

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 21, 2002

The Lincoln County Board of County Commissioners met in regular session on October 21, 2002 at the Citizens Center, Commissioners Room, 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-Chairman
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board

Call to Order: Chairman Cochrane called the meeting to order.

Call to Order: Chairman Cochrane called the October 21, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Dr. Hazeline Ford gave the Invocation and Chairman Cochrane led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda moving the Sheriff to 6a, adding 12a – ABC Resolution, and adding Zoning Map Amendment #427 under the Planning Board's recommendations.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

OCTOBER 21, 2002

6:30 PM	Call to Order
6:31 PM	Invocation – Dr. Hazeline Ford
6:35 PM	Pledge of Allegiance

1. 6:36 PM Adoption of Agenda
2. 6:40 PM Approval of Minutes
 - October 2, 2002
 - October 7, 2002
3. 6:45 PM Consent Agenda
 - Tax Requests for Releases
 - Less than \$100 – August 16 – September 15, 2002
 - More than \$100 – August 16 – September 15, 2002
 - Tax Requests for Refunds
 - Less than \$100 – August 17 – September 14, 2002
 - More than \$100 – August 17 – September 14, 2002
 - Budget Adjustments 30 - 32
 - Sponsored Group Status for Auditorium
 - One Accord Independent
 - First Presbyterian Church
 - Moore’s Chapel Baptist Church
4. 6:50 PM Public Comments
5. 7:05 PM Recommendations from Planning Board – Randy Hawkins
 - PCUR #88 Helen Sain and Timothy Sain, applicants
 - ZMA #429 Todd McConnell, applicant
 - ZTA #432 Lincoln County. applicant
 - ZMA #433 Kenneth and Carolyn Temple, applicants
 - ZTA #434 Lincoln County, applicant
 - JOA #1 Lincoln County, applicant
 - ZTA #435 Lincoln County, applicant
 - ZTA #436 Lincoln County, applicant
6. 7:25 PM Public Hearing on a Proposed Ordinance to Allow Lincoln County to Regulate and Enforce Restrictions on Water Usage in the County During Times of Shortage
7. 7:35 PM Report from Region F Aging Advisory Council – Bettie Neal
8. 7:45 PM Recommendation from McNeary Insurance Consulting – David Leonard
9. 8:05 PM Grant for Highway Safety – Sheriff Barbara Pickens
10. 8:15 PM East Lincoln Park Lights – Erma Deen Hoyle
11. 8:25 PM Informal Quotes for Purchase of Small Backhoe – Steve Gilbert

12. 8:35 PM Water and Sewer Account Adjustment Policy – Steve Gilbert
 13. 8:45 PM Public Works Capital Project Report – Steve Gilbert
 14. 8:55 PM Finance Officer’s Report
 15. 9:05 PM Vacancies
 16. 9:10 PM Appointments
 17. 9:15 PM Calendar
 18. 9:20 PM County Commissioners’ Report
 19. 9:30 PM County Manager’s Report
 20. 9:40 PM County Attorney’s Report
 21. 9:50 PM Other Business
- Adjourn

Approval of Minutes – October 2, 2002 and October 7, 2002: Chairman Cochrane presented the minutes of the October 2, 2002 and October 7, 2002 meetings for the Board’s approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the October 2, 2002 and October 7, 2002 minutes as presented.

Consent Agenda: Chairman Cochrane presented the consent agenda for the Board’s approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Consent Agenda removing One Accord Independent for Sponsored Group Status.

There was discussion concerning out of town groups using the Citizens Center and getting the same rates as groups in county that pay taxes for the facility. There was also discussion about the rates and whether they cover the costs associated with the building. Staff was advised to get copies of the Rules and Regulations for the Citizens Center for the next Board meeting.

NAME	YEAR	A/C NO	AMOUNT
Abernathy, Tangel Dawn	2002	0161033	\$ 294.77
Austin, Allen Cranford	2002	0160916	\$ 117.48
Beam, James Richard Jr.	2002	0089661	\$ 283.56

Bradford, Lane Bohlen	2002	0153347	\$ 146.12
Brown, Jonathan Allen	2002	0158816	\$ 142.78
Chesley Homes LLC	2002	0157632	\$ 353.44
Davis, Brad W.	2001/02	0153712	\$ 342.90
Edwards, Howard Roger	2002	0160950	\$ 138.77
Endicott, Timothy Lee	2002	0160179	\$ 181.36
Hester, Kenneth Edward	2002	0092480	\$ 243.01
Hildebran, Della Shook	2002	0160177	\$ 242.37
Johnson, Neal Dewayne Jr.	2001/02	0093643	\$ 318.14
Johnson, Robert Eugene	2002	0079941	\$ 182.31
Lingerfelt, Martin Shawn	2002	0070500	\$ 132.18
Little, William A. Jr.	2002	0063765	\$ 106.98
Lunsford, Brian Keith	2001/02	0089463	\$ 132.79
Mark Wolfe Electric Co.	2002	0148877	\$ 158.96
Moore, Peri Ann	2002	0160939	\$ 103.63
New Hope Baptist Church	2001	0154326	\$ 225.15
Pitman, Joy Noto	2002	0160925	\$ 195.06
Reid, Rachel Friday	2002	0160909	\$ 146.79
Robinson, Charles Franklin	2002	0089710	\$ 208.50
Shuford, Dorothy Lewis	2002	0157366	\$ 115.28
White, Ava Hubbard	2002	0072102	\$ 127.67
Wilfong, Marvin Theodore	2002	0121816	\$ 146.32

TOTAL \$ 4,786.32

NAME	YEAR	A/C NO	AMOUNT
Abernathy, Brenda Kay	2002	0129844	\$ 37.74
Adams Mark E. Co. Inc.	2002	0063725	\$ 51.72
Aguirre, Arturo Rafael	2002	0149407	\$ 10.05
Allen, Ricky Gene	2001	0081632	\$ 53.80
Arellano, Juan Carlos	2002	0161103	\$ 20.81
Arndt, Bruce Wesley	2002	0089228	\$ 60.33
Barker, Patti Ann	2002	0152549	\$ 19.75
Barnes, Billy Ray Jr.	2001	0114872	\$ 10.87
Barton, Thomas Dobbins Jr.	2002	0081718	\$ 28.99
Beatenhead, Sharon Lanier	2002	0145205	\$ 48.64
Becker, Mark Lucius	2002	0145157	\$ 39.01
Bellman, Edward Lyman	2002	0088195	\$ 24.31
Bishop, Gregory Alan	2001	06174	\$ 10.75
Bolynn, Tony Lee	2002	0159428	\$ 50.86
Boyd, Timothy Lee	2002	0100206	\$ 13.33
Braswell, Kenneth George	2002	0066083	\$ 13.82
Bruce, William S.	2001	0115218	\$ 8.17
Bryant, Dennis Kit	2001/02	0150681	\$ 69.04

Bryant, James Lee	2002	0098990	\$ 53.30
Bumgarner, Timothy Alfred	2002	0157060	\$ 21.39
Burch, Anthony Alfred Coit	2002	0160627	\$ 19.27
Burgess, Lester Junior	2002	0078708	\$ 20.82
Burgess, Von Walter	2002	0078622	\$ 52.25
Bynum, Joe Cephus IV	2001/02	0108728	\$ 68.34
Campbell, David Wayne	2002	0082167	\$ 22.52
Carver, Richard L.	2001	0139339	\$ 39.83
Chacon, Grajeda Maria	2002	0157544	\$ 12.42
Chapman, Gary Scronce	2002	0089085	\$ 27.13
Chavez, Martha Davenport	2001	0133434	\$ 11.48
Chrysler Financial Co LLC	2002	0152760	\$ 97.91
Cody, Jerry Avery	2002	0066279	\$ 12.83
Coffey, Jeffrey	2002	12119	\$ 53.24
Cole, David Ray	2002	0103564	\$ 19.13
Craft, Tony James	2002	0146854	\$ 44.42
Creech, David Michael	2002	0091364	\$ 43.90
Custovic, Suvada	2002	0125872	\$ 16.52
Devine, Daniel M.	2002	0158398	\$ 38.24
Donley, Daniel Derek	2002	0151954	\$ 36.83
Donley, John Baxley II	2001	0156262	\$ 11.16
Donley, Lenora Diane	2002	0144734	\$ 25.02
Doucette, Clifford Henry	2002	0091128	\$ 7.12
Durango, Nora Del	2002	0153201	\$ 47.97
Earley, Robert J.	2002	0130213	\$ 95.75
Ellis, Jacqueline Touhy	2002	08706	\$ 23.51
Estep, Darrell Lee	2002	0124578	\$ 53.94
Fish, Kimberly Carpenter	2002	0075254	\$ 36.40
Ford Motor Credit Company	2001	0121032	\$ 84.10
Frey, Virginia Kay	2002	0152181	\$ 43.81
Fuller, Richard Stuart	2002	0081598	\$ 7.84
Gainey, Rachel Dianne	2002	0120579	\$ 11.13
Gay, William Randall	2002	0092151	\$ 31.23
Geouge, Wade Kevin	2002	0099061	\$ 15.59
Ghent, Jonathan Ewell	2002	0144997	\$ 11.56
Godwin, Christy Michelle	2002	0160250	\$ 3.36
Gold, Roger Dale	2002	0123896	\$ 11.38
Gomez, Dana Rochelle	2002	0159392	\$ 2.99
Grootendorst, Hendrika A.	2002	0144567	\$ 54.09
Hale, Douglas Lee	2002	0138893	\$ 31.20
Hall, Erin Michelle	2002	0152653	\$ 31.91
Hamby, Donald Wesley	2002	0108859	\$ 56.41

Heafner, Dutch D. Jr.	2002	0096867	\$ 15.62
Hedgespeth, Thomas Glen	2001	0068048	\$ 10.01
Henderson, Hollis Carlton Jr.	2002	0151344	\$ 16.84
Henderson, James H.	2002	15109	\$ 3.83
Henderson, Olan Christopher	2001	0114798	\$ 4.43
Henline, Carl S.	2002	0108079	\$ 30.41
Hewitt, Jeffery Randall	2001	0104546	\$ 29.51
Hogan, Daniel Franklin	2002	0160987	\$ 85.43
Holt, Edwin Robert	2002	0068829	\$ 72.36
Homesley, Edward Cleveland	2001	0075002	\$ 14.00
Howard, Carl Edward Jr.	2002	0161078	\$ 43.42
Howie, Lee Torrence	2002	0112075	\$ 21.28
Hoyle, Sara Shipes	2001	0088033	\$ 3.10
Hurt, Gregory Boyce	2002	0122468	\$ 57.95
Huss, Bobby E.	2002	29624	\$ 1.53
Icard, Clyde L.	2002	07181	\$ 3.72
Jarrell, Cassie Diane	2002	0086281	\$ 65.30
Jay, Rita Elaine	2002	0147066	\$ 44.61
Johnson, Robert Sr.	2001	12463	\$ 3.51
Keener, Clark Camble	2002	0159297	\$ 5.90
Keever, Tony Ray	2001/02	0158733	\$ 27.05
Keffer, Richard Francis Jr.	2002	0132149	\$ 17.88
Kennedy, Margaret M.	2002	0125514	\$ 1.46
Kiser, Darrin Lawton	2002	0152008	\$ 16.29
Lutz, David Ray	2002	03907	\$ 43.04
Lynn, Johnny Darrell	2002	0131256	\$ 27.59
Martin, Gary Randall	2002	0088036	\$ 12.04
Mata, Carlos Francisco	2001/02	0138900	\$ 74.25
McCrary, Jeffrey Duane	2002	0147835	\$ 74.33
McKeel, Roger Verdine	2002	0161144	\$ 19.55
McNeill, John	2002	10377	\$ 35.99
Mejia, Guillen Alberto Jose	2001	0126951	\$ 23.75
Merck, Richard Milton	2002	0086191	\$ 15.73
Moody, Tammie Huddle	2002	0160232	\$ 27.70
Moore, Billy E.	2002	0138428	\$ 25.21
Moore, Roy Barry	2002	0099353	\$ 14.75
Morton, Martha Goodson	2002	0111400	\$ 30.60
Nichols, Gregory Lee	2002	0145989	\$ 12.46
Nixon, Rhonda Pendleton	2002	0132757	\$ 16.03
Nowak, Sandra Ann	2002	0133544	\$ 36.87
Osborne, Randy C.	2002	0115205	\$ 57.59
Owens, Francina West	2002	0160436	\$ 15.28

Parker, Addy Lindsay	2002	0145111	\$ 39.32
Phillips, James M.	2002	10766	\$ 14.91
Pirotte, Steven John	2002	0160643	\$ 57.27
Pless, Dorothy Cassandra	2002	0152699	\$ 50.62
Powers, Jessica Ophelia	2002	0152597	\$ 29.64
Ramsey, Fonda Ann	2002	0069095	\$ 35.04
Rodriguez, Jonnathan Gerardo	2001	0132249	\$ 22.07
Rojas, Gerardo Merardo	2001	0145001	\$ 26.90
Rowe, Robin Gail	2002	0160286	\$ 3.81
Royster, Bobby Alvin	2002	0106401	\$ 12.46
Russ, Scotty Ray	2002	0070382	\$ 15.67
Sailors, Terry C.	2002	0103819	\$ 14.16
Sain, Basil Todd	2002	0101905	\$ 10.13
Sanford, James W.	2002	13777	\$ 6.91
Schronce, Eurver Michael	2002	0099604	\$ 11.58
Schweitz, Gerald Oscar	2002	0143535	\$ 6.70
Searcy, Daylon Keith	2002	0070627	\$ 9.24
Shuford, Vickie S. (Goins)	2001	09307	\$ 25.39
Sigman, James W.	2002	0113011	\$ 10.28
Sigmon, Carol Edward	2002	0160951	\$ 7.91
Singleton, Frances Mcallis	2002	0161080	\$ 40.83
Smith, Jeffery Scott Jr.	2002	0131738	\$ 3.69
Smith, Wesley C.	2002	0135915	\$ 46.76
Stroupe, Charles B.	2002	0140553	\$ 44.89
Thomas, Bobby Lane	2002	0079533	\$ 34.25
Thomas, Paul Craig	2002	0161245	\$ 1.62
Tierney, Patrick Michael	2002	0145773	\$ 19.41
Touchstone, Thomas E.	2002	0150951	\$ 55.68
Turner, Larry Carl	2002	0145192	\$ 90.03
Whaley, Paul Ernie	2002	0069487	\$ 13.59
Whaley, Susan Bradshaw	2002	0068621	\$ 7.86
Wilson, Heather Allison	2002	0152530	\$ 13.60
Winkles, Barbara Hamilton	2002	0090723	\$ 34.84
Wise, Douglas Kyle	2002	0145921	\$ 15.74
Wood, Wendy Lou	2002	0160376	\$ 10.23

TOTAL \$3,982.46

NAME	YEAR	A/C NO	AMOUNT
Arthur, Harry Ernest	2002	00206	\$875.02
Arthur, Mrs. Vevette E.	2002	00218	\$1,039.76
Beal, Randy Glenn	2002	06019	\$387.18
Beam, Harlee H.	2002	02256	\$3,322.90
Brown, Christopher Scott	2002	0092888	\$162.66

Clark, Walter	2002	30254	\$2,958.36
First Federal Saving Bank	2002	0149175	\$552.00
Gary Dehart Ltd Partnership	2002	0136002	\$391.02
Heafner, Tommy H.	2002	02075	\$2,009.50
Maiden Wesleyan Church	2002	0146676	\$113.28
Miller, John S.	2002	00485	\$116.83
Putnam, Keith Ryan	2002	0113396	\$345.65
Reel, Chris Rhyne	2002	0119706	\$589.33
Reel, Stacy Robert	2002	0075759	\$476.61
Shrum, Woodrow	2002	0112964	\$6,559.94
Sitterly, James A. Jr.	2002	0108916	\$272.20
Summey, Jesse Alexander	2002	0119707	\$801.62
Thomas, Paul Craig	2002	0161245	\$111.19
Watts, Gary Construction	2002	0155383	\$158.63

TOTAL \$21,243.68

NAME	YEAR	A/C NO	AMOUNT
Avery, Howard Lee	2002	0076887	\$90.88
Beason, Dorothy S.	2002	0110948	\$95.89
Bridges, Bill Gene	2002	0103133	\$69.00
Chapman, Beverly M.	2002	0064158	\$69.00
Dalton, Mary Rita	2002	0128259	\$69.00
Design This (DBA)	2002	0148124	\$62.03
Direct USA	2002	0158598	\$90.82
Fortenberry Accounting Service	2002	24940	\$1.28
Hardison, Lois	2002	0105266	\$69.00
Hoover, Dorothy Sain	2002	0155277	\$69.00
Lofland, Frank E.	2002	39310	\$92.50
Metrolina Ergonomic Solutions	2002	0137183	\$74.70
Quinto, Jose Luis	2002	0139757	\$57.15
Riesz, Timothy	2002	0143123	\$20.31
RKM Builders	2002	0155300	\$73.70
Whitten, Linda H.	2002	0154808	\$69.00
TOTAL			\$1,073.26

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVER (August 17 - September 14, 2002)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Barnes, Dennis P.	2002	ELF/ELSD	0145488	\$80.35
Bellman, Edward Lyman	2001	BCFD	0088195	31.55
Brown, Jerry Michael	2001	PCFD	0136157	2.10
Bryant, Dennis Kit	2002	CITY	0150681	28.21

Butler, Joanne Tate	2001	CITY	0145869	11.69
Cathey, Glenn M.	2001	DFD/ELSD	0131379	6.03
Cottrell, Douglas O.	2001	DFD	0124439	1.11
Cribb, Carl	2002	ELF/ELSD	0076247	12.27
Dellinger, William F. III	2001	DFD	0133740	28.03
Dobbins, David Robert & Harriet R.	2001	SFFD	0094407	25.26
East, Barbara	2002	DFD/ELSD	0068048	29.68
East, Barbara	2001	DFD/ELSD	0068048	2.02
Ikerd, LaDonna Raye	2002	NBFD	0150908	21.84
Isenhour, Carolyn McGee	2001	N321	0149557	27.19
Jarrell, David Floyd	2002	NBFD	0144568	48.38
Leonhardt, Betty P.	2001	NBFD	0145228	4.49
Martin, John wiley	2002	ELFD/ELSD	0071993	78.79
Mejias, Claudion Vargas	2001	CITY	0156398	15.16
Naugle, James Allen	2001	DFD/ELSD	0148829	31.17
Pearson, Johnny L.	2001	BCFD	11325	11.57
Radford, Janice Marie	2001	BCFD	0096051	20.43
Rhine, James J. Jr.	2002	BCFD	08977	20.32
Riegert, Pamela M.	2002	DFD/ELSD	0142142	11.97
Rogers, David K.	2001	NBFD	0123139	6.63
Rudisill, Margaret H.	2002	UNFD	0079307	2.67
Walker, Malia & Roger	2001	CITY	08790	7.34
			TOTAL	\$566.25

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

NAME	YEAR	DIST	A/C#	AMOUNT
Davis, Lonnie M.	2002	ALFD	17329	\$69.00
Putnam, Keith Ryan	2002	ALFD	0113396	82.84
Somerset Capital Group Ltd.	2002	BCFD	0136675	22.31
Somerset Capital Group Ltd.	2002	BCFD	013675	23.54
Whitener, J. S. Jr.	2002	N321	10044	69.00
			TOTAL	\$266.69

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

NAME	YEAR	DIST	A/C#	AMOUNT
		REASON		
Concrete Supply Co.	2000	CITY	24631	\$296.12
Concrete Supply Co.	2001	CITY	24631	330.11
Concrete Supply Co.	2002	CITY	24631	307.72
			TOTAL	\$933.95

Budget Adjustment No. 30 by Social Services to increase expenditure and revenue line items for additional allocation of funds for Crisis Intervention Program (no county funds involved).

Budget Adjustment No. 31 for the Tax Department – Listing & Collection for ASI Collection Agency Contract.

Budget Adjustment No. 32 for the Register of Deeds for encumbrance of automation funds collected in previous fiscal year to be used for automation.

Sponsored Group Status

- First Presbyterian Church
- Moore's Chapel Baptist Church

PUBLIC COMMENTS: Chairman Cochran advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Being no one wishing to speak, Chairman Cochran declared the public comments section closed.

Recommendations from the Planning Board: Randy Hawkins presented the following Planning Board's recommendations.

Parallel Conditional Use Rezoning No. 88 – Helen & Timothy Sain, applicants:

Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 6 – 0 to recommend approval with the condition that the trees at the rear of the property be left in place.

Application # PCUR #88 Date 10/21/02

Applicant's Name Helen & Timothy Sain
 1251 Hill Road
 Lincolnton, NC

Applicant's Address Same as above

Property location: same as above

Existing Zoning: R-S

Proposed Conditional Use Riding Stable

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO__
Factual Reasons Cited: Based on plan submitted, testimony at public hearing.

2. The use meets all required conditions and specifications. YES X NO __
Factual Reasons Cited: Based on drawing, proposed location of barn.

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 Reasons Cited: Fits in with area.

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 NO
Factual Reasons Cited: This is rural area, neighbors in support.

Commissioner Saine was excused from voting on this at the last meeting.

UPON MOTION by Commissioner Choate, the Board voted 4 – 0 (Commissioner Saine abstained) to approve the zoning change.

UPON MOTION by Commissioner Choate, the Board voted 4 – 0 (Commissioner Saine abstained) to approve the Conditional Use Permit based on the Planning Board’s recommendations and the findings of fact, with the condition that the buffer of trees be permanently maintained at the rear of the property.

Zoning Map Amendment No. 429 – Todd McConnell: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 429 – Todd McConnell, applicant.

Zoning Text Amendment No. 432 – Lincoln County: The Planning Board voted 6 – 0 to recommend approval with the following revision: delete “wood” from the second sentence in Part 2 (Fences). “No chain link fences shall be allowed between the edge of the road right-of-way and the front of the principal building. Any fences placed in this area shall be made of ~~wood~~, vinyl, wrought iron or other material approved by the Zoning Administrator or his designee.”

Commissioner Saine stated that she feels this is just adding more government regulations. Businesses need the best fences for security, which may be wood or chain link. She stated that she has a problem with this.

Commissioner Craig stated that the Commissioners appointed a Committee in east Lincoln trying to get input from citizens to see what they wanted on Highway 16. He stated that they brought back an admirable set of recommendations that would enhance and beautify the road. He stated that if this is what the people in the area want, this is what they should have.

Commissioner Anderson stated that the Committee included representation from all segments on Highway 16, including business owners. There was unanimous approval from all 16 members of this Committee.

UPON MOTION by Commissioner Anderson, the Board voted 4 – 1 (Commissioner Saine against) to approve Zoning Text Amendment No. 432 – Lincoln County, applicant, as recommended by the Planning Board.

Zoning Map Amendment No. 433 – Kenneth and Carolyn Temple, applicants: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 433 – Kenneth and Carolyn Temple, applicants.

Zoning Text Amendment No. 434 – Lincoln County, applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Text Amendment No. 434 – Lincoln County, applicant, based on the recommendation of the Planning Board.

Junkyard Ordinance Amendment No. 1: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve Junkyard Ordinance Amendment No. 1 as recommended by the Planning Board.

Zoning Text Amendment No. 435 – Lincoln County, applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve Zoning Text Amendment No. 435 – Lincoln County, applicant.

Zoning Text Amendment No. 436 – Lincoln County, applicant: The Planning Board voted 6 – 0 to recommend approval.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve Zoning Text Amendment No. 436 – Lincoln County, applicant.

Zoning Map Amendment No. 427 – Brocato, applicant: The Planning Board voted 6 – 0 to recommend approval.

Mr. Hawkins presented a site plan and letter from the couple who own the house next to this property.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment No. 427 – Brocato, applicant.

Public Hearing on a Proposed Ordinance to Allow Lincoln County to Regulate and Enforce Restrictions on Water Usage in the County During Times of Shortage:

Jeff Taylor, County Attorney, presented the following Ordinance for the Board's consideration. He outlined changes made to the Board.

LINCOLN COUNTY WATER CONSERVATION ORDINANCE

WHEREAS, drought conditions have plagued the Piedmont region of North Carolina, including Lincoln County, for the past several years; and

WHEREAS, the shortage of rainfall has resulted in a serious reduction in water levels in the bodies of water from which local governments, including Lincoln County, obtain their water to supply to citizens; and

WHEREAS, the water shortage has made it necessary for Lincoln County to implement water conservation measures; and

WHEREAS, Lincoln County needs an effective mechanism for enforcing such measures; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that in the interest of public health and safety of the citizens of Lincoln County, a water conservation ordinance should be adopted to provide such a mechanism;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. Definition of water shortage; curtailment of use required. A water shortage shall be deemed to exist when water demand by customers connected to the Lincoln County water system reaches the point where, in the opinion of the County Manager or his designee, continued or increased demand will equal or exceed the system supply or transmission capabilities and results in the condition whereby customers cannot be supplied with water to protect their health and safety. Upon such occurrence demand must be substantially curtailed to relieve the water shortage as provided in this Ordinance.

Section 2. Declaration of water shortage condition. In the event that it appears that the demand on the water system may exceed supply or transmission capabilities, the Lincoln County Public Works Department shall so notify the County Manager. Following consultation with the Chairman of the Lincoln County Board of Commissioners, the County Manager may declare a Stage I water shortage condition requesting voluntary water conservation by customers of the system. In the event that the voluntary measures of the Stage I water shortage condition fail to alleviate the shortage, the County Manager, after consultation with the Chairman, may declare that a Stage II or Stage III water shortage condition exists and implement the procedures provided hereinafter.

Section 3. Stage I water shortage condition -- guidelines. In the event that a Stage I water shortage condition is declared, an extensive publicity campaign will be initiated using public media and such other methods as the County Manager may deem appropriate or necessary to inform the public of the impending or existing water shortage. The public shall be encouraged to adhere to the following guidelines:

(a) limit car washing;

- (b) limit lawn, garden, and shrubbery watering to the minimum necessary for plants to survive and reuse household water when possible;
- (c) eliminate washing down of outside areas such as sidewalks, patios, parking lots, service bays or aprons;
- (d) eliminate continuous running of water while shaving or rinsing dishes;
- (e) limit the use of washing machines and dishwashers and operate only when fully loaded;
- (f) use showers instead of bathtubs for bathing and limit showers to no more than four minutes' duration;
- (g) limit flushing of toilets by multiple usage;
- (h) limit hours of operation of water-cooled air conditioners;
- (i) use biodegradable and/or disposable dishes;
- (j) use flow restriction and other water-saving devices where possible; and
- (k) delay new landscape work until the water shortage has ended.

Section 4. Stage II water shortage condition -- declaration; illegal acts. In determining whether to declare a Stage II water shortage condition, the County Manager shall consider water storage levels, available supply sources, available usable storage on hand, drawdown rates, projected supply capability, outlook for precipitation, daily water use patterns, and availability of water from other sources.

Upon the declaration of a Stage II water shortage condition, and until such time as the declaration of water shortage has been rescinded, it shall be unlawful for any person or entity to use or permit the use of water from the Lincoln County water system for any of the following purposes:

- (a) to water lawns, grass, shrubbery, trees, flowers, or vegetable gardens, except as may be specifically allowed in accordance with a watering schedule established in accordance with Section 9 of this Ordinance;
- (b) to fill newly constructed swimming or wading pools or to refill existing swimming or wading pools which have been drained;
- (c) to operate or induce water into any ornamental fountain, pool, pond, or other structure making similar use of water (except as otherwise provided below);
- (d) to wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, including commercial washing (unless water is recycled);

(e) to wash down outside areas such as streets, driveways, service station aprons, parking lots, patios, office buildings, or exteriors or windows of buildings, including residential and commercial construction, or to use water for other similar purposes;

(f) to use water from fire hydrants for any purpose other than firefighting or other public emergency;

(g) to serve drinking water in restaurants, cafeterias, or other food establishments, except upon request;

(h) to operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected; or

(i) to use water for any unnecessary purpose or to intentionally waste water.

Exception. Incidental uses of water (including birdbaths and garden ponds or pools) that serve pets, livestock, or other animals are hereby exempted from these restrictions.

Section 5. Stage III water shortage condition -- declaration; illegal acts. The County Manager may declare a Stage III water shortage condition after considering the factors listed in Section 4 above and determining that the shortage is significantly more urgent than the Stage II level.

Upon the declaration of a Stage III water shortage condition, and until such time as the declaration of water shortage has been rescinded, it shall be unlawful for any person or entity to use or permit the use of water from the Lincoln County water system for any of the following purposes:

(a) to induce water into any pool;

(b) to use water outside a structure for any use other than an emergency involving a fire;

(c) to operate an evaporative air conditioner which recycles water, except during operating hours of business.

In addition, during a Stage III water shortage condition, the following guidelines shall apply: fire protection shall be maintained wherever possible by drafting of ponds, rivers, etc.; and all eating establishments shall be encouraged to use disposable plates and utensils.

Section 6. Lifting of restrictions imposed during a water shortage. The County Manager shall lift the restrictions imposed during a water shortage when he determines, after consultation with the Chairman of the Board of Commissioners and such other persons as he deems appropriate, that the conditions which caused the shortage have been alleviated. Such action shall be promptly and extensively publicized.

Section 7. Violations. This Ordinance shall be enforced by the Lincoln County Department of Public Utilities, subject to the following:

A. Criminal penalties. Any violation of a provision of this Ordinance shall constitute a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statutes Section 14-4 or successor statute by a maximum fine of \$500.00 and a maximum of 30 days' imprisonment.

B. Civil penalties. In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statutes Section 153A-123, the regulations in this Ordinance may be enforced through the issuance of civil penalties by the Department of Public Utilities. Penalties may be assessed at the rate of \$50.00 per offense per day for as long as the offense(s) continue(s). If the offender fails to pay such civil penalties within five days after having been cited, the County may either add the amount of such penalties to the offender's next water bill or recover the penalties in a civil action in the nature of debt. Offenders who fail to pay any such penalties added onto their water bills will be subject to disconnection of service as provided in Section 8 of this Ordinance.

C. Court order. In addition to, or in lieu of, the foregoing, pursuant to North Carolina General Statutes Section 153A-123, the County may seek a mandatory or prohibitory injunction and/or an order of abatement commanding the offender to correct the unlawful condition or cease the unlawful activity.

The above remedies are cumulative, and the County may pursue any or all of the same at its discretion. Each day that a violation exists shall constitute a separate and distinct offense.

Section 8. Discontinuance of service. In addition to any other applicable remedy, any person or entity who willfully violates the provisions of this Ordinance may be subject to temporary disconnection of service and payment of the applicable reconnect fee before service may be restored. Continued gross noncompliance may subject the violator to discontinuance of service, removal of meter, and forfeiture of all tap fees and deposits. Reconnection shall thereafter be made only upon payment of all then-current tap and other fees and deposits.

Section 9. Schedule. Notwithstanding any other provision of this Ordinance, the County Manager or his designee is hereby authorized to establish schedules, during Stage II or III emergency conditions described herein, to set forth certain times or days in which citizens may engage on a limited basis in activities that are otherwise prohibited under this Ordinance.

Section 10. Effective date. This Ordinance shall become effective upon adoption.

Adopted this 21st day of October, 2002.

Jerry W. Cochrane
Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Chairman Cochrane opened the Public Hearing concerning the Water Ordinance.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing closed.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to accept the Lincoln County Water Conservation Ordinance.

Grant for Highway Safety – Sheriff Barbara Pickens: Sheriff Pickens asked the Board to review and approve the Resolution to Create the Traffic Safety Team for the 321 Corridor from Watauga to Gaston County. The grant is for \$127,150.50 and will have a \$15,637.50 local cost over a 3 year period. This grant will cover 2 officers, 1 fully equipped vehicle, some equipment for the vehicle and officers, and another traffic safety radar trailer for Lincoln County.

LOCAL GOVERNMENT RESOLUTION

WHEREAS, the Lincoln County Sheriff's Office (herein called the "Agency") has completed an application contract entitled 321 Connection Traffic Safety Team and that the Lincoln County Board of Commissioners (hereinafter called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS, IN OPEN MEETING ASSEMBLED IN THE CITY OF LINCOLNTON, NORTH CAROLINA THIS 21ST DAY OF OCTOBER, 2002, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public;

2. That Barbara Pickens, Sheriff be authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$127,150.50 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$15,637.50 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents, and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the Grant Application.

Report from Region F Aging Advisory Committee: Betty Neal, Dot Cloninger, and Laurie Abounader gave a Report on the Region F Aging Advisory Committee. Ms. Abounader reported that the terms for Mrs. Cloninger and Mrs. Neal have expired and they need to be reappointed. Earl Cloninger has agreed to serve as an alternate on the Committee.

The Region F Aging Advisory Committee approves Federal and State funds for aging services received from the NC Division of Aging for allocation to each county in the region.

Recommendation from McNary Insurance Consulting: David Leonard stated that based on the renewal from Blue Cross/Blue Shield and other quotations received, McNary would recommend that the medical and dental coverages be moved to the NCACC plan. There would be savings over the renewal from BCBS and the network would remain unchanged since the NCACC uses BCBS to administer the claims.

Mr. Leonard also recommended that the Board change the plan of benefits to the alternate plan. This plan increases the copays for office visits and pharmaceutical charges to help offset the increased cost in these charges.

The deductible and out-of-pocket limit for charges for hospital and non-physician visits will also increase. This will only affect those individuals who are hospitalized or have non-physician charges. Last year there were 47 hospitalizations from covered employees

and dependents. All 47 would be impacted by the additional deductible, but only approximately 7 of these would be impacted by the increase in the out-of-pocket.

The additional cost for the current plan with BCBS will be \$666,393. The same plan with the Commissioner's plan will be \$520,566.

The additional cost for the alternate plan will be \$405,913 or \$310,379 with the Commissioner's plan. If the county absorbs all the costs and does not pass dependent costs on to employees, the cost would be around \$40,000 of the \$310,379.

There was a discussion about paying the full \$40,000 for dependent coverage and about only paying the same percentage that the county pays now.

Chairman Cochrane stated that he is on the Board of Directors for the Association of County Commissioner's Insurance Trust. He asked to be exempted from voting on this matter.

UPON MOTION by Commissioner Craig, the Board voted unanimously to excuse Chairman Cochrane from voting on this.

UPON MOTION by Commissioner Craig, the Board voted 4 – 0 (Chairman Cochrane abstained) to go with the County Commissioner's Alternate Plan.

UPON MOTION by Commissioner Craig, the Board voted 4 – 0 (Chairman Cochrane abstained) to absorb the total increase (including the \$40,000 for absorbing the increase for dependent coverage).

Lights at East Lincoln Park: Erma Deen Hoyle stated that the East Lincoln Optimist Club has requested permission to install lights on the multipurpose field at East Lincoln Park for football practice. The Club will cover all costs of installation as well as pay the utility bill for these lights.

Concerns to be addressed include hours of operations (the field is adjacent to several homes and the neighbors have questions), who might use the lights (fee schedule for other groups), county's obligation to utility bill if club elects not to continue payment, etc. The Club would probably want assurance of first priority for the field space for certain times in exchange for installation.

Chairman Cochrane suggested that Erma Deen Hoyle and Stan Kiser work through the list and come back with recommendations.

Commissioner Anderson suggested that the Board give them permission to proceed with the lights with a memo of understanding detailing all of the concerns discussed.

Informal Quotes for Purchase of Small Backhoe: Steve Gilbert stated that the Public Works Department has obtained three informal quotes for the purchase of a small backhoe. Funds were allocated in this year's budget for this piece of equipment, which

will be used in the repair of small leaks of both water and sewer lines. The relatively compact size and weight of the equipment will allow better maneuverability in close quarters and will cause less damage to property while repairing leaks. The size and weight will also allow it to be towed by a 1-ton service truck, whereas the large backhoe must be towed by a dump truck. The following three quotes were received:

Braswell Bobcat, Charlotte, NC	
Bobcat Model B200	\$23,717.10
Parker Farm Service, Shelby, NC	
Kuboto Model L35	\$27,225.00
Terramite Construction Equip., Charleston WV	
Terramite Model T9	\$28,460.00

Mr. Gilbert recommended purchase of the Bobcat Model B200. He stated that their repair personnel have had the opportunity to field test this particular piece of equipment, and it has performed quite well.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the purchase of the Bobcat Model B200 for \$23,717.10.

Water and Sewer Account Adjustment Policy: Steve Gilbert, Director of Public Utilities, stated that on March 18, 2002, the Board of Commissioners authorized the Public Works Department to administer the Water and Sewer Account Adjustment Policy without requiring review of adjustment requests by the Board. The policy allows adjustments to be made when high bills are caused by a leak in the customer's water lines, and it allows an adjustment to be applied for only a one-month billing period. Depending upon the timing of when the water meter is read and when the leak is detected and repaired, a customer may experience high bills over a two-month period for a single leak. At the Board meeting on September 23, 2002, the Board suggested a change in the policy to allow adjustments to be made for a two-month billing period in order to allow a full adjustment to be made in such cases.

He presented the revised policy for the Board's consideration.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the adjustment policy change.

ABC Resolution: Jeff Taylor, County Attorney, presented the following Resolution for the Board's approval.

**RESOLUTION TO CREATE LINCOLN COUNTY
ALCOHOLIC BEVERAGE CONTROL BOARD**

WHEREAS, on September 10, 2002, the voters of Lincoln County approved the operation of ABC stores and the sale of mixed beverages in Lincoln County; and

WHEREAS, Article 7 of Chapter 18B of the North Carolina General Statutes gives the Lincoln County Board of Commissioners the authority and responsibility to create an Alcoholic Beverage Board to operate ABC stores and administer the sales of alcoholic beverages in accordance with its provisions;

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

1. That the Lincoln County Board of Commissioners creates the Lincoln County Alcoholic Beverage Control Board pursuant to Article 7 of Chapter 18B of the North Carolina General Statutes.
2. That as provided in North Carolina General Statutes Section 18B-700, the board created hereby shall consist of three members, to be appointed by the Lincoln County Board of Commissioners at a later date on the basis of their interest in public affairs, good judgement, knowledge, ability, and good moral character.
3. That of the three initial appointees to the Lincoln County Alcoholic Beverage Control Board, one shall be appointed to a term of three years, one to a term of two years, and one to a term of one year and that upon the expiration of the initial terms, subsequent terms shall be for three years as provided by N.C.G.S. 18B-700(a).
4. That the Board of Commissioners shall designate one of the three appointees as chairman as provided by N.C.G.S. 18B-700(a).
5. That members of the Lincoln County Alcoholic Beverage Control Board may be removed by the Board of Commissioners for cause at any time pursuant to N.C.G.S. 18B-700(f).
6. That the members of the Lincoln County Alcoholic Beverage Control Board shall receive such compensation, if any, as the Board of Commissioners shall from time to time determine.

Adopted this 21st day of October, 2002.

LINCOLN COUNTY

By: _____
Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Resolution to Create the ABC Board.

Public Works Capital Project Report: Steve Gilbert reported to the Board on the following Capital Projects: Lake Norman Water Treatment Plant Expansion, Force Main Relocation to Little Egypt Road, Governors Island Low Pressure Sewer, Central Lincoln Water System Improvements, North Lincoln High School Pumping Station & Force Main, and East Lincoln Water System Improvements.

Finance Officer's Report: Leon Harmon gave the Finance Officer's Report for September, 2002.

Vacancies: Commissioner Craig presented the following vacancies.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee	6
Personnel Board	1
Region F Aging Advisory Committee	1

The following are Commissioner Craig's recommendations:

APPOINTMENTS

Appoint Keith Johnson and Marcus Clark to the LNRC
Appoint Devona Wyant to the Library Board
Reappoint Dot Cloninger, and Betty Neal to the Region F Aging Advisory Committee
Appoint Earl Cloninger to the Region F Aging Advisory Committee

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Keith Johnson and Marcus Clark to the LNRC, Devona Wyant to the Library Board, Earl Cloninger to the Region F Aging Advisory Committee, and reappointing Dot Cloninger and Betty Neal to the Region F Aging Advisory Committee.

The following four nominees were presented for the ABC Board: Neal Harmon, Mike Baker, Bobbi Baker, and Marty Mull.

UPON MOTION by Commissioner Craig, the Board voted unanimously to close nominations.

The nominees were discussed and voted on separately.

Bobbi Baker: Commissioner Saine stated that Bobbi Baker is dependable and active in the community.

UPON MOTION by Commissioner Saine, the Board voted unanimously to appoint Bobbi Baker.

Mike Baker: Commissioner Craig stated that Mr. Baker is well qualified for the job. He has real estate experience and also retail experience. Mr. Baker is active in the community.

UPON MOTION by Commissioner Craig, the Board voted 4 – 1 (Commissioner Choate against) to appoint Mike Baker.

Neal Harmon: Commissioner Choate stated that Mr. Harmon has unique qualifications and is a good man for the job due to his experience in the alcohol business.

A MOTION by Commissioner Choate to appoint Neal Harmon.

VOTE: 1 – 4

AYES: Choate

NOES: Cochrane, Anderson, Saine, Craig

Marty Mull: Commissioner Anderson stated that the Mull family is very well-known in the Denver area. He stated that Mr. Mull is probably the youngest of candidates put forward and will represent a different sector. Mr. Mull has been in the retail sector all of his life.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to appoint Marty Mull.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Mike Baker to the three-year term and as the Chairman, effective November 1, 2002.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to appoint Marty Mull to the two-year term, effective November 1, 2002.

Bobbi Baker was appointed to the one-year term, effective November 1, 2002.

Calendar: Chairman Cochrane presented the calendar for the month of November, 2002.

County Commissioners' Report: Chairman Cochrane stated that he and Tom Anderson attended the NAACP Banquet and received a plaque for the Board for establishing a Martin Luther King Holiday for County employees.

Chairman Cochrane stated that he and Commissioner Anderson met with representatives from the City who are interested in sharing the cost for expanding the water treatment plant. He stated that it was left with the engineers.

County Manager's Report: Stan Kiser, County Manager, presented the County Managers Report.

County Attorney's Report: Jeff Taylor reviewed the different processes for selling the Highway 16 property. The Board instructed Stan Kiser to contact

Mr. Taylor stated that at the October 2 work session, payment options were discussed. He stated that there is a procedure for special assessments, which are like a tax and go with the property. The property could also be foreclosed on just like with taxes.

Utility Extension Policy: Steve Gilbert presented the Board with information on the Utility Extension Policy, with the changes as discussed at the October 2 work session.

This will be on the agenda for the next meeting for discussion.

Mr. Gilbert reported on an incident that took place last Friday concerning a licensed plumber who made an unauthorized installation of a couple pressure regulators on county water lines. They had to issue a boil water notice to the residents of the Hideaway Condos. There was no contamination and the boil water notice was released. The plumber was not authorized to do his work, was not licensed to do this work, and he did not notify anyone of this. The Water Department has notified the State, the Plumbing Board, and are going to have to remove the regulators.

Commissioner Craig presented a letter from a petitioner with a water problem. Tracy Pearson wrote a letter to the Board concerning a situation where her water hose was left on by someone, possibly some construction workers around her home. She is requesting an adjustment on her bill.

UPON MOTION by Commissioner Craig, the Board voted unanimously to allow an adjustment as we would do normally for someone with a similar situation.

Adjourn: **UPON MOTION** by Commissioner Choate, the Board voted unanimously to recess.

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman