Recess to Friday, May 11 at 3:00 P.M.

Consent Agenda: UPON MOTION by Commissioner Moore, the Board voted unanimously to approve first five items and deny the last item (Request for Service Weapon).

Consent Agenda

- Approval of Minutes
 - April 16, 2007
- Tax Requests for Refunds – More than \$100
 - March 26 – April 8, 2007

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (March 26, 2007 - April 8, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Griffin Buick Pontiac GMC	2003-06	CITY	38757	11,732.07
			TOTAL	\$11,732.07

- Tax Requests for Releases – More than \$100
- March 16 – April 15, 2007

NAME	YEAR	A/C NO	AMOUNT
Blackburn, Charles Larry	2006	0107461	\$ 125.68
Brathovde, Jeffrey Paul	2006	0200167	\$ 191.42
Brown, Virginia E.	2006	0190185	\$ 101.54
Bucklen, Keith Robert	2006	0187876	\$ 102.80
Calvary Baptist Church	2006	33537	\$ 115.71
Capital Conservation Group	2006	0192948	\$ 231.51
Courneya, Gary Francis	2006	0138094	\$ 114.66
Dalgleish, John Kenneth II	2002	0165128	\$ 251.22
Dorobiala, John Vincent	2006	0195662	\$ 175.85
Flowers Baking Co.	2000	0086861	\$ 129.52
Gonzalez, Humberto	2006	07117	\$ 187.28
Jones, Danny Keith	2006	0107040	\$ 141.63
Kwong, King Chu	2006	0201058	\$ 158.28
Leprone, Travis Keith	2006	0199530	\$ 141.34
MC Schroeder Equipment Co.	2006	0174012	\$ 146.41
Mejia, Alberto	2006	0155985	\$ 152.56
Simoneaux, Blake Douglas	2006	0200807	\$ 205.34
Smith, Steven Ray	2006	0178700	\$ 185.47
Stiltner, James Jr.	2006	0200829	\$ 475.61
Timmerman, Roxanna Watts	2006	0200374	\$ 262.67
York, Jamie Leigh	2006	0200700	\$ 140.86
TOTAL			\$ 3,737.36

NAME	YEAR	A/C NO	AMOUNT
Beal, Mark Edward	2006	0100057	\$ 117.27
Cashion Electrical Services	2005/06	0110812	\$ 108.72
Heller Financial Leasing Inc.	2006	0192090	\$ 381.04
TOTAL			\$ 607.03

- Budget Adjustment No. 84 – 86

No. 84: Increases in revenues from HRSA Grant & expenditures for electronic patient care reporting hardware funded by HRSA Grant

No. 85: To budget for the cost of moving the Register of Deeds Dept & the Tax Dept from the Courthouse to the former Bank of America building

No. 86: “Special Contracts” cover Hoyle Creek Pump & Haul expenses when pump station is down. “Incentive Grants” cover actual costs.

- Letters of Credit 52, 53, 54
- Request for Service Weapon
- Family of Bobby Martin

Highway 150 Corridor Study Scope of Services and Service Agreement

Confirmation – Andrew Bryant: Andrew Bryant presented the Highway 150 Corridor Study Scope of Services and Service Agreement.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the Highway 150 Corridor Study Scope of Service Agreement.

Report from the Planning Board – Jerry Geymont: Jerry Geymont, Chairman of the Planning Board, gave a monthly report from the Planning Board. Staff has come up with the Lincoln County Transportation Policy, which the Planning Board will be reviewing tonight and will hopefully be able to present to the Board soon.

New Business/Advertised Public Hearings:

Chairman Anderson announced that this was the date, Monday, May 7, 2007 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on April 28, 2007 and May 4, 2007.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 7, 2007, at 6:30 p.m. to consider the following matter:

WSCUP #11 Frederick Creech, applicant (Parcel ID# 84205) A request for a conditional use permit to exceed the 24-percent limit on built-upon area for a project with curb and gutter in the South Fork Catawba River WS-IV Watershed Protected Area as a special non-residential intensity allocation. The applicant is proposing to develop a 2.5-acre lot with a dialysis center having a built-upon area of 52 percent. The property is located on the northwest corner of South Grove Street Extension and Hwy. 150 Bypass at the end of Midtown Drive in Lincolnton 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.

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

Watershed Conditional Use Permit No. 11 – Frederick Creech, applicant: Randy Hawkins presented the following:

The applicant is requesting a Conditional Use Permit to exceed the 24 percent limit on built-upon area for a project with curb and gutter in the South Fork Catawba River WS-IV Watershed Protected Area as a special non-residential intensity allocation under the 10%/70% option. The applicant is proposing to develop a 2.5-acre lot with a dialysis center having a built-upon area of 52 percent.

Under the Lincoln County Watershed Protection Ordinance, 10 percent of the acreage in a watershed district (outside a designated critical area) may be developed with new

projects having a built-upon area of up to 70 percent. Approval is on a project-by-project basis, subject to the issuance of a conditional use permit by the Board of Commissioners. One of the findings of fact that must be found in the affirmative in approving a permit is that the project will substantively increase the county's tax base or otherwise significantly promote or expand economic development and/or job opportunities.

A total of 1.54 acres have previously been allocated under this option in the portion of the South Fork Catawba River WS-IV Protected Area that lies in Lincoln County's jurisdiction. This district contains 19,993 acres. If this request is approved, 1,995 acres will remain available for allocation.

Chairman Anderson opened the public hearing concerning Watershed Conditional Use Permit No. 11 – Frederick Creech, applicant.

Jerry Geymont, Planning Board Chairman, stated that as of May 1, the county took over erosion control. He asked if an Erosion Control Plan has been submitted yet. Randy Hawkins stated that an erosion plan has not been submitted yet.

Commissioner Klein asked if this company is expected to consolidate or have two locations. Randy Hawkins stated that it is his understanding that they will move out of the current facility and this will be the new location.

Frederick Creech stated that the building will cost over a million dollars not including the land. It will have stucco exterior, 32 stations to treat patients, and a CON has been issued site-specific for this facility. He will be the owner and general contractor and will be on site everyday to oversee construction. Mr. Creech said that this will be a very attractive, functional building. He said that there will be a five-month buildout.

John Pagel, Planning Board Vice Chair asked how many employees will work at this location. Mr. Creech said he is guessing it would be 10 – 15 employees.

Chris Hope, Civil Engineer, stated that when he got here, he found out that there has been some water issues with some neighbors. Ms. Garner is having problems with the water runoff. He said that they will put in a 25 year detention pond. He said the erosion plan was approved for entire site, not for this center.

Sherry Garner, 1161 Confederate Road, presented pictures of water runoff. She stated that she would like to see the developer have in place a system to control all the water. She said that every time there is a big rain, the water comes onto her property and floods it.

Anita Navy, 1349 Confederate Road, stated that she owns property behind Mrs. Garner, that is used for pasture land. She said that for days after a rain, the property is not useable. She said the developer needs to have a plan.

Marcene Wright, 1198 Wright Road, Vale, stated that she owns the property joining this 2 ½ acre site proposed for the dialysis center. She said she is not against this center, but her concern is that this property is creating a lot of water. She said that the culvert goes into some of her property and it does fill up. She stated that they need a ditch all the way to the river if they're going to do something like that. She asked who would maintain the detention pond.

Chris Hope stated that the owner would keep it clean and it will be grassed up.

Edwin Wright stated that he lives in Vale, but his wife owns property on both sides of road. He stated that the water drains onto the yard. He said that he is not against anything, just wants to see it done right. He stated that he has talked to a few people and would like to recommend that the developer build a basin large enough to take care of the entire park at full development, based on water run off before it is cleared. He asked the Commissioners to keep check on this basin and make sure it performs.

Rick Gardner, 1207 Confederate Road, stated that this is an asset to the community and county. He said he has property that water has been running on since this site was cleared. He said that from what he gathered from the engineer, the detention pond will have no effect on the problem there now. He asked the Commissioners to consider the problem that is already there.

Craig Upshaw, with Piedmont Companies, gave a Power Point presentation showing the water runoff. He presented pictures of the site and surrounding area. Mr. Upshaw stated that once the water leaves their property, it runs into inadequate ditches, into a pipe that is blocked up and dams up on the road. He stated that the size of the ditches need to be increased and the pipe needs to be cleaned out. He said that he will call DOT in the morning about the size of the pipe.

Willie Heavner, president/owner of Piedmont Companies, stated that this parcel is part of a greater 14 acre development. He stated that he originally purchased the property in 1985 and cleared it in 1986 or 1987. He said he sold the property and the repurchased it the late 1990's. Mr. Heavner stated that he is sensitive to the concerns of the residents and would clean out the ditches for them if the residents would sign a waiver of liability.

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

The Planning Board recessed their meeting on the 2nd floor balcony.

Chairman Anderson called for a 5 minute recess and 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 speakers, Chairman Anderson declared the public comments section closed.

Insurance Plan for County Employees: Joanie Belk, Chair of the Insurance Review Committee, thanked the Insurance Committee for helping. The committee is asking to stay with BCBS. Bids were obtained from NCACC/Cigna and BCBS and the bid was higher from Cigna. Both companies bid on the same amount of benefits with the benefit period and deductible going for 18 months. The Committee chose to stay with BCBS.

Chairman Anderson asked the impact of a larger deductible. Joanie Belk stated that BCBS was cheaper with the \$1200 deductible, but she did not have those figures with her.

Commissioner Patton stated that every employee that has spoken with him would like to stay with BCBS. He stated that it adds a lot of expense going to a \$1200 deductible.

Leon Harmon stated that the Board will need add money to the budget for insurance regardless of the decision made.

Commissioner Klein stated that he is not as concerned with the notion of staying with BCBS as he is with making a \$4.5 million decision.

Commissioner Patton stated that if the Board looks at a \$1200 deductible, it's like giving the employees a raise in one hand and taking that money away in the other hand. He said that the Board has spent a lot of money on the salary study and doesn't believe it's right to take the money away from them.

Commissioner Carlton stated that he respects the people who served on the insurance review committee. He said that 9 of 10 employees have said they want to stay with BCBS. He said he agrees with Commissioner Patton and doesn't want to give the employees more money and then take it away.

UPON MOTION by Commissioner Carlton, the Board voted 3 – 2 (Anderson, Klein against) to adopt the recommendation of the insurance review committee to utilize BCBS as the carrier with a total cost of \$4.4 million, which will get the county to a renewal date of July 1 henceforth.

Commissioner Klein asked that if at any point, the Board cannot face from a fiscal perspective the steep costs for healthcare, when will they be able to do that.

Commissioner Patton stated that the Board asked for the changes, not the employees.

Requests from Lincoln County Board of Education: George Dellinger, Board of Education Chairman, introduced the Request for QZAB and the request for a school bond.

Jim Watson, Superintendent, stated that once again, North Carolina has made available QZAB monies through the U.S. Department of Revenue. These bonds may be used for repairs and renovations at schools having 35% or higher free/reduced lunch participation. Additionally, a ten percent private sector match must be provided. These bonds are interest free and can be paid back over a fourteen year period. Lincoln County received \$2 Million in QZAB funding in 2005, which saved the county approximately \$954,000 in interest.

Dr. Watson requested permission to apply for \$1,500,000 in QZAB Bonds.

Dr. Watson presented a Powerpoint slideshow and asked the Board to approve a bond referendum for the November 6, 2007 ballot for \$44.6 million.

UPON MOTION by Commissioner Klein, the Board voted unanimously to support the School System in applying for the QZAB Bonds.

The Board agreed to add the School Bond Issue to the May 23 work session agenda.

Neighborhood Community Notification Process Update: Tom Campbell presented information on the Neighborhood Community Notification (NCN).

Over the summer and through the fall of 2006, a small group of concerned county citizens banded together with the sole intent of brainstorming positive productive ways of addressing the rapid uncontrolled growth in our county, especially along the new and old Highway 16 corridor. Members of the group were more concerned about the way they envisioned the future County infrastructure, not only for the benefit of their families and friends, but for all residents of Lincoln County.

They concentrated on the below listed areas and whether or not the current code fully addressed the following:

- Allow better lines of communication between county residents and those effecting change within the neighborhood community.
- Encourage quality residential and commercial design
- Promote mixed use, pedestrian and transit friendly environments
- Provide flexibility in the administration of the zoning code.
- Promote simplified planning and zoning review and approval processes whose fees are adequate to fully absorb all costs with operating your department
- Provide simplified language for readability of all codes.

After several meetings, the group realized their challenge was overwhelming, and that they should focus on only one area at a time.

Introduction

Purpose:

- Provide residents a platform from which the impact of growth can be thoroughly examined
- Does not complicate zoning process nor bind developers

Intent:

- Provide a reasonable process for resident review of zoning matters
- Work with land developers and govt. zoning officials on use of land issues affecting the community

Eligibility

- Residential not commercial/industrial
- HOAs and self-defined communities

Contact Persons (CP)

- Represents the HOA/community
- Encourages feedback from and participation by residents represented
- Access to topic specific training
- Communicates w/ developer & staff
- Present oral/written rationale on applications before PB/BOC

Neighborhood Advisory Committee (NAC)

- Comprised of selected contact persons
- Define measurable performance standards for NCN
- Refine the process; expand the participants

NCN Review Committee

- Approve/Deny applicants eligibility
- Role transferred to NAC as soon as is practical

Authority

- Participants (CP, NAC) are advisory
- Staff role to NCN is advisory
- Oral/written recommendations are 'official' record of proceedings

Chairman Anderson asked if this is something the Board needs to approve. Mr. Campbell stated that this does not need Board approval.

The Board discussed BALD sending notification to ELBA of zoning events taking place and the amount of emails that may end up being sent in the future.

The Board discussed just posting the information on the county's website instead of sending notification to ELBA.

The Board took this as information and no action was taken.

Uniform Addressing for 911 Emergency – Madge Huffman: Madge Huffman stated that on August 26, 1991, Lincoln County adopted an ordinance establishing a permanent, uniform addressing system with the ordinance being last updated in March, 2001.

Provisions of this ordinance allow and require that street addressing provide for the orderly assignment of addresses to protect the safety and welfare of the public by facilitating the location of individual dwellings and businesses by emergency response personnel.

Lincoln County 911 Communications has made great stride in their electronic response programs, which route emergency response teams. However, the need for individually posted house/business numbers still remains very important to responders. Minutes and seconds are critical in an emergency situation and visibility of the house numbers assists them in reaching victims as quickly as possible.

Ms. Huffman requested that the Lincoln County Board of Commissioners join in this effort to launch (kick-off) a new campaign by designating the last week in May as Address Awareness Week. The cost to ship a postcard to the 33,000 residents not in compliance is \$12,210.

UPON MOTION by Commissioner Patton, the Board voted unanimously to designate the last week in May as Address Awareness Week and authorize the Tax Department to expend \$12,210 to deliver 33,000 postcards to residents who do not have their numbers posted.

Qualification Submittals for Engineering Services – Steve Gilbert: Steve Gilbert presented the following information:

On April 5, 2007, Public Works received Qualification Packages from four engineering firms to provide professional services for design of a water line on NC 73 between East Lincoln Middle School and East Lincoln High School, including an elevated storage tank and booster pump station. This project will complete a water connection on NC 73, providing a redundancy in our water system that has been needed for quite some time, and it will provide a much greater volume of water to the Central Pressure zone of our water system. Beneficiaries of these improvements will include Lincoln County Industrial Park, Timken, and many other customers in central Lincoln County. Submittals were received from WK Dickson, Kimley-Horn, Stantec and Hazen & Sawyer, all of whom would provide their primary services from a office in Charlotte.

The submittals were reviewed independently by 6 representatives from Public Works, Building and Land Development and Soil & Water Conservation offices. The submittals were ranked by each person and the results are as follows:

- | | | |
|----|-------------|-----------|
| 1. | WK Dickson | 9 points |
| 2. | Kimley-Horn | 14 points |

3. Hazen & Sawyer 18 points
4. Stantec 19 points

While we are confident that any of the four firms is capable of providing the services we need, a choice must still be made. Based on their low aggregate score of ranking positions, the clear choice is that WK Dickson submitted the best Qualification Package. Therefore, with the consensus of the Board, we would like to move to the next step of the consultant selection process, that of negotiating a fee with the selected firm. Once that process is complete, the next step would be to bring a proposed Engineering Services contract back for the Board's approval.

The Public Works Department requests consensus from the Board of Commissioners to proceed with fee negotiations with WK Dickson for an Engineering Services contract for the waterline on NC 73, including an elevated storage tank and booster pump station.

Commissioner Patton raised objections to negotiating with WK Dickson.

It was the consensus of Board to proceed to undertake negotiations with WK Dickson.

Water Conservation Ordinance Revision – Steve Gilbert: Steve Gilbert presented the following information:

The Lincoln County Water Conservation Ordinance was originally adopted on October 21, 2002. This ordinance was adopted in response to the conditions that occurred during the drought of that period and it defined the method by which to encourage and even require water customers to conserve water during such conditions.

As a part of their relicensing effort for the Catawba-Wateree chain of rivers and reservoirs, Duke Power has developed a detailed methodology for assessing and evaluating shortages in the water supply throughout the basin. This involves several criteria ranging from storage volumes in the reservoirs, water levels in numerous groundwater wells, streamflows in certain streams and the US Drought Monitor, which tracks rainfall throughout the country. Duke has developed what they call their Low Inflow Protocol to define the responses water users should follow to conserve water during shortages. The relicensing documents require all parties that have signed the agreement to adhere to these responses to water shortages in a like manner. Since Lincoln County was a signing party to the match up with Duke's Low Inflow Protocol. Their protocol includes 5 levels of response to a water shortage, beginning at a Stage 0 Watch Condition to a Stage 4 Water Shortage Emergency, and it specifies a goal at each level for percentage reduction in water usage. The revisions will bring this into agreement with Duke's protocol. The basics of the changes are that we go to 5 levels of response from the current 3 levels, the first level being only a watch, and the other 4 levels have percentage goals of water reduction that were not a part of our original document. With Duke providing water supply information on a monthly basis, which they have agreed to do, the use of the ordinance will be consistent throughout the basin

and should be much more effective in heading off severe water shortages than when each jurisdiction makes water shortage decisions on their own.

It was the consensus of the Board to proceed with scheduling the necessary public hearings and required procedures with the goal of amending the Lincoln County Water Conservation Ordinance.

Other Business: Commissioner Patton presented a Resolution in Support of House and Senate Bills to make grants available to fire departments. This would allow more fire departments to be eligible for grants.

Upon motion by Commissioner Patton, the Board voted unanimously to approve the Resolution.

Commissioner Carlton asked if the \$20,000 is funded by the county. Commissioner Patton stated that he assumes the money is already in their budgets.

Commissioner Patton stated that the Board has received an environmental study on the Mundy House, which will be donated to the Historical Society. He stated that the Board needs to move forward with this. The property will go to Lincoln County, it has to be in Lincoln County's name until they get the grant money.

UPON MOTION by Commissioner Patton, the Board voted unanimously to move forward with the process of acquisition of the Robert O. Mundy House.

UPON MOTION by Commissioner , the Board voted unanimously to enter into closed session 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee pursuant to N. C. General Statutes Section 143-318.11(a)(6).

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

Recess: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to recess until Friday, May 11 at 3:00 p.m.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners

