

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 5, 2007**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 5, 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  
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  
Ron Rombs, Director of Emergency Management Services

**Call to Order:** Chairman Anderson called the March 5, 2007 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Commissioner Moore 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 adding 2 items under other business and 3a – Request for funding for the 4<sup>th</sup> of July Celebration.

## AGENDA

### LINCOLN COUNTY BOARD OF COMMISSIONERS

**MARCH 5, 2007**

	6:30 PM	Call to Order
	6:31 PM	Invocation – Commissioner Moore
	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"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- February 19, 2007</li></ul></li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- February 5 – 11, 2007</li></ul></li><li>- Budget Adjustment No. 60 - 62</li><li>- Waived Fees<ul style="list-style-type: none"><li>- Rotary Club – Rotary Auction</li></ul></li><li>- Sponsored Group Fees<ul style="list-style-type: none"><li>- Lincoln County Republican Party</li></ul></li><li>- Child Abuse Prevention Month Proclamation</li><li>- Resolution Urging the Use of Inhibitors in Meth Production</li></ul>
3.	6:35 PM	Zoning Public Hearings – Randy Hawkins

ZTA #547 Lincoln County, applicant. A proposal to amend Sections 4.5, 4.7, 4A.4 and 6.24 of the Lincoln County Zoning Ordinance to require that all applications for zoning amendments and conditional use permits be submitted at least 45 days prior to a public hearing on the application, to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application, and to require that notices of hearings be mailed to all owners of properties that lie within 660 feet of any portion of the property(ies) in question.

ZTA #548 Lincoln County, applicant. A proposal to amend Sections 13.9 and 13.3.3 of the Lincoln County Zoning Ordinance to prohibit any new off-premise advertising signs.

ZTA #549 Lincoln County, applicant. A proposal to amend Sections 7.2, 7.6 and 7.10 of the Lincoln County Zoning Ordinance to state that the Board of Commissioners shall hear and decide requests to expand a nonconforming nonresidential use beyond its current parcel, change one nonconforming use to another, allow the reconstruction of a building housing a nonconforming use which has been destroyed, or waive the screening requirements of a new use, change of use or expansion of an existing use; to require that all applications for nonconforming use permits be submitted at least 45 days prior to a public hearing on the application, and to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application.

PCUR #151 Lowry Hobbs, applicant (Parcel ID# 55551, 933014 and 77528) A request to rezone 3.7 acres from R-T (Transitional Residential) and R-CR (Residential and Commercial Recreational) to CU R-CR (Conditional Use Residential and Commercial Recreational) to permit a parking area for a marina. The property is located on the south side of Water Oaks Drive about 1,000 feet east of Hwy. 16 in Catawba Springs Township.

4. 7:15 PM Request for Modification of the Lincoln County Emergency Medical Services Franchise Ordinance – Ron Rombs
5. 7:25 PM Resolution to Request Legislators to Establish a Real Estate Transfer Tax in Lincoln County
6. 7:35 PM Resolutions Concerning Speed Limit on Hager's Ferry Road
7. 7:45 PM Facility Requirements for County Government Through 2010
8. 7:55 PM Capital Project Ordinance – Westport Water Line
9. 8:05 PM Vacancies/Appointments
10. 8:15 PM Other Business

Adjourn

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

- Approval of Minutes
- February 19, 2007
- Tax Requests for Refunds – More than \$100
- February 5 – 11, 2007

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (FEBRUARY 5, 2007-FEBRUARY 11, 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
Stathopoulos, Spero G.	2005-06 DFD/ELSD	0168262	109.61
		<b>TOTAL</b>	<b>\$ 109.61</b>

- Budget Adjustment No. 60 – 62

No. 60: To appropriate funds for White & Smith APFO contract approved on 2/19/07.

No. 61: To budget for Westport water line replacement Phase 2.

No. 62: To budget \$150,000 of interest earned on bond proceeds to purchase property adjoining bus garage.

- Waived Fees
  - Rotary Club – Rotary Auction
- Sponsored Group Fees
  - Lincoln County Republican Party
- Child Abuse Prevention Month Proclamation
- Resolution Urging the Use of Inhibitors in Meth Production

**New Business/Advertised Public Hearings:**

Chairman Anderson announced that this was the date, Monday, March 5, 2007 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on February 23, 2007 and March 2, 2007.

**NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, March 5, 2007, at 6:30 p.m. to consider the following matters:

ZTA #547 Lincoln County, applicant. A proposal to amend Sections 4.5, 4.7, 4A.4 and 6.24 of the Lincoln County Zoning Ordinance to require that all applications for zoning amendments and conditional use permits be submitted at least 45 days prior to a public hearing on the application, to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application, and to require that notices of hearings be mailed to all owners of properties that lie within 660 feet of any portion of the property(ies) in question.

ZTA #548 Lincoln County, applicant. A proposal to amend Sections 13.9 and 13.3.3 of the Lincoln County Zoning Ordinance to prohibit any new off-premise advertising signs.

ZTA #549 Lincoln County, applicant. A proposal to amend Sections 7.2, 7.6 and 7.10 of the Lincoln County Zoning Ordinance to state that the Board of Commissioners shall hear and decide requests to expand a nonconforming nonresidential use beyond its current parcel, change one nonconforming use to another, allow the reconstruction of a building housing a nonconforming use which has been destroyed, or waive the screening requirements of a new use, change of use or expansion of an existing use; to require that all applications for nonconforming use permits be

submitted at least 45 days prior to a public hearing on the application, and to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application.

PCUR #151 Lowry Hobbs, applicant (Parcel ID# 55551, 933014 and 77528) A request to rezone 3.7 acres from R-T (Transitional Residential) and R-CR (Residential and Commercial Recreational) to CU R-CR (Conditional Use Residential and Commercial Recreational) to permit a parking area for a marina. The property is located on the south side of Water Oaks Drive about 1,000 feet east of Hwy. 16 in Catawba Springs 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.

**Zoning Text Amendment No. 547 – Lincoln County, applicant:** A proposal to amend Sections 4.5, 4.7, 4A.4 and 6.24 of the Lincoln County Zoning Ordinance to require that all applications for zoning amendments and conditional use permits be submitted at least 45 days prior to a public hearing on the application, to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application, and to require that notices of hearings be mailed to all owners of properties that lie within 660 feet of any portion of the property(ies) in question.

Currently, the deadline for submitting application is 21 days prior to the hearing. Extending the deadline would allow notices to be mailed to surrounding property owners 25 days prior to the hearing (the earliest allowed under state law). It would also allow staff more time to prepare information on applications, so packets could be mailed earlier to Planning Board members and commissioners. Under state law, hearings can't be officially advertised more than 25 days in advance. However, a schedule of upcoming hearings could be released to the public earlier.

Currently, the Zoning Administrator is allowed to defer a hearing on an application for one month (a hearing must be held within 60 days of submittal) if he determines more time is needed to review the application. This proposal would provide more time for review if necessary.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 547 – Lincoln County, applicant.

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

**Zoning Map Amendment No. 548 – Lincoln County, applicant:** A proposal to amend Sections 13.9 and 13.3.3 of the Lincoln County Zoning Ordinance to prohibit any new off-premise advertising signs. This proposal reflects the amendment to the county's Sign Ordinance that was approved by the Board of Commissioners on February 5.

Under the Zoning Ordinance, off-premise advertising signs are defined as simply “advertising signs”. This proposed text amendment would keep intact the regulations for existing advertising signs.

Larry Craig, Planning Board member, asked if there was a business on a secondary road with access to property on the main road, if they could have a sign on the main road.

Randy Hawkins stated that they could not, although there are provisions for small directional signs that can be placed at intersections.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 548 – Lincoln County, applicant.

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

**Zoning Text Amendment No. 549 – Lincoln County, applicant:** A proposal to amend Sections 7.2, 7.6 and 7.10 of the Lincoln County Zoning Ordinance to state that the Board of Commissioners shall hear and decide requests to expand a nonconforming nonresidential use beyond its current parcel, change one nonconforming use to another, allow the reconstruction of a building housing a nonconforming use which has been destroyed, or waive the screening requirements of a new use, change of use or expansion of an existing use; to require that all applications for nonconforming use permits be submitted at least 45 days prior to a public hearing on the application, and to allow the Zoning Administrator to defer a hearing on an application for up to 60 days if he determines that more time is needed to review the application.

Currently, these types of requests are heard and decided by the Planning Board and applications must be submitted at least 21 days prior to a hearing.

There have been ten requests involving nonconforming uses in the past six years, four to expand nonconforming uses, five to change nonconforming uses, and one to reestablish a nonconforming use that had gone beyond the four year time period for reestablishing it.

Chairman Anderson asked if any of those ten cases were controversial. Randy Hawkins stated that three cases involved a great deal of controversy.

Planning Board member John Pagel asked if there is currently an appeal process. Randy Hawkins stated that appeals would go to the Superior Court.

Commissioner Patton stated that if there have only been ten cases in six years, he doesn't see why the way it has been done is a problem. Randy Hawkins stated that this came about when someone went through a rezoning and withdrew to go this route instead

Commissioner Craig asked if this change was brought before the Homebuilders Association. Randy Hawkins said it was not.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 549 – Lincoln County, applicant.

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

**Parallel Conditional Use Request No. 151 – Lowry Hobbs, applicant:** A request to rezone 3.7 acres from R-T (Transitional Residential) and R-CR (Residential and Commercial Recreational) to CU R-CR (Conditional Use Residential and Commercial Recreational) to permit a parking area for a marina. A marina is a conditional use in the R-CR district, and an accessory use such as a parking area would also be a conditional use. A site plan is included as part of the application and would be binding if the rezoning is approved.

The property is located on the south side of Water Oaks Drive about 1,000 feet east of Hwy. 16. It is adjoined by property zoned R-CR and B-N (Neighborhood Business). County sewer is available at this location. This property lies at the edge of an area designated by the Lincoln County Land Use Plan as a neighborhood center, an area suitable for concentrating primarily nonresidential development.

The site plan does comply with the regulations in the Lincoln County Zoning Ordinance and specifically the dimensions of the parking spaces, the traffic aisle widths, and the calculations regarding impervious area. This would under the watershed regulations fall under the low density area.

Commissioner Klein asked if it was the intent of the applicant to abandon the temporary parking area that would be west of this area. Randy Hawkins stated that this is his understanding.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 151 – Lowry Hobbs, applicant.

Lowry Hobbs stated that the purpose of this request is parking. This will allow customers to come to the marina, park and walk over to the marina. He plans to also use the space for beautification and signage to make it a much more attractive area. The land had older mobile homes on it, which have already been moved.

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

The Planning Board recessed their meeting on the 2<sup>nd</sup> floor balcony.

Chairman Anderson called for a 10-minute recess, and called the meeting back to order.

**July 4<sup>th</sup> Fireworks Celebration:** Dale Punch presented a request from the July 4<sup>th</sup> Celebration Committee for \$6,000 for the annual celebration.

Commissioner Moore stated that she has no issue with this, but every year the Board goes through this and she is sure that there will be another request from DABA on the next agenda.

A motion by Commissioner Patton to approve this request.

Commissioner Klein stated that this amount has been given for a number of years.

Commissioner Carlton stated that he would like to decide this year an amount that will be given each year so that costs don't continue to rise and so the different organizations can count on a certain amount.

Dale Punch stated that they are looking at other avenues, such as business sponsorship.

Commissioner Klein stated that Commissioner Carlton has a good point, and the Board should consider allocating money in the recreation budget and let them dispense the money.

Vote: Unanimously approved.

**Request for Modification of the Lincoln County Emergency Medical Services Franchise Ordinance – Ron Rombs:** Ron Rombs presented a request for Modification of the Lincoln County Emergency Medical Services Franchise Ordinance. The modification is to remove “wheel chair transport vehicles” from Section 3-1 of the Lincoln County Emergency Medical Services Franchise Ordinance.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the request for Modification of the Lincoln County Emergency Medical Services Franchise Ordinance.

**Resolution to Request Legislators to Establish a Real Estate Transfer Tax in Lincoln County:** Chairman Anderson presented the Resolution which requests legislation to establish a real estate transfer tax in Lincoln County.

**RESOLUTION TO REQUEST LEGISLATION TO ESTABLISH  
REAL ESTATE TRANSFER TAX IN LINCOLN COUNTY**

WHEREAS, as one of North Carolina's fastest-growing counties, Lincoln County faces dramatic needs for additional and improved facilities for schools and other infrastructure needed to serve its increasing population; and

WHEREAS, voters in Lincoln County approved school bond referenda in 2000 and 2004 totaling \$83 million, which illustrates the dire needs of the County; and

WHEREAS, as an example of the County's efforts to meet the growing needs of the school system in 2006 the County entered into a \$19.6 million project to construct the new North Lincoln Middle School; and

WHEREAS, payments on the debt from these and other previously authorized school bonds have reached \$10,372,633 for fiscal year 2006-07; and

WHEREAS, the Lincoln County Board of Commissioners believes that it would be inequitable to the County's taxpayers to pay for such facilities by further increasing the County's tax rate and that the Board has a responsibility to seek other and additional sources of revenue; and

WHEREAS, County staff have reviewed the valuations of properties transferred in Lincoln County from the years 2000 through 2006 and have determined that a one percent transfer tax imposed on such transfers would have generated an average of \$3.48 million per year in additional revenue for the County; and

WHEREAS, having such additional revenue available would drastically reduce the need for and the magnitude of increases in the property tax rate in order to cover such debt;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the Lincoln County Board of Commissioners requests the North Carolina General Assembly to adopt appropriate legislation to allow Lincoln County to impose an additional one percent tax on the value of real estate transfers in Lincoln County with all revenue from such tax to remain in Lincoln County.

2. That the Lincoln County Board of Commissioners requests the members of the legislative delegation representing all or any part of Lincoln County to support such legislation in the General Assembly.

3. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County.

This \_\_\_\_ day of \_\_\_\_\_, 2007.

LINCOLN COUNTY

By: \_\_\_\_\_  
Chairman  
Thomas R. Anderson, P. E.,  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

Commissioner Patton stated that we currently have the APFO, a request for additional sales tax and now the real estate transfer tax. He asked if he will have to pay real estate transfer tax if he inherits land. He asked about exemptions for a first time homebuyer. He said this is bad for Lincoln County. He asked why the Board wouldn't do this in a public hearing so the public could state their opinions on it.

Commissioner Klein stated that the Board is not passing the real estate transfer tax, but asking for the authority to impose it, which is a far cry from opposing it.

Commissioner Moore stated that this was discussed at the planning session.

Commissioner Patton stated that another \$1000 added to the closing costs paid by first time homebuyers may hinder someone from buying a house.

Commissioner Carlton stated that when you look at it, if \$1,000 is going to keep you from buying a house, you really cannot afford the house anyway. He said the fact of the matter is the chance of this transfer tax passing is very slim.

**UPON MOTION** by Commissioner Klein, the Board voted 4 – 1 (Patton against) to adopt the Resolution to Request Legislators to Establish a Real Estate Transfer Tax in Lincoln County.

**Resolution Concerning Speed Limit on Hager's Ferry Road:** Chairman Anderson read the following resolution concerning the speed limit on Hager's Ferry Road:

#### **RESOLUTION**

**WHEREAS**, the Lincoln County Board of Commissioners is concerned about and responsible for ensuring the health, safety and well being of the Citizens of Lincoln County and

**WHEREAS**, the residents of that community known as Cowans Ford during a Community Safety Meeting conducted at Cowans Ford County Club on September 20, 2006 determined that the safety of said residents would be improved if the speed limit on those roads known as Hagers Ferry and Club Drive in eastern Lincoln County were reduced to 35 miles per hour over their entire length and

**WHEREAS**, it was also determined that the safety of said citizens would be enhanced and improved by stronger and more persistent enforcement of the current and, if approved, the requested reduced speed limit by the Lincoln County Sheriff's Office and the North Carolina Highway Patrol and

**WHEREAS**, these concerns and recommendations were communicated to representatives of the Lincoln County Sheriff's Office, the North Carolina Highway Patrol and

the North Carolina Department of Transportation in attendance at the above noted Community Safety Meeting held on September 20, 2006

**BE IT RESOLVED**, and it is hereby **RESOLVED** that the Lincoln county Board of Commissioners does request that the North Carolina Department of Transportation take such action as may be necessary to reduce the speed limit on Hagers Ferry Road and Club Drive in eastern Lincoln County to not more than 35 miles per hour and, be it also **RESOLVED** that the Lincoln County Board of Commissioners does request that the Lincoln County Sheriff's Office and the North Carolina Highway Patrol increase its enforcement of the current, and if approved, the proposed reduced speed limit on these roads.

Adopted this the 5<sup>th</sup> day of March, 2007

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Thomas R. Anderson, P. E., Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins  
Clerk to the Board

Chairman Anderson also read an email from Lorri Dossey, property owner and Homeowners Board member, requesting this speed limit change.

Commissioner Carlton stated that he drove this road over the weekend. He said that the speed limit in front of the club is 35 mph. He stated that the speed limit is not the problem, enforcement is. He suggested asking the Sheriff's Department to enforce the speed limit that is posted.

Chairman Anderson stated that there have been lengthy discussions with the former Sheriff and the speed limit check was placed down there. This Resolution will be sent not only to DOT, but to the Sheriff's Department and the NC Highway Patrol.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Resolutions Concerning Speed Limit on Hager's Ferry Road.

**Facility Requirements for County Government Through 2010:** Chairman Anderson stated that there is a high likelihood that in 2010 the current hospital facility will revert to the county for such use as the county sees for that property. It has been an issue for sometime as to where to house county employees, especially as the population grows. We are currently at the point where we need to obtain outside consulting help to put together a plan for the relocation of these various departments over a 3-5 year period and put together a plan for the renovations needed at the hospital building, the Citizens Center, and the Court House.

Stan Kiser, County Manager, reviewed county facilities and presented the RFQ that will be on the agenda at the next meeting.

Commissioner Patton suggested at least checking to see what the hospital facility would sell for. The proceeds from the sale could be used to build a new government center.

It was the consensus to bring this to the next meeting with a formal RFQ.

**Capital Project Ordinance – Westport Water Line:** **UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Capital Project Ordinance – Westport Water Line.

**Capital Project Ordinance  
Westport Water Line Replacement  
Phase II**

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of new waterlines in the Westport community to serve the citizens of the Lincoln County.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 70,400
Distribution Lines	388,653
Total	\$ 459,053

Section 4. The following revenues are anticipated to be available to complete this project:

Fund Balance	\$ 459,053
Total	\$ 459,053

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 5<sup>th</sup> day of March, 2007

**Vacancies/Appointments:** Commissioner Klein presented the following appointments:

Appoint:

**Council on Aging**  
Martha Mullen

**LNRC**  
Allen Hubbard

**Nursing and Adult Care Home Community Advisory Committee**  
Bob Jetton

**Historic Properties Commission**  
Jennifer Byrd  
Giles Martin, Sr.

Reappoint:

**Board of E&R – 2 year terms**  
Neil Mullen  
Everette Heglar

**Board of E&R – extend terms to 12/31/07**  
Elliott Loftin  
Neil Ferguson  
Ron Best

**Board of E&R Alternates – 2 year term**  
Lela Nixon

Mark Beam

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

**Other Business:** Chairman Anderson stated that several weeks ago, the Commissioners were briefed on the status of the Gaston County line discussions and the consensus was that Lincoln's staff would meet with Gaston's staff and work out the different pieces of property to get the line relocated. He asked if this is moving forward.

Stan Kiser stated that Commissioner Moore called and told Madge Huffman not to meet with Gaston County staff until she talked to Chairman Anderson and Commissioner Carlton.

Commissioner Moore stated that she talked to Ms. Huffman and said she would talk to Tom and Bruce about this.

Commissioner Patton stated that the Board didn't vote to change anything and is trying to resolve this issue.

Commissioner Moore stated that there are safety issues and every parcel cannot be taken into Lincoln County.

Chairman Anderson reminded the Board that Commissioners Patton and Carlton have been given the responsibility of working through this with staff and would appreciate it if any changes are taken to Commissioners Patton or Carlton.

Commissioner Patton stated that he would like to discuss, or as a board, come up with a policy to where individual commissioners can request information from staff. He said that staff is working on ordinances for individual commissioners and these projects for individual Commissioners. He said the Board should certainly have the right to ask for information from staff, but staff is being inundated with things that may or may not be of concern to anybody other than the Commissioner requesting it. He suggested that other than just ordinary information, all requests should be run through the County Manager or Chairman.

Chairman Anderson stated that the Board can handle this with consensus and agreement of the Board. He stated that it is perfectly acceptable and necessary for Commissioners to be able to seek information from staff members. The County Manager must be kept in the loop; staff actually works for the Manager, not this Board. He said that any Commissioner should feel free at any time to solicit information from any staff member; however, if that information is going to require significant time on the part of that staff member or his/her staff, or is going to involve any significant expense, then it needs to come through this Board. Chairman Anderson stated that if a Commissioner is making a

request that involves a policy decision, and if any Commissioner has any question as to whether what they're asking is a policy decision, he/she can inquire with the Manager or Counsel. He said that this Board functions as a Board, not as five individuals, and must make sure not to burden staff with unnecessary work without the prior approval of the entire Board.

Stan Kiser stated that he thinks it would be beneficial for he and staff that any major policy changes or major ordinance changes be brought to his attention in open session of the board, and he be directed by the Board to get with department heads and carry it out. He said this way at least the public is informed, staff is informed, and there is no doubt as to what his direction is and to what the individual department's direction will be.

Commissioner Klein stated that he thinks it is a good idea, but that the Board should also consider Mr. Taylor's realm of expertise. He stated that if a Commissioner has a request of Jeff's time that is significant, it should be agreed on by the Board.

Commissioner Patton stated that he thinks the Board members have the capacity to determine for themselves whether or not the request they are making falls in the category of something that's going to be time consuming. He stated that by direction of the Manager, Mr. Kiser can convey to department heads that, if a request is made of them that is going to involve significant time or expense, they let the Board member know.

Commissioner Klein spoke concerning the sudden and unexplained excavation at Prospect Hills Subdivision. He stated that no one in the subdivision or the one across the street knew what was going on. He asked the Board to allow him to talk to the Wal-Mart representatives concerning what has happened so far, what the schedule is, what the finished product will look like, etc.

Chairman Anderson stated that he has no objection to Commissioner Klein meeting with Wal-Mart, but said he may want to have DOT to sit in the meeting with him.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners