

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 4, 2002

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 4, 2002 at the Citizens Center, Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Beth H. Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Planning Board Members Present:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Dean Lutz, Secretary
Eddie Sigmon
Stanley Roseboro
Gerald Johnson

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the February 4, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the agenda as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

FEBRUARY 4, 2002

- 6:30 PM Call to Order
- 1. 6:31 PM Adoption of Agenda
- 2. 6:32 PM Approval of Minutes
- January 21, 2002
- 3. 6:35 PM New Business/Advertised Public Hearings

CUP #202 Ronald Downs, applicant: The applicant is requesting a Conditional Use Permit to allow a Class C mobile home to be placed in the Residential Suburban (R-S) district. The 0.43-acre parcel is located on Keener Road near Sandra Lane in the Ironton Township.

ZMA #405 Jeff Hybarger, applicant The applicant is requesting to rezone a 13.36-acre parcel from Transitional Residential (R-T) to General Industrial (I-G). The property is located at 7512 Optimist Club Road, Denver.

ZTA #407 Lincoln County, applicant An amendment to Section 10.3 of the Lincoln County Zoning Ordinance is proposed to change Class A mobile homes from a permitted use by right in Residential Suburban (R-S) district to a conditional use.

SOA #16 Lincoln County, applicant Amendments to the Lincoln County Subdivision Ordinance are proposed concerning major subdivisions (where over 50 lots will be created). The proposal would add the following text to Section 108 (“Major Subdivision”) and to Section 306 (Preliminary Major Subdivision Plat Submission and Review): “Attempts to circumvent government body review by submitting multiple preliminary plats containing 50 lots or less shall not be allowed.” The proposal would also amend Section 306 so that it is in line with the updated fee schedule that was implemented on July 1, 2001.

- 4. 7:20 PM Facility Analysis – James Luster, Centralina COG
- 5. 7:50 PM Bid Award for Waterline Extension to Landfill – John Avery
- 6. 8:00 PM Professional Services Contract with OLVER, Inc. – Steve Gilbert
- 7. 8:15 PM Financing Proposal for Library – Leon Harmon

8. 8:25 PM Issuance of School Bonds – Leon Harmon
9. 8:35 PM Other Business

Adjourn

Approval of Minutes – January 21, 2002: Chairman Cochrane presented the minutes of the January 21, 2002 meeting for the Board’s approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the January 21, 2002 minutes with the following changes:

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After adding some additional needed items the total estimate cost is **\$4,402,625**.

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A MOTION by Commissioner Craig to appoint Dr. Frank Milewski to the Lincoln Health System Board of Directors.

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County Commissioners’ Report: Chairman Cochrane stated that he, the County Manager, and the County Attorney attended an informational meeting on Senate Bill 381 on the new mental health alignment.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, February 4, 2002 and the time, which was advertised in the *Lincoln Times-News* on Friday, January 25, 2002 and Friday, February 4, 2002.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, February 4, 2002, at 6:30 p.m. to consider the following zoning-related matters:

CUP #202 Ronald Downs, applicant (Parcel ID# 76341) The applicant is requesting a conditional use permit to allow a Class C mobile home to be placed in the Residential Suburban (R-S) district. The 0.43-acre parcel is located on Keener Road near Sandra Lane in Ironton Township.

ZMA #405 Jeff Hybarger, applicant (Parcel ID# 51509) The applicant is requesting to rezone a 13.36-acre parcel from Transitional Residential (R-T) to General Industrial (I-G). The property is located at 7512 Optimist Club Road, Denver.

ZTA #407 Lincoln County, applicant. An amendment to Section 10.3 of the Lincoln County Zoning Ordinance is proposed to change Class A mobile homes from a permitted use by right in Residential Suburban (R-S) district to a conditional use.

SOA #16 Lincoln County, applicant. Amendments to the Lincoln County Subdivision Ordinance are proposed concerning major subdivisions (where over 50 lots will be created). The proposal would add the following text to Section 108 (“Major Subdivision” Defined) and to Section 306

(Preliminary Major Subdivision Plat Submission and Review): "Attempts to circumvent government body review by submitting multiple preliminary plats containing 50 lots or less shall not be allowed." The proposal would also amend Section 306 so that it is line with the updated fee schedule that was implemented on July 1, 2001.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Conditional Use Permit No. 202 – Ronald Downs, applicant: Having been sworn by the Clerk, Amy S. Long, the following individuals spoke on Conditional Use Permit No. 202 – Ronald Downs, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 202 – Ronald Downs, applicant.

The applicant is requesting a Conditional Use Permit to allow a Class C mobile home to be placed in the Residential Suburban (R-S) district.

The 0.43-acre parcel is located on Keener Road near Sandra Lane, just east of Lincolnton's extraterritorial jurisdiction. It is surrounded by property zoned Residential Suburban. Mobile homes, duplexes and site-built homes are located in the area.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 209 – Ronald Downs, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 202 – Ronald Downs, applicant, closed.

Zoning Map Amendment No. 405 – Jeff Hybarger, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 405 - Jeff Hybarger, applicant.

The applicant is requesting to rezone a 13.36-acre parcel from Transitional Residential (R-T) to General Industrial (I-G). This is the same property that was up for rezoning to Light Industrial (I-L) in January. The request was amended after staff determined that the current grandfathered use of the property falls under General Industrial.

The property is located at 7512 Optimist Club Road, Denver. It is surrounded by property zoned Transitional Residential (R-T) and Residential Suburban (R-S), but a General Industrial (I-G) district is located on the other side of Optimist Club Road. The applicant operates Lake Norman Sand and Gravel at this location.

Chairman Cochrane opened the Public Hearing concerning Zoning Map Amendment No. 405 – Jeff Hybarger, applicant.

Faye Atkins spoke in opposition to the rezoning request, stating that this would decrease the value of her home.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 405 – Jeff Hybarger, applicant, closed.

Zoning Text Amendment No. 407 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 407 - Lincoln County, applicant.

A zoning text amendment is proposed to change Class A mobile homes from a permitted use by right in the Residential Suburban (R-S) district to a conditional use. This would reverse a text amendment that was approved in March 1997. With the change, a conditional use permit would be required to place any mobile home in the R-S district.

This proposal would delete “R” under Section 10.3.1 (permitted uses by right in the R-S district):

R. *Mobile homes, Class A, with the following restrictions:*

The mobile home must be underpinned with brick or rock.

The mobile home must have vinyl siding.

The mobile home must have a shingle roof.

The mobile home must face the road.

The mobile home must be real property (tongue removed, title turned in and deed recorded).

and amend “L” under 10.3.2 (conditional uses in the R-S district):

L. Mobile homes (Class A, B & C) – A conditional use permit shall be required for the initial placement of such a mobile home on a lot.

Chairman Cochrane opened the Public Hearing concerning Zoning Text Amendment No. 407 – Lincoln County, applicant.

Randy Hawkins presented a letter from Willie Heafner asking that subdivisions already underway be grandfathered in.

Laura Gregory of 903 S. Aspen Street spoke in favor of the request stating that more requirements on subdivisions is a good thing.

Commissioner Craig mentioned grandfathering in all subdivisions already underway.

Linda Houser voiced concerns on the Anderson Mountain Road subdivision. She asked the Board to consider the impact of these homes on schools, the water system, and streets.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 407 – Lincoln County, applicant, closed.

Subdivision Ordinance Amendment No. 16: Barry McKinnon, Land Use Coordinator, presented the following information concerning Subdivision Ordinance Amendment No. 16.

The following amendment to the Subdivision Ordinance will stop individuals from evading the requirements of Major Subdivision Development. This is done by developing 50 lots or less, in stages, or by naming subdivisions on the same or contiguous parcels of land different names and calling them minor subdivisions. When this is done they only having to meet the requirements of a Minor Subdivision.

We are also updating the plat review fee so that it is in line with the new fee schedule adopted by the county in July of 2001.

The following bolded and italicized text will be added to Sections 108 and 306.

Section 108. Major Subdivision Defined

A major subdivision is defined, as a subdivision where over fifty- (50) lots will be created after the subdivision is complete. All lots created in every phase of the subdivision will be counted in determining the total number of lots in the subdivision. Any remaining acreage from the original tract upon which development is not to take place shall be counted in this determination. All major subdivisions shall submit an application through the Zoning Administrator for rezoning to a Planned District and a conditional use permit. All major subdivisions shall first go to STRC prior to going to the Lincoln County Planning Board and Board of Commissioners. All major subdivisions must meet the technical requirements of all Lincoln County Ordinances prior to STRC. **Attempts to circumvent Governing Body review by submitting multiple Preliminary Plats containing 50 lots or less, shall not be allowed.**

Section 306 Preliminary Major Subdivision Plat Submissions and Review (This Section Shall Apply To Major Subdivisions Only)

Preliminary and Final plat approval shall be required for all Major Subdivisions. All major subdivision shall submit an application through the Zoning Administrator for rezoning to a Planned District and a conditional use permit. All major subdivisions shall first go to STRC prior to going to the Lincoln County Planning Board and Board of Commissioners. All major subdivisions must meet the technical requirements of all Lincoln County Ordinances prior to STRC. **Attempts to circumvent Governing Body review by submitting multiple Preliminary Plats containing 50 lots or less, shall not be allowed.**

All preliminary plats submitted for review shall be accompanied by a non-refundable submittal fee of \$100.00 plus five dollars (\$5) per lot included in the proposed subdivision. Once the subdivision has been through STRC then it may be forwarded to the Lincoln County Planning Board and Board of Commissioners. There is a fee for the rezoning and conditional use permit application that must be submitted prior to the proposed major subdivision going forward to the Lincoln County Planning Board and Board of Commissioners.

Preliminary plats shall meet the specifications of Section 309 of this ordinance and Chapter 11 of the Lincoln County Zoning Ordinance.

At least (12) complete copies of the road plan and profile and (12) copies of the plat with the all-pertinent information as required by all ordinances shall be submitted to the Subdivision Administrator. Once the plat has gone through STRC at least (25) complete copies of the report,

traffic study and site plan (preliminary plat) and any other pertinent information required shall be submitted to the Zoning Administrator.

David Noles stated that the Ordinance does not go far enough, but this is a step in the right direction.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Subdivision Ordinance Amendment No. 16 closed.

The Planning Board reconvened to the second floor balcony.

Facility Analysis – James Luster: James Luster, with Centralina Council of Government, presented a facilities space analysis proposal, which will include a thorough inspection and inventory of existing County facility conditions. This will focus on the following: space needs of the County's inventory of existing County facility conditions, and space needs of the County's MIS, Register of Deeds, Clerk of Court, Public Utilities, Elections, and Tax Departments. The buildings in the study are the 2nd floor of the Citizens Center, the Bank of America Building, and the new section of the old jail. This study will look at a 5 to 10 year projection. The completion date would be mid-March.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the agreement with Centralina for a Facility Analysis.

Bid Award for Waterline Extension to the Landfill – John Avery: Mike Osborne with W.K. Dickson stated that 16 bids were opened on Friday and the low bidder was Trans-State Construction of Denver, NC, with a bid of \$234,283.50.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the bid of Trans-State Construction of \$234,283.50.

Professional Services Contract with Olver, Inc.: Steve Gilbert, Director of Public Utilities presented the Board with a proposal for professional engineering services as submitted by Olver, Inc. The services Olver wants to provide involve making application to the Rural Economic Development Center for supplemental grants, which would assist in funding improvements that have been identified in the water system analysis and report previously prepared by W.K. Dickson. The first project application will be for a grant of \$400,000 to be applied toward the most critical improvement project outlined in the Dickson report, the construction of a .5 million gallon elevated water storage tank in the Eastern Pressure Zone. Olver, Inc. proposes to be compensated for this work only if they obtain funding through the grant program, i.e., if no funds are secured, no money will be owed to Olver, Inc. If they obtain funding, their fee will be \$1500.00. As a Tier 4 County, the county will be required to match any funds granted on a 50% basis, i.e. if the county obtains a \$400,000 grant, the county will have to put up \$200,000 toward the specified project.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Professional Services Contract with Olver, Inc.

Mr. Gilbert also presented a Professional Services Contract with Olver, Inc. for the East Lincoln County Water and Sewer District. The first step in this proposal is to apply for a capacity building grant, which would provide money to prepare a capital improvement plan. After this plan is in place, additional grants would be applied for.

It was the consensus of the Board to approve the Professional Services Contract with Olver, Inc. for sewer.

Financing Proposal for Library – Leon Harmon: Leon Harmon stated that last week, bids were opened for the East Lincoln Library.

Commissioner Anderson presented the Board with a bid tabulation sheet. He stated that there were fifteen bidders and the architect is going to go back to the apparent low bidder to discuss with them the cost impact of making some changes to the project to bring it into available funding. This will be brought to the Commissioners at the first meeting in March.

UPON MOTION by Commissioner Anderson, the Board voted 4 –1 (Commissioner Saine against) to authorize the filing of the application at up to \$700,000 and approve a public hearing for February 18, 2002 at 7:45 p.m. for the financing through First Charter for 8 years at 4.75%.

Issuance of School Bonds – Leon Harmon: Leon Harmon proposed proceeding with the issuance of the next installment of school bonds in the amount of \$19.5 million. To proceed with this he will need to contact the Local Government Commission and arrange to be placed on their calendar to begin the issuance process.

It was the consensus of the Board to proceed with the issuance of the bonds.

Chairman Cochrane called for a brief recess.
Chairman Cochrane called the meeting back to order.

Other Business: Commissioner Choate presented the following Redistricting Resolution.

Lincoln County Board of Commissioners Resolution on Redistricting

WHEREAS, the General Assembly of North Carolina is required by constitutional mandate to redistrict legislative and congressional Districts every 10 years; and

WHEREAS, current North Carolina General Assembly's redistricting has given rise to questions concerning possible unnecessary division of many counties and even precincts; and

WHEREAS, the time-honored principle of voters choosing their politicians may become compromised; and

WHEREAS, the 1991 controversial redistricting plan resulted in 10 years of continued litigation; and

WHEREAS, ten (10) states have established Citizen's Commissions with the responsibility of re-apportionment of legislative and congressional districts; and

WHEREAS, four former Governors of North Carolina established a 1997 commission to study why voter turnout has sunk to historic lows and the disillusionment with government; and

WHEREAS, studies indicate that electoral competition will increase when reapportionment is removed from incumbent office holders.

THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners does hereby call upon the Governor and the General Assembly of North Carolina to establish a 15 member Citizen's Commission with the responsibility of redistricting the seats in the North Carolina General Assembly and also the North Carolina Congressional seats. This commission shall be appointed by the Governor with five appointments; the Lieutenant governor with five appointments; and the Speaker of the House with five appointments. The chair of the commission will be named by the Governor from one of his five appointments.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor, the Lieutenant Governor, the Speaker of the House, the Lincoln County delegation in the North Carolina General Assembly, and the North Carolina Congressional delegation.

Adopted this _____ day of _____ 2002

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

UPON MOTION by Commissioner Choate, the Board voted unanimously to adopt the Resolution on Redistricting.

Chairman Cochrane appointed Commissioner Anderson as the Board's representative to the RPO.

Appointments: Susan Ledford reviewed Senate Bill 300, which dictates that counties come up with a Hazard Mitigation Plan. She asked the Board to appoint a committee to work on this plan.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the members of the Hazard Mitigation Advisory Committee.

Hazard Mitigation Committee

Kelly Atkins
Susan Ledford
Thomas Anderson
Stan Kiser
Barry McKinnon
Wayne Godfrey
Jeff Vernon
Madge Huffman
Ray Chilcote
April Nunn
Rick McSwain
Steve Gurley
Jerry Geymont
Steve Gilbert
Leon Harmon
Debbie Hartsell
Erma Deen Hoyle
Audrey Setzer

UPON MOTION by Commissioner Anderson, the Board voted unanimously to remove Commissioner Craig's motion from being tabled and consider the name of Dr. Milewski to the Lincoln Health System Board.

Darrell Gettys stated that Dr. Milewski is a highly regarded private practice doctor. He stated that Dr. Dunn brought forth to him no substantial reason not to consider Dr. Milewski and said that he was not a bad candidate.

The Board considered the name of Dr. Milewski for appointment to the Lincoln Health System Board.

VOTE: 2 – 3 AYES: Cochrane, Anderson

NOES: Craig, Saine, Choate

Darrell Gettys asked for some guidance back from the Commissioners as to what they are looking for.

Commissioner Craig commented that he felt CHAMPS makes up about 10% of the private physicians and should have a voice on the Hospital Board.

Jeff Taylor addressed the evaluation and concerns of the Board. He stated that he will be doing quarterly reports to give the Board updates. He stated that he would also do a written summary for the Board.

Chairman Cochrane asked Mr. Taylor to try and establish time parameters. He stated that the Board felt uncomfortable because things were open-ended.

Chairman Cochrane called a planning session for Tuesday, March 26 at 3:00 PM. He asked that a facilitator be lined up for this meeting.

Closed Session: UPON MOTION by Commissioner Craig, the Board voted unanimously to go into Closed Session to discuss legal matters with the County Attorney.

UPON MOTION by Commissioner Saine, the Board voted unanimously to go out of Closed Session.

Adjourn: UPON MOTION by Commissioner Craig, the Board voted unanimously to adjourn the meeting.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners