

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 16, 2006

The Lincoln County Board of County Commissioners met in regular session on October 16, 2006, at the James W. Warren Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
James Buddy Funderburk, Vice Chairman
Carrol Mitchem
Marie Moore
Alex E. Patton

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of B&LD
Randy Hawkins, Zoning Administrator
Andrew Bryant, Associate Planner
Candi Cornwell, Review Officer
Steve Gilbert, Director of Public Works
Leroy Buff, Director of Communications
Leon Harmon, Director of Finance
Madge Huffman, Director of Tax

Call to Order: Chairman Anderson called the October 16, 2006 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

OCTOBER 16, 2006

6:30 PM	Call to Order
6:31 PM	Invocation – Pastor Gary Dittman Emmanuel Lutheran Church
6:34 PM	Pledge of Allegiance

1. 6:35 PM Adoption of Agenda
2. 6:37 PM Consent Agenda
 - Approval of Minutes
 - October 2, 2006
 - Budget Adjustments 30 - 33
 - Tax Requests for Refunds – More than \$100
 - September 11 – 24, 2006
 - N.C. Governor's Highway Safety Program Resolution
3. 6:40 PM Public Comments
4. 6:55 PM Planning Board Recommendations
 - ZMA #537 Randy Brendle, applicant
 - ZMA #538 SLT Enterprises LLC
 - ZMA #539 L.C. Dellinger, applicant
 - CUP #238A Edwin McDonald, applicant
 - CUP #276 Gary Dellinger, applicant
 - CUP #277 David Pharr, applicant
 - CUP #278 Doug Ehmann, applicant
 - PCUR #142 Lincoln Harris Inc., applicant
 - PCUR #143 Steve Maggs, applicant
 - PCUR #145 Reliable Insulation Inc., applicant
5. 7:30 PM Public Hearing – Road Renaming of Furnace Road Ext.
6. 7:35 PM Request from Lake Norman Marine Commission
7. 7:40 PM 2006 – 2007 Secondary Roads Paving Program - NCDOT
8. 7:50 PM Cooperative Extension MOU – Kevin Starr
9. 8:00 PM Work First Plan – Susan McCracken
10. 8:05 PM Capital Project Ordinances
 - West Lincoln Park Project
 - Beattys Ford Park Project
11. 8:10 PM Capital Project Reports – Steve Gilbert
12. 8:15 PM Solid Waste Update – Convenience Sites – Steve Gilbert
13. 8:20 PM Finance Officer's Report
14. 8:25 PM County Manager's Report

15. 8:30 PM County Commissioners' Report

16. 8:35 PM County Attorney's Report

17. 8:40 PM Calendar

18. 8:45 PM Vacancies/Appointments

19. 8:50 PM Other Business

Adjourn

Add – 9 a – Operational Agreement
20 - Closed Session – legal matter

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the agenda, adding 9a – Operational Agreement for Soil and Water and 20 – Closed Session.

Consent Agenda:

- Approval of Minutes
 - October 2, 2006
- Budget Adjustments 30 - 33
 - Re: No. 30 – Reallocate rent from MIS and Register of Deeds
 - along with additional funds from hospital to cover estimated Bank of America building expenses
 - Re: No. 31 – Budget for Soil Conservation Natural Resources new sub-department
 - Re: No. 32 – Budget for PARTF recreation grants and allocate Recreation CIP Funds among projects
 - Re: No. 33 – Carry over previous year balance of mapping orthophotographic funds
- Tax Requests for Refunds – More than \$100
 - September 11 – 24, 2006

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 11, 2006-SEPTEMBER 24, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Duncan, Billy D.	2004-05	N321	0164886	936.00
Heafner, Fred	2006	PCFD	14459	286.32
Horne, Avis	2002-04	ELFD/ELSD	0140618	494.18
Horne, Avis	2006	ELFD/ELSD	0140618	140.62
				.
			TOTAL	\$ 1,857.12

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 11, 2006-SEPTEMBER 24, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Garrett, Vivian H.	2006	CITY	0171829	118.89
			TOTAL	\$118.89

- N.C. Governor's Highway Safety Program Resolution

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to adopt the consent agenda.

Public Comments: Chairman Anderson advised that this was the time the Board of Commissioners would open the floor to receive public comments from citizens regarding any matter they desired to address.

Robert Wayne Avery, 843 Newton Lane, approached Commissioners about a survey sent to county citizens, which gives them the opportunity to have a voice in government. He asked the Board to look at meeting on Saturday mornings.

Karen Dunn, 2075 Hines Circle, Stanley, stated that she had previously talked to Commissioner Moore about a situation in her neighborhood. She stated that she has a neighbor who has dangerous dogs that slaughtered her five goats and have attacked dogs in the neighborhood. She stated that she filed a nuisance complaint, but Animal Control will not consider the dogs dangerous because they have not killed a domesticated animal or a person yet. She asked the Board to look into her complaint.

Chairman Anderson asked the manager to take this issue to the Dangerous Dog Board and coordinate this with the sheriff.

Being no additional speakers, Chairman Anderson declared the Public Comments session closed.

Planning Board Recommendations

Zoning Map Amendment #537 – Randy Brendle, applicant: The Planning Board voted 6-0 to recommend approval.

Case No.: ZMA #537
Applicant: Randy Brendle
Parcel ID#: 11704
Location: West side of Hwy. 18 about 2,200 feet north of Hwy. 27
Proposed
Amendment: Rezone from R-R to B-N

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is located within a half mile of an area designated as a rural community center.

This proposed amendment is reasonable and in the public interest in that this property is located on a main highway in an area with only a few homes. Property zoned business is located about 1,600 feet to the south. The uses in the B-N district are generally limited to retail sales and offices.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and statement of consistency and reasonableness for Zoning Map Amendment No. 537 – Randy Brendle, applicant.

Zoning Map Amendment #538 – SLT Enterprises LLC, applicant: The Planning Board voted 6-0 to recommend approval.

Case No.: ZMA #538
Applicant: SLT Enterprises LLC
Parcel ID#: 34844
Location: East side of Hwy. 16 about 800 feet north of Gaston County line
Proposed
Amendment: Rezone from R-SF to B-N

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is located in an area designated by the Land Use Plan as a commercial and employment center.

This proposed amendment is reasonable and in the public interest in that this property is located on a main highway. Property zoned B-N is located on the opposite side of the road. The uses in the B-N district are generally limited to retail sales and offices.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 1 (Moore against) to accept the Planning Board's recommendation and statement of consistency and reasonableness for Zoning Map Amendment No. 538 – SLT Enterprises LLC, applicant.

Zoning Map Amendment #539 – L. C. Dellinger, applicant: The Planning Board voted 6-0 to recommend approval.

Case No.: ZMA #539
Applicant: L. C. Dellinger
Parcel ID#: 32828
Location: at the end of Secluded Lane
Proposed
Amendment: Rezone from R-SF to R-S

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is not located in an area designated

by the Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

This proposed amendment is reasonable and in the public interest in that this property is adjoined by property zoned R-S. In terms of uses permitted by right, the main difference between R-SF and R-S is that duplexes are permitted in the R-S district. Duplexes are located on two lots that adjoin this property.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and statement of consistency and reasonableness for Zoning Map Amendment No. 539 – L. C. Dellinger, applicant.

Conditional Use Permit #238A – Edwin McDonald, applicants: The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve Conditional Use Permit #238A – Edwin McDonald, applicant, based on the Planning Board's recommendation and findings of fact presented.

FINDINGS OF FACT

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO ____
Factual reason cited: Kennel is very well protected.
2. The use meets all required conditions and specifications. YES X NO ____
Factual reason cited: Does meet all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO ____
Factual reason cited: Current facility enhances area; expansion has received support of general community.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which 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: Enhances the area; consistent with Land Use Plan.

Conditional Use Permit #276 – Gary Dellinger, applicant: The Planning Board voted 6-0 to recommend approval.

Commissioner Moore asked who would handle environmental issues

Randy Hawkins stated that there are some state regulations. He stated that this is not as highly regulated as an asphalt plant.

Commissioner Patton stated that this should be safer, because they are not hauling concrete and it takes trucks off the road.

UPON MOTION by Commissioner Patton, the Board voted 4 – 1 (Moore against) to approve Conditional Use Permit #276 – Gary Dellinger, applicant, based on the Planning Board’s recommendation, with the findings of fact as presented.

FINDINGS OF FACT

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO ____
Factual reason cited: Applicant has already started paving (parking area and driveway); use will reduce truck trips substantially.
2. The use meets all required conditions and specifications. YES X NO ____
Factual reason cited: Location meets conditions and specifications; environmental monitoring by state.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO ____
Factual reason cited: Will not make any difference to adjoining property.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which 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: Surrounded by I-G property; Land Use Plan designates this area as commercial and employment center.

Conditional Use Permit #277 – David Pharr, applicant: The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Conditional Use Permit #277 – David Pharr, applicant, based on the Planning Board’s recommendation, with the findings of fact as presented.

FINDINGS OF FACT

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO ____
Factual reason cited: Will be served by same driveway that serves the house.
2. The use meets all required conditions and specifications. YES X NO ____
Factual reason cited: Will be constructed based on specifications submitted with application.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO ____

Factual reason cited: Will be constructed in tasteful way; adjoining property owners support it.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which 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: Will be in harmony with the area and in general conformity with the Land Use Plan.

Conditional Use Permit #278 – Doug Ehmann, applicant: The Planning Board voted 6-0 to table request until traffic evaluation and erosion control plan are submitted.

Parallel Conditional Use Rezoning No. 142 – Lincoln Harris, Inc. – c/o George Johnston, applicant: The Planning Board voted 6-0 to recommend approval with the following conditions:

- 1) The applicant shall implement the traffic improvements as defined in the traffic study (including the installation of a traffic signal at the intersection of NC 73 and Ingleside Farm Road Connector) and any additional improvements required by NCDOT
- 2) The applicant shall obtain a sewer flow acceptance letter and a water availability letter from Lincoln County Public Works for allowable capacity each year.

Randy Hawkins stated that the applicant is not agreeing to put in the traffic signal at the intersection of NC 73 and Ingleside Farm Road Connector. DOT is not requiring this signal so the developer is not agreeing to install it. He presented the Board with the list of requirements by DOT:

- 1 – Access point on NC 73 (Access 1) will be restricted to right-in/right-out operation.
- 2 – Construction of a northbound left-turn lane on Little Egypt Road with 200' of full storage at the NC 73 intersection.
- 3 – Extension of the westbound left-turn lane on NC 73 at the Little Egypt Road intersection by 200 feet. (Pulte development is required to extend this turn lane to 250 feet of full storage, Ingleside Village Center will be required to extend this lane an additional 200 feet to a total storage length of 450 feet.)
- 4 – Modification of the signal at the intersection of NC 73 & Little Egypt Road to accommodate protected-permitting phasing for the westbound left-turn lane.
- 5 – Improvements at the intersection of NC 73 & Little Egypt Road must be constructed in coordination with the improvements to be made by Pulte Homes.
- 6 – A full overlay is required along NC 73 starting from beginning of construction to end of construction.

7 – A raised island on NC 73 will be required on the west leg of the intersection with Little Egypt Road, beginning 2 car lengths.

8 – Construction of an eastbound right-turn lane on NC 73 with 75 feet of storage at Access 1.

9 – Construction of a southbound right-turn lane on Little Egypt Road with 125 feet of storage at Access 2.

10 – Installation of fiber conduit along NC 73 from the intersection of Little Egypt Road to the intersection of the NC 16 By-Pass Southbound On-Ramp, and the recalculation of the signal timing plans for the NC 73 corridor should the conduit be required. (On an as needed basis to be determined by NCDOT).

Jackie McSwain, with NCDOT, stated that full build-out of this site is 2010.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the rezoning for Parallel Conditional Use Permit No. 142.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's findings of fact as presented.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Rezoning No. 142 – Lincoln Harris, Inc. – c/o George Johnston, applicant, and to accept the Findings of Fact as a whole, as submitted by the Planning Board in connection with this matter with the condition presented.

UPON MOTION by Commissioner Patton, the Board voted unanimously to delete the words “including the installation of a traffic signal at the intersection of NC 73 and Ingleside Farm Road Connector” from condition number 1 and to impose an additional condition that no construction work can be done on this site during the hours of 11:00 p.m. to 7:00 a.m.

FINDINGS OF FACT

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO ____
Factual reason cited: Won't hinder the public health or safety; developer to provide traffic improvements.
2. The use meets all required conditions and specifications. YES X NO ____
Factual reason cited: Application meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO ____
Factual reason cited: Will not hurt the adjoining or abutting property

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which 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: Will be one of the better-looking developments; will be in harmony and in conformity with the Land Use Plan

Parallel Conditional Use Rezoning No. 143 – Steve Maggs, applicant: The Planning Board voted 4-1 to recommend approval.

Commissioner Patton asked if the site plan is binding. Mr. Hawkins stated that it is.

Commissioner Moore stated that this area is not designated by the Land Use Plan for commercial development. Mr. Hawkins stated that this is not one of the areas that the Land Use Plan designates as most suitable for concentrating commercial development.

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

Commissioner Patton stated that this is a nice-looking facility. He stated that his hope is that as these newer facilities are built, the less desirable ones may go away.

A MOTION by Commissioner Patton, to approve Parallel Conditional Use Rezoning No. 143 – Steve Maggs, applicant, and to accept the Findings of Fact as a whole, as submitted by the Planning Board in connection with this matter.

Chairman Anderson stated that he is a bit concerned because this board acted to deny a similar type of installation at 16/73, which looked similar to this one. He stated that there has been a lot of discussion about the need for storage units on Highway 16, but this is not what the board should decide. Chairman Anderson stated that he has received notification that there is another site close to this site which is already zoned for and will be developed as mini-warehouses. He said that he is concerned about the future of old Hwy. 16 and whether the Board should take a step back and try to have more influence on the direction that the road takes. He stated that he has concerns about consistency, due to the fact that a Board recently turned down something very similar.

VOTE: 2 – 3 **AYES: Mitchem, Funderburk**
NOES: Patton, Anderson, Moore

Parallel Conditional Use Rezoning No. 144 – Doug Ehmann, applicant: The property owner withdrew authorization for the request on 9/21/06.

Parallel Conditional Use Rezoning #145 – Reliable Insulation , applicant: The Planning Board voted 4-0 to recommend approval, with the following condition:

- 1) No outside storage of materials shall be allowed.
- 2) No unlicensed or inoperable vehicles shall be kept on the property.
- 3) No deliveries by trucks with more than 529 axles shall be allowed.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the findings of fact as presented.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Permit No 145 – Reliable Insulation Inc., applicant, with the findings of fact as presented, conditions, and statement of consistency and reasonableness.

FINDINGS OF FACT

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO _____
Factual reason cited: Amount of traffic will be minimal; driveway access will be approved by NCDOT.
2. The use meets all required conditions and specifications. YES X NO _____
Factual reason cited: Will meet all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO _____
Factual reason cited: Will not run the value of property down; might raise the value.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which 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: Based on Goal 5 of Land Use Plan; adjacent property owners in favors.

Commissioner Mitchem stated that something has come up that he would like to ask Randy to discuss. He stated that there was an applicant that contacted him about an application he turned in today, which was the deadline for the next zoning meeting, but was denied that. He asked Randy Hawkins to explain this.

Randy Hawkins presented copies of a letter from him to Environmental Management of Denver. The letter says that Mr. Hawkins is exercising his authority under Section 4A.4 of the Lincoln County Zoning Ordinance and deferring a hearing on the parallel conditional use rezoning application until December 4, due to the fact that more time is

needed to review the application. The letter also says that the public needs additional time to review the application.

Mr. Hawkins stated that this is similar to a proposal that came up in 2002. At that time, residents complained that they were not given adequate notification and adequate time to prepare their case. This was one of his primary considerations to give the public and community more time to review these plans and to prepare their position. This will also give the applicant more time to try and address the concerns that may come up in the community.

Commissioner Mitchem asked Mr. Hawkins if he has had an opportunity to look at the plans and drawings.

Mr. Hawkins stated that he has reviewed it and it appears to be complete; it looks to be a good application.

Commissioner Mitchem asked if he would have enough time to review the application by the next meeting. He asked if they submitted a traffic impact study.

Mr. Hawkins stated that he interpreted this to mean that the public needed more time to review this. He stated that they did present a traffic impact study, which was not required.

Commissioner Mitchem stated that he does not see why this cannot be on the next agenda (November 6). He stated that the figures show that the schools will receive about \$10 million, residents (adjoining) will receive \$500,000, and a park will be built there.

A MOTION by Commissioner Mitchem to place the Environmental Management case on the 1st meeting in November for the Planning Board to hear.

Commissioner Moore stated that a landfill coming in today and not allowing the people but a few days does not allow the public to get together to have a meeting. She stated that she thinks it is bad policy to not give the residents in the area a chance. She said that the Zoning Department has the authority to postpone cases like that for 30 days and should extend the courtesy to him not to hear it until December.

Commissioner Mitchem stated that this C&D Landfill will still have to be approved by the state. He asked how many days notification the nearby property owners will have.

Mr. Hawkins stated that they will send out the letters at least 18 days in advance if it is scheduled for November 6. According to State Law, the letters cannot be mailed more than 25 days in advance.

Chairman Anderson stated that he agrees with Commissioner Moore. He stated that the Board should proceed with some trepidation overriding the Zoning Administrator's opinion. He stated that this is a matter that has been before the Board before and was denied. He stated that a landfill is a deeply controversial issue and this one will back up

to a residential subdivision. He stated that he feels strongly that the Board should support the Zoning Administrator on this.

Randy Hawkins stated that the Zoning Ordinance gives the Zoning Administrator the clear authority to defer this application. He stated that if the applicant disagrees with that decision, he can appeal it to the Board of Adjustment. He stated that he will view the Board of Commissioners as an appeal board of his decision and if the majority of the Board wants this hearing scheduled for November 6, he will bow to the political will and change his decision.

VOTE: 3 – 2 **AYES: Mitchem, Patton, Funderburk**
NOES: Anderson, Moore

Public Hearing – Road Renaming of Furnace Road Ext.: Chairman Anderson opened the public hearing concerning the road renaming of Furnace Road Ext.

Annette Beam stated that she took the petition around for her neighbors to sign. This road is being proposed due to some safety issues that have been brought to the attention of the 911/Communication Department.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to change the name to Furnace Road Extension.

Request from Lake Norman Marine Commission: Lake Norman Marine Commission requests an addition \$15,000 from each County for the maintenance and expansion of the navigational system (NavAids) on Lake Norman.

Commissioner Patton asked what the budgeted \$21,000 pays for.

A MOTION by Commissioner Moore to approve and ask for a report back from them concerning what the money was spent on.

Chairman Anderson suspended the discussion until getting further budget information.

2006 – 2007 Secondary Roads Paving Program: Jackie McSwain presented the 2006 – 2007 paving priority program.

The following rural roads are on the paving priority program:

Paving Priority	Road Name	Length	Est. Cost
1	Duckworth/Carpenter	0.33	\$98,000.00
2	Coot Williams	0.22	\$66,000.00
3	Orchard Crest	0.46	\$138,000.00
4	Hull McGinnis	0.64	\$192,000.00
		1.65	\$494,000.00

Rural alternate:

1	Hunter Rhyne	0.44	\$132,000.00
2	Lutz Dairy	0.60	\$180,000.00
3	Cedar Lane	0.29	\$ 87,000.00

Subdivision:

1	Jeff Kaylor	0.04	\$ 12,000.00
		0.04	\$ 12,000.00

Subdivision Alternate:

1	Scenic Drive	0.06	\$ 18,000.00
2	Tiny Trail	0.16	\$ 48,000.00
		1.69	\$506,000.00

They will continue down the priority list until all funds are exhausted. Total allocation is \$580,000.00

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the 2006 – 2007 Secondary Roads Paving Program.

Cooperative Extension: Kevin Starr asked for the Board's approval on the new Memorandum of Understanding between Lincoln County and North Carolina Cooperative Extension.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Memorandum of understanding.

Work First Plan – Susan McCracken: Susan McCracken and Candi Wilcox presented the Work First Plan for the Board's consideration.

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the Work First Plan and authorize the Chair to sign it.

Operational Agreement Tommy Houser and Rick McSwain: Tommy Houser, Chairman of the Lincoln Soil and Water Conservation District, stated that the Soil and Water Office was asked to take on the Soil Erosion and Sedimentation Ordinance. The District Office voted to take on the duties provided that the employees receive a pay increase for the additional duties and the Operational Agreement is approved.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Operational Agreement.

Capital Project Ordinances: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Capital Project Ordinances.

Capital Project Ordinance
West Lincoln Park Project

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 for the construction of a new park on land owned by 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:

Architect & Engineer	\$ 105,430
Construction	1,054,300
Contingency	52,715
 Total	 \$1,212,445

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

County Appropriation	\$ 712,445
State PARTF Grant	500,000
 Total	 \$1,212,445

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.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the State Agency in an orderly and timely manner.

Section 7. 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 8. 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 9. 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 16th day of October, 2006

Capital Project Ordinance
Beattys Ford Park Project

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 for the construction of a new park on land leased from Duke Energy.

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:

Architect & Engineer	\$ 97,000
Construction	973,000
Contingency	47,500
 Total	 \$1,117,500

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

County Appropriation	\$ 312,500
State PARTF Grant	500,000
Private Donations	305,000
 Total	 \$1,117,500

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.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the State Agency in an orderly and timely manner.

Section 7. 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 8. 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 9. 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 16th day of October, 2006

Capital Project Reports: Steve Gilbert presented the Capital Project Reports for the Public Utilities.

Solid Waste Update – Convenience Sites – Steve Gilbert: Steve Gilbert gave an update on the use on the County Convenience sites since the sticker system was put into place. In the month of September, six of the eight sites (including the landfill site) have seen a significant drop in the number of visits to the convenience sites.

Finance Officer's Report – Leon Harmon: Leon Harmon presented the budget performance report for September 2006.

County Manager's Report: Stan Kiser presented the County Manager's Report. He gave an update on the Bank of America building.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the request from the Lake Norman Marine Commission for additional funding for this fiscal year only contingent upon receipt of a detailed accounting from them of what they have done with the maintenance money.

County Commissioners' Report: Chairman Anderson reported that he attended his first meeting of the Board of Directors for the County Commissioners this past weekend.

County Attorney's Report: Jeff Taylor presented the County Attorney's Report. He gave an update on the Interbasin Transfer. He stated that he attended a strategy meeting last week and the Governor of South Carolina has come out against this.

Chairman Anderson stated that more money will be put into this fund from other counties and municipalities.

Calendar: Chairman Anderson presented the November calendar.

Vacancies/Appointments: Commissioner Funderburk presented the following vacancies.

Vacancies:

Centralina Workforce Development Board	1
Nursing and Adult Care Home Advisory Committee	4
Council on Aging	3

Commissioner Funderburk presented the following appointments.

Board of Adjustment

Appoint: **Alex Patton** (Commissioner Patton is currently an alternate, he will move to the regular position on the Board which will be vacated by Dean Lutz 12/06)

Appoint: **Bill Piersol** (Mr. Piersol will fill Commissioner Patton's alternate position)

A MOTION by Commissioner Funderburk to move Alex Patton from an alternate position to a regular position and to appoint Bill Piersol to the alternate position.

Discussion: Commissioner Moore stated that the Board is replacing people whose terms do not expire until December. Chairman Anderson stated that this is a little premature. He stated that he sees no problem with the appointments, but cannot support it at this time.

Vote: 3 – 2 AYES: Funderburk, Patton, Mitchem
NOES: Anderson, Moore

ABC Board

Reappoint: **Marty Mull**
Michael Davis

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to reappoint Marty Mull and Michael Davis to the ABC Board.

Airport Authority

Reappoint: **Frank Kiszely**

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to reappoint Frank Kiszely to the Airport Authority.

Lincoln County Community Friends Corporation

Appoint: **Wayne Mitchem** (North Brook) – 3 year term
Rene Bess (Howard's Creek) – 2 year term
Roberta Wilson (Lincolnton) – 3 year term
Joe Tate (Ironton) – 2 year term – 2 year term
Bill Pierson (Catawba Springs) – 2 year term
Danny Richard (At Large) – 3 year term
Recreation Director

**Historic Properties Chair
Library Board Chair**

Chairman Anderson stated that the Lincoln County Community Friends Corporation is a board that was set up almost two years ago. He stated that out of courtesy to the new Board of Commissioners, the current Board should not make appointments to the Community Friends Corporation.

A MOTION by Commissioner Funderburk to approve the appointments to the Lincoln County Community Friends Corporation.

VOTE: 3 – 2 AYES: Funderburk, Mitchem, Patton
NOES: Moore, Anderson

Closed Session: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter Closed Session to discuss Contractual Matters that are confidential pursuant to N.C.G.S. 143-318.11.1

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners