

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

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on November 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  
Terry Whitener, Secretary  
George Arena  
Clyde Brown  
Darrell Harkey  
Harold Howard Jr.  
Louis McConnell

Others Present:

Michael Talbert, Interim County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building and Land Development  
Randy Williams, Principal Planner  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Associate Planner  
Stacy Yates, Associate Planner  
Amy Brown, Clerk to the Planning Board  
Steve Gilbert, Director of Public Works  
Barry McKinnon, Utility Engineer  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the November 5, 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 Carlton, the Board voted unanimously to adopt the agenda with the additions.

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**NOVEMBER 5, 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"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- October 15, 2007</li></ul></li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- September 24 – 30, 2007</li></ul></li><li>- Tax Requests for Releases – More than \$100<ul style="list-style-type: none"><li>- September 16 – October 15, 2007</li></ul></li><li>- Budget Adjustment No. 43 - 46</li><li>- Capital Project Ordinance – Water Line Construction Hwys 16 &amp; 73</li><li>- Lincoln County Historic Properties Commission Historic Preservation Funds Grant Application, 2008</li><li>- Waived Fees (New request, not given before)<ul style="list-style-type: none"><li>- Freedom Church “Night of Worship”</li></ul></li><li>- Sponsored Group Status<ul style="list-style-type: none"><li>- “Praise is the Weapon” Women’s Conference</li><li>- Lincoln County Republican Party</li></ul></li></ul> |
| 3.  | 6:36 PM | Resolution Honoring Joseph Twiford  |
| 4.  | 6:40 PM | Report from the Planning Board – Jerry Geymont  |
| 4a. |         | Consideration and Adoption of Schedule of Values – Madge Huffman  |

5. 6:50 PM Public Hearing - Lincoln County Transportation Policy – Andrew Bryant
  6. 7:05 PM Presentation on Sally’s Y – Mary Tucker
  7. 7:20 PM Water Line Construction Bids – Steve Gilbert
  8. 7:30 PM Drought Update – Steve Gilbert
  9. 7:40 PM Public Comments
  10. 7:55 PM Fiscal Forecast Model Discussion – Commissioner Klein
  - 10a. Presentation of a Budget Calendar – Michael Talbert
  11. 8:00 PM Other Business  
Irrigation Meter Charges  
Animal Shelter Matter
  12. 8:05 PM Closed Session
- Adjourn

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

- Approval of Minutes
  - October 15, 2007
- Tax Requests for Refunds – More than \$100
  - September 24 – 30, 2007

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**  
MOTOR VEHICLES

PERIOD COVERED (September 24, 2007-September 30, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Piper, Mary E.	2007	ELFD/ELSD	0177713	103.33
Siders, Howard L.	2006	CITY	0195384	131.27
TOTAL				\$234.60

- Tax Requests for Releases – More than \$100
  - September 16 – October 15, 2007

NAME	YEAR	A/C NO	AMOUNT
A Windfish Disposal Inc.	2007	0174749	\$ 1,134.90
Alexander, Kenneth Alfred	2007	0205387	\$ 193.51

Beaver, Tony Flay	2006	0078765	\$ 332.02
Brisco, John David	2007	0103958	\$ 159.47
Brooks, James Manson	2007	0198938	\$ 164.03
Carver, Susan Grimsley	2007	0204605	\$ 179.60
DCFS Trust	2007	0161482	\$ 165.32
Earnhardt Equipment Inc.	2007	0191498	\$ 129.50
Ferguson, Mickie Lee	2006	0097922	\$ 107.18
Fifth Third Auto Leasing	2007	0153072	\$ 105.77
Foley, Patrick Michael	2006/07	0173776	\$ 114.33
Garrick, Earl Terrell	2007	0117006	\$ 158.55
Greene, Richard Bryan	2007	0196567	\$ 119.95
Gula, Anthony A. Jr.	2007	0205243	\$ 184.28
Henderson, Dewey Boyd	2007	0200454	\$ 114.23
Kay, Elizabeth Poston	2007	0177797	\$ 111.09
Kenin, Konstruction Kompany	2007	0205359	\$ 312.16
Koczarski, David Ross	2007	0205610	\$ 139.35
Lee, Lynne Annette	2007	0205287	\$ 182.40
Modlin, Matthew John	2007	0204428	\$ 150.55
Moraida, Angela Marie	2006	0199625	\$ 193.17
Performance Transport Inc.	2007	0109489	\$ 259.97
Reed, Derrick Randy	2007	0205580	\$ 170.70
Roach, Thomas Woodrow	2007	0129492	\$ 192.86
Rosales, Juan M.	2007	0203860	\$ 261.54
Russell, William W. Jr.	2007	0203481	\$ 101.70
Shrum, Robert Warren	2006	0117085	\$ 114.43
Siders, Howard Lee	2007	0195384	\$ 120.63
Sims, Barry Carroll Jr.	2007	0161571	\$ 100.27
		<b>TOTAL</b>	<b>\$ 5,773.46</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Benson, Richard	2007	0194955	\$ 113.53
Boyd, William Glenn	2002-07	06686	\$ 3,608.07
Bumgarner, Tommy J.	2007	0201132	\$ 190.74
Citicorp Leasing Inc.	2007	0174278	\$ 725.53
Fairgrove Food Shop #2	2007	0197622	\$ 1,287.00
Lincolnton First Wesleyan Ch	2007	0154021	\$ 732.78
Lineberger, Adrian S. III	2007	0184452	\$ 1,836.00
Maya Mooresville LLC	2007	0197032	\$ 187.00
Performance Toys LLC	2007	0199193	\$ 1,471.71
		<b>TOTAL</b>	<b>\$ 10,152.36</b>

- Budget Adjustment No. 43 – 46

No. 43: Multiple programs as indicated on Pg. 2

No. 44: To increase expenditure/revenue line items for Work First DOT Funds

No. 45: Transfer balance in CIP for Library to General Fund to purchase computers  
No. 46: Transfer funds from Water Fund to Water CIP along with existing funds in water CIP to fund construction of water line along Hwy. 73 from Hwy. 16.

- Capital Project Ordinance – Water Line Construction Hwys 16 & 73
- Lincoln County Historic Properties Commission Historic Preservation Funds Grant Application, 2008
- Waived Fees (New request, not given before)
  - Freedom Church “Night of Worship”
- Sponsored Group Status
  - “Praise is the Weapon” Women’s Conference
  - Lincoln County Republican Party

**Report from the Planning Board – Jerry Geymont:** Jerry Geymont, Chairman of the Planning Board, gave a monthly report. He stated that there are no zoning cases tonight and hopefully we are moving in right direction with this. He stated that they will be putting the final touches on the Transportation Policy tonight. He stated that the UDO Steering Committee will be meeting November 27. Mr. Geymont said they are also working on a Tree Preservation Ordinance.

**Consideration and Adoption of Schedule of Values:** Madge Huffman asked the Board to adopt the Schedule of Values for the 2008 revaluation and through the upcoming appraisal years through 2012.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to adopt the Schedule of Values.

The Board thanked Madge Huffman for her hard work.

Chairman Anderson stated that Stacy Yates, Planner with Building and Land Development has accepted a position with another county and this will be her last meeting. He thanked her for the work she’s done and wished her luck.

**Public Hearing – Lincoln County Transportation Policy – Andrew Bryant:** Andrew Bryant presented the Lincoln County Transportation Policy.

The Lincoln County Transportation Policy has been a six month effort by staff with cooperation from the North Carolina Department of Transportation to develop additional guidelines that will be used to help guide how the County’s transportation infrastructure will develop over time and to insure that future developments will be guided by the policies set forth within the document. The document itself stresses the maintenance of mobility through the County’s major corridors and the connectivity of future residential and commercial developments in the county.

Many of the policies described in this document will be codified by the Unified Development Ordinance that is being worked on by Land Design while others are simply meant for guidance. The policies contained within are all created in the interest of protecting the public health, safety, and welfare of the citizenry of Lincoln County.

Mr. Bryant gave a Powerpoint Presentation, in which he said that the purpose of the Transportation Plan is to maintain an effective road network, we don't want to see the quality of Lincoln County roads degrading as development continues. He spoke concerning Marginal Access Standards, along certain roads in the county you cannot subdivide property without having a shared driveway access. This policy would add additional roads to the list of marginal access roads. You can subdivide on these roads with a minimum lot width of 300'.

Mr. Bryant presented the following affected roads:

Current	New
Airport	Amity Church
Cat Square/Shoal	Buffalo Shoals
Killian	Campground
Old Mill	Ingleside Farm
Startown	Little Egypt
NC 10	Mariposa
NC 16	Old Plank
NC 18	Optimist Club
NC 27	Philadelphia Church
NC 73	Reepsville
NC 150	Shuford
NC 182	St. James Church Road
NC 274	Rufus Road
NC 155	Triangle Loop

The following access requirements will apply:

#### Tiered System

Example:

- 1 – 50 lots
  - 1 entrance
  - Internal stream crossing: 2<sup>nd</sup> access
- 51 – 150 lots
  - 2 entrances
- 150+ lots
  - 3+ entrances

Right of Way Preservation will also be addressed in this Plan. This policy will recognize that certain roads will be widened in the future and will move the front setbacks from 60' to 100'. This would help preserve people's homes and DOT's right of way.

The Plan will go along with recommended improvements that are part of the State Transportation Improvement Plan as well as our comprehensive transportation plan for widening roads and new roads once the centerline is determined. It will also help with bike lane additions and greenways. The plan will help with connection to state roads for subdivisions. The cul-de-sac length will also be addressed in the plan.

The Plan will address the Level of Service Standards. The minimum Level of Service is a "C". If the LOS drops below "C" with a development coming in, they would be required to maintain a grade "C", it could not drop below. If an intersection is below a level "C", it must maintain its current LOS. Mr. Bryant presented level of service criteria for signalized, unsignalized intersections, and Class I two lane highways.

Mr. Bryant stated that the plan will work through our rezoning cases, because this is where we see the largest developments. It will be the responsibility of staff as well as the Board of Commissioners and Planning Board to set conditions that are reasonable for each project and would come from their traffic impact study. Each improvement would have to be a separate condition of the rezoning and is very easy to do with conditional zonings. These conditions would have to meet DOT standards, but this is something staff would take care of. If there was a right of way issue, the developer would have to come back before the Board for reconsideration.

Mr. Bryant presented the list of the five approved firms for the Traffic Impact Studies. Any intersection or traffic or travel leg that has a "D" level of service will need an independent review at the applicant's expense by an approved firm. Mr. Bryant stated that he has spoken with Commissioner Klein, who would like to change this to level "C".

Mr. Bryant presented the following text addition:

All improvements will be required as conditions of the approval of the rezoning, must meet North Carolina Department of Transportation (NCDOT) standards and be included in the driveway permit issued by the NCDOT Division 12 office. *Required improvements must correspond directly to the impact of the development proposal. If right-of-way necessary.....*

Commissioner Klein asked about connectivity inside a development. Andrew Bryant stated that they will definitely recommend connectivity within the subdivision and to vacant adjacent parcels, and other subdivisions if that right of way is available. The cul-de-sac lengths will also help with that.

Commissioner Klein stated that with our recent history with the Lowe's project, he asked if this is a stand alone policy where we are not handing over our rights to DOT.

Andrew Bryant stated that with each improvement being a condition of rezoning, if the applicant does not meet the condition, they have violated their rezoning or conditional use application and they will have to come back before the Board.

Commissioner Carlton asked if the Charter School would be allowed if we backed up and had this policy in place then.

Andrew Bryant stated schools are exempt from zoning, so it would not have helped.

Commissioner Moore stated that Mr. Bryant said that it was not specifically in there about connectivity. She asked if there was enough written language to encourage that.

Mr. Bryant stated that the top of the second page talks explicitly talks about connection to adjacent properties. He stated that the connectivity that is not explicitly laid out is connectivity within the subdivision, but this can be addressed through the cul-de-sac length.

Chairman Anderson stated that Mr. Bryant touched upon right of way issues. He asked how good our data is on right of ways on the major roads in the county. Mr. Bryant stated that it comes down to individual lots and we do not know what right of way DOT has dedicated, what is recorded, and what's mapped.

Chairman Anderson asked Building and Land Development to begin to amass what data we have concerning right of ways and said a decision should be made concerning future requests where we don't know the right of ways.

Chairman Anderson opened the public hearing.  
Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

Chairman Anderson declared a brief recess.  
Chairman Anderson called the meeting back to order.

**Presentation on Sally's Y:** Andy Calhoon, President for the YMCA of Greater Charlotte, thanked the Board for allowing them to be here tonight and introduced the idea of Sally's Y.

Ron Johnston, Executive Director of the Lincoln County YMCA, gave a presentation on Sally's Y. He stated that before fundraising for Sally's Y began, surveys were completed to gauge community interest and support. The interest among residents in East Lincoln is twice the national average. Mr. Johnston stated that over the past 18 months, a capital fundraising campaign has been underway and volunteers have raised over \$5.6 million on a \$7 million goal.

Sally's Y, with 30 acres of land, will be located at the intersection of new Highway 16 and Optimist Club Road and next to the Carolina Health Care Systems new facility.



Eighty acres will be placed under conservation easement for protection by the Catawba Lands Conservancy, allowing for YMCA outdoor activities and summer camps. Sally's Y will be a regional draw for hiking, biking, and outdoor adventure activities and environmental education programs.

Mr. Johnston stated that to continue the YMCA's partnership and collaboration with Lincoln County, they are respectfully asking the Commissioners to consider a donation of support for the Sally's YMCA Capital fundraising efforts to be gifted over five years.

Chairman Anderson stated that this is a matter that will be taken up in budget discussions.

**Resolution Honoring Joseph Twiford:** UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Resolution Honoring Joseph Twiford.

### **RESOLUTION**

**WHEREAS**, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

**WHEREAS, Joseph A. Twiford** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

**WHEREAS, Joseph A. Twiford** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

**BE IT RESOLVED**, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Joseph A. Twiford** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 5th Day of November 2007 and given at the Boy Scouts of America Court of Honor at "The Glens at Birkdale", Huntersville, NC the 11th Day of November 2007.

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Thomas R. Anderson, PE  
Chairman

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Alex E. Patton  
Vice Chairman

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Marie Moore  
Commissioner

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Bruce Carlton  
Commissioner

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James A. Klein  
Commissioner

**Water Line Construction Bids – Steve Gilbert:** Steve Gilbert presented the water line construction bids for the intersection of NC 73 and NC 16.

Bids were taken on October 2, 2007 for the construction of the water lines at the intersection of NC 73 & NC 16. The bids are listed below. It is the recommendation of the Public Works Department to approve the construction contract with the successful low bidder as noted. The contract is set to be completed within 180 calendar days of the Notice to Proceed that will be issued when all contracts are signed.

Lovingood, Inc., Charlotte, NC	\$ 817,508.48
State Utility Contractors, Inc., Monroe, NC	\$ 823,172.00
Propst Construction Co., Concord, NC	\$ 904,587.00
Hickory Sand Co., Hickory, NC	\$1,042,925.00
Buckeye Construction Co., Canton, NC	\$1,070,986.60

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the bid of Lovingood, Inc. for \$817,508.48 for the construction of water lines at the intersection of NC 73 and NC 16.

**Drought Update – Steve Gilbert:** Steve Gilbert gave an update on the drought situation.

**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.

Ron Rajack from Waterside Crossing, stated that people with irrigation meters have been getting charged \$20 per month and are unable to use them. He asked where this money is and if the residents would be able to get a refund.

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

**Fiscal Forecast Model Discussion – Commissioner Klein:** Commissioner Klein presented information regarding the fiscal forecast. He stated that there is no requested action on this item tonight, he will bring it up at the next meeting for discussion.

**Other Business:**

Michael Talbert, Interim Manager, presented the Board with a budget calendar for fiscal year 2008-2009. He asked the Board to set a goal setting retreat in either December or January.

**Lincoln County  
Budget Calendar  
Fiscal Year 2008-2009**

December 3, 2007- January 11, 2008	Board of Commissioners Goal Setting Retreat 2008/2009
January 14, 2008	Departments Receive Budget Packets & Manager Budget Guidance Meeting
January 14, 2008 – February 29, 2008	Departments Prepare Budget Request
February 29, 2008	Departments Submit Budgets to Finance Department
February 29, 2008- March 14, 2008	Finance Inputs Budget Requests
March 14, 2008- April 28, 2008	Manager Prepares Balanced Budget
May 5, 2008	Manager Presents Balanced Budget to Board of Commissioners
May 19, 2008- May 23, 2008	Board of Commissioners Budget Work Sessions
June 2, 2008	Budget Public Hearing
June 16, 2008	Board of Commissioners Adopt Tax Levy and Ordinance
June 20, 2008	Publish Summary Available Notice

Commissioner Carlton stated that is great that they have this outline, something to go by. He stated that this is what the Board did not have before.

Commissioner Carlton asked about backing up the June 16 adoption date to June 2, 2008.

The Board set the work session for December 14 at 1:00 p.m. and it will continue on December 15 at 8:00 a.m. if necessary.

**Irrigation Meter Charges:** Commissioner Klein stated that he would like to consider giving credits for irrigation meter charges if possible.

Steve Gilbert stated that there are roughly 500 dedicated irrigation meters. He stated that in a query in the computer system, in September of approximately 500 meters, roughly 60% of people were still using them. The query was run this week for October usage and 60% of the customers were still using them.

Commissioner Carlton asked about cutting off the irrigation meters. Jeff Taylor, County Attorney, stated that the policy would have to be changed to do this.

Chairman Anderson asked Steve Gilbert to bring back a recommendation that will address crediting those that have not used their meters and a suggested way of dealing with those that continue to use the irrigation meters to the next meeting.

**Animal Shelter Issue:** Commissioner Patton stated that many months ago the State inspected the animal shelter and it failed miserably. There was an attempt to fix the problems, but on November 1, it was reinspected and failed again.

Commissioner Patton asked the Board to step up to the challenge and do something for the animal shelter. The State is giving Lincoln County 60 days to fix the situation, but they have agreed that if we come up with a long term plan to address this, they will not push the 60 day window. He stated that the facility is not big enough and not designed for the amount of animals that we have. Commissioner Patton stated that 43 animals were killed today and today was not a euthanization day. Last year, 3300 animals were euthanized and so far this month, we've taken in 75 animals. There is nowhere to put these animals. Commissioner Patton stated that we need to expand the Animal Shelter.

Chairman Anderson suggested having Mr. Talbert contact Dennis Williams, get a proposal to do the design work to add some level of square footage to this building, and bring the proposal back to the board.

It was the consensus of the Board to move forward with this.

Commissioner Klein asked Steve Gilbert for an update on the pump stations odor problems.

Steve Gilbert stated that the old media that was in the meters was replaced on Friday and that will be a short term solution until the additional containers are delivered. There will be 4 containers on Highway 16 and 2 at the one at Blades Trail. Mr. Gilbert stated that he has been guaranteed by the supplier that this will control the odor at the stations.

Steve Gilbert stated that with the sewer plant, the environmental report was mailed on November 2, which included all of the revised information that they requested.

**Closed Session:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter closed session pursuant to NCGS 143-318.11 (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken

by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; and (6) 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, and to consult with attorney concerning attorney-client privilege.

The Board returned to open session.  
Chairman Anderson stated that no action was taken.

The Board discussed the Animal Control Ordinance and a False Alarm Ordinance.

Commissioner Moore asked Jeff Taylor to take a look at the dog ordinance.

The Board discussed updating the Noise Ordinance to control the dog situation.

Chairman Anderson stated that he would like to address both the health and safety issue and the noise nuisance at the same time.

Michael Talbert stated that the Board is working on a UDO currently and needs to work closely with that group so it will be consistent with it.

Chairman Anderson asked Jeff Taylor to get something that addresses the noise nuisance and the health and safety issue at the same time, to be brought before the Board at the last meeting in December.

The Board had a discussion concerning transfer fees and sales tax. Chairman Anderson asked the Clerk to add this discussion to the next meeting's agenda.

**Adjourn:** UPON MOTION by Commissioner Klein, 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