

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

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on November 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 Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Planning Board Members Present:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Darrell Harkey
Stanley Roseboro
John Pagel
Terry Whitener
Gerald Johnson
Dean Lutz
Clyde Brown

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 November 4, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Chairman Cochrane gave the invocation and 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 deferring Item 4 until the next meeting, adding Public Hearing for CDBG Grant under Item 3, adding Bike Mapping Resolution as 11a, adding 5a – Community Transportation Application Public Hearing – Erma Deen Hoyle, and adding 11b – Appointments.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

NOVEMBER 4, 2002

- | | | |
|----|---------|---|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation |
| | 6:34 PM | Pledge of Allegiance |
| 1. | 6:35 PM | Adoption of Agenda |
| 2. | 6:36 PM | Approval of Minutes
- October 21, 2002 |
| 3. | 6:40 PM | New Business/Advertised Public Hearings |

CUP #209 AT&T Wireless, applicant (Parcel ID# 26381) A request for a conditional use permit to erect a 200-foot telecommunication tower in the Transitional Residential (R-T) district on a 69-acre tract of land located on Vesuvius Furnace Road in Ironton Township and owned by Raymond and Valerie Wilkinson.

CUP #107 Lake Norman Landfill Inc., applicant (Parcel ID# 74884) A request to change a conditional use permit that was issued in June 1997 for a construction/demolition and land-clearing inert debris landfill located on a 117-acre parcel on Quarry Lane off South Highway 16. The applicant is requesting to change the hours of operation to 7 a.m. to 5 p.m. Monday through Friday and 7 a.m. to noon Saturday, and to allow for a temporary variance to the schedule under emergency conditions upon written notification of the county manager.

ZTA #437 Lincoln County, applicant. A proposal to amend Section 2.4 of the Lincoln County Zoning Ordinance to allow a Class E or

F mobile home to be used as an “accessory care-provider housing unit,” amend Section 8.7.4 to allow a Class E mobile home to be temporarily placed on a lot in the R-R and R-T districts while a house is being constructed on the same lot, amend Section 8.7.6 to allow a Class E or F mobile home to be temporarily placed on a lot in the R-S, R-SF and R-CR districts in the event of a disaster that destroys a house, and amend Sections 10.1.1, 10.2.1 and 10.3.2 to include Class E mobile homes as a permitted use by right in the R-R and R-T districts and as a conditional use in the R-S district. Class E mobile homes are mobile homes constructed after July 1, 1976, and located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the county’s newly adopted appearance criteria. Class F mobile homes are mobile homes constructed after July 1, 1976, and not located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the new appearance criteria.

ZTA #438 Lincoln County, applicant. A proposal to amend Chapter 10 of the Lincoln County Zoning Ordinance to establish two new zoning districts, RSF-32 and RSF-43. The new districts would have the same regulations as the Residential Single-Family (R-SF) district, except the minimum lot size would be 32,500 square feet in RSF-32 and 43,560 square feet in RSF-43 if neither public water or public sewer is available.

4. 7:25 PM Public Hearing on a Proposed Ordinance and Agreement to Award a Franchise for the Operation of a Construction and Demolition Debris Landfill to BFI
5. 7:35 PM Lincoln County Work First Plan Approval – Susan McCracken
6. 7:50 PM Quick Response Vehicle (QRV) Program – Ron Rombs
7. 8:00 PM BellSouth Long Distance Proposal – Dante’ Patterson
8. 8:15 PM Reimbursement Resolution for School Bonds – Leon Harmon
9. 8:25 PM Waterline Extension Policy Revision – Steve Gilbert
10. 8:55 PM Resolution Concerning Low-Interest Loans of Clean Water Funds - Steve Gilbert
11. 9:05 PM Other Business

Adjourn

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

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the October 21, 2002 minutes as presented.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, November 4, 2002 and the time, which was advertised in the *Lincoln Times-News* on Friday, October 25 and November 1, 2002

CUP #209 AT&T Wireless, applicant (Parcel ID# 26381) A request for a conditional use permit to erect a 200-foot telecommunication tower in the Transitional Residential (R-T) district on a 69-acre tract of land located on Vesuvius Furnace Road in Ironton Township and owned by Raymond and Valerie Wilkinson.

CUP #107 Lake Norman Landfill Inc., applicant (Parcel ID# 74884) A request to change a conditional use permit that was issued in June 1997 for a construction/demolition and land-clearing inert debris landfill located on a 117-acre parcel on Quarry Lane off South Highway 16. The applicant is requesting to change the hours of operation to 7 a.m. to 5 p.m. Monday through Friday and 7 a.m. to noon Saturday, and to allow for a temporary variance to the schedule under emergency conditions upon written notification of the county manager.

ZTA #437 Lincoln County, applicant. A proposal to amend Section 2.4 of the Lincoln County Zoning Ordinance to allow a Class E or F mobile home to be used as an “accessory care-provider housing unit,” amend Section 8.7.4 to allow a Class E mobile home to be temporarily placed on a lot in the R-R and R-T districts while a house is being constructed on the same lot, amend Section 8.7.6 to allow a Class E or F mobile home to be temporarily placed on a lot in the R-S, R-SF and R-CR districts in the event of a disaster that destroys a house, and amend Sections 10.1.1, 10.2.1 and 10.3.2 to include Class E mobile homes as a permitted use by right in the R-R and R-T districts and as a conditional use in the R-S district. Class E mobile homes are mobile homes constructed after July 1, 1976, and located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the county’s newly adopted appearance criteria. Class F mobile homes are mobile homes constructed after July 1, 1976, and not located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the new appearance criteria.

ZTA #438 Lincoln County, applicant. A proposal to amend Chapter 10 of the Lincoln County Zoning Ordinance to establish two new zoning districts, RSF-32 and RSF-43. The new districts would have the same regulations as the Residential Single-Family (R-SF) district, except the minimum lot size would be 32,500 square feet in RSF-32 and 43,560 square feet in RSF-43 if neither public water or public sewer is available.

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.

2T: Oct. 25, Nov. 1, 2002

Community Development Block Grant Public Hearing: Steve Austin, with Benchmark presented information to the Board concerning the Block Grant. The grant is for \$400,000. The State block grants some of the annual HUD funding from the Federal Government. The money will be for scattered site single family (home-owner occupied) housing rehabilitation. There will have to be 2 public hearings on this matter. The next hearing is scheduled for November 18, 2002.

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

Conditional Use Permit No. 209 – AT&T Wireless, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 209 – AT&T Wireless, applicant.

The applicant is requesting a conditional use permit in order to erect a 200-foot telecommunication tower in the Transitional Residential (R-T) district. A telecommunication tower in excess of 60 feet requires a conditional use permit in the Transitional Residential district.

The 69-acre parcel, owned by Raymond and Valerie Wilkinson, is located on Vesuvius Furnace Road in Ironton Township. It is surrounded by property zoned Transitional Residential.

Mr. Hawkins stated that he has spoken with Jeff Lynn of the Airport and they are requesting minimum obstruction lighting in the interest of aviation safety.

Chairman Cochrane opened the public hearing Conditional Use Permit No. 209 – AT&T Wireless, applicant.

David Cutlet stated that he is here on behalf of AT&T. They are wanting to expand their coverage area and there is no existing structure available for co-location.

John Lineberger stated that he is here on behalf of adjacent property owners. He stated that this is a fairly remote area. Lighting is a major concern for the adjacent property

owners. He stated that since there are no FAA requirements, a red light should be sufficient.

Jeff Lynn, with the Airport, stated that 2 solid red burning red obstruction lights, would be what they all required. These would come on at sunset and go off at sunrise.

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

Conditional Use Permit No. 107 – Lake Norman Landfill, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 107 – Lake Norman Landfill, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 107 – Lake Norman Landfill, applicant.

The applicant is requesting to change a conditional use permit that was issued in June 1997 for a construction/demolition and land-clearing inert debris landfill. The applicant is requesting to change the hours of operation to 7 a.m. to 5 p.m. Monday through Friday and 7 a.m. to noon Saturday, and to allow for a temporary variance to the schedule under emergency conditions upon written notification of the county manager. The conditional use permit set the hours of operation as 8:30 a.m. to 6 p.m. Monday through Friday and 8 a.m. to 1 p.m. Saturday, and included no allowance for a variance.

The 117-acre parcel is located on Quarry Lane off South Highway 16 and is zoned General Industrial (I-G). It is adjoined by property zoned General Industrial, Transitional Residential (R-T) and Planned Residential (P-R).

BFI has been operating under the hours that they are requesting. They acquired the site from Chris Barrett and did not realize that there was a Conditional Use Permit and their hours were limited.

Chairman Cochrane questioned the allowance for a temporary variance. He expressed concerns about who determines what constitutes an emergency.

Jeff Taylor stated that the wording is pretty general. He suggested drafting an additional sentence to distinguish between a one-time situation and an on-going situation.

Commissioner Craig stated that he was on the Board when this Conditional Use Permit was issued. He stated that these hours were originally set to lessen the traffic until after school starts and after the traffic is cleared out.

Commissioner Anderson concurred with Commissioner Craig and said the setting of 8:30 was probably a good thing.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 107 – Lake Norman Landfill, applicant.

Timothy Schotsch stated that he is the General Manager of the Charlotte area BFI's. He stated that though their ignorance, they had no records of these rules. He stated that since the landfill opened in 1999, it has opened at 7:00 a.m. They receive about 60 trucks per day, or 6 to 10 per hour. He stated that they are very sensitive to the neighborhood and inspect daily for debris. Mr. Schotsch stated that many of their customers take the boxes from their construction site in the evening and drop it off early the next morning.

Mr. Schotsch stated that variances are very rare, only a few times a year. They are just trying to accommodate the truck drivers who call at 5:00 and say that they will be there in 10 minutes.

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

Zoning Text Amendment No. 437 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 437.

This is a proposal to amend Section 2.4 of the Lincoln County Zoning Ordinance to allow a Class E or F mobile home to be used as an “accessory care-provider housing unit,” amend Section 8.7.4 to allow a Class E mobile home to be temporarily placed on a lot in the R-R and R-T districts while a house is being constructed on the same lot, amend Section 8.7.6 to allow a Class E or F mobile home to be temporarily placed on a lot in the R-S, R-SF and R-CR districts in the event of a disaster that destroys a house, and amend Sections 10.1.1, 10.2.1 and 10.3.2 to include Class E mobile homes as a permitted use by right in the R-R and R-T districts and as a conditional use in the R-S district. Class E mobile homes are mobile homes constructed after July 1, 1976, and located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the county's newly adopted appearance criteria. Class F mobile homes are mobile homes constructed after July 1, 1976, and not located in Lincoln County as of Sept. 23, 2002, the roof and/or siding of which does not meet the new appearance criteria.

The new appearance criteria were added to the mobile home definitions in Section 2.4 of the Zoning Ordinance. Two new classes of mobile homes were created – “metal on metal” homes already located in Lincoln County (Class E), and “metal on metal” homes not located in Lincoln County (Class F). This proposal would amend other sections of the ordinance to incorporate the new classes.

The full proposal is attached, with the added text shown in bold.

- Amend Section 2.4:

Accessory Careprovider Housing Unit

An accessory dwelling unit in the form of a Class A, B, ~~C~~, **E or F** mobile home, the purpose of which is to accommodate an aged, infirmed, or handicapped person needing a

substantial amount of personal care or attention based on a certified medical need. The careprovider may live in either the principal dwelling or the accessory mobile home.

Such uses shall also be required to meet the following criteria:

- A. The accessory unit shall be located at least twenty (20) feet from the principal structure.
- B. No more than one accessory careprovider housing unit per lot shall be allowed.
- C. The accessory unit shall observe the same setback requirements as the principal structure.
- D. The accessory unit may not be placed in front of the principal unit when located on the same lot.
- E. The process for the issuance of an Accessory Careprovider Housing Permit will be handled through the office of the Zoning Administrator. In order for the permit to be issued, the Zoning Administrator shall be required to make the following findings:
 - 1. The accessory unit is needed to take care of a sick, elderly, or disabled person who lives on the same lot or adjacent lot and who is in need of personal or medical attention.
 - 2. That the location, placement, and type of accessory dwelling unit is so located so as to minimize any negative affects on adjacent properties.

Any such permit may be issued for period of up to one (1) year. Within three (3) months prior to the permit's expiration date, the applicant can submit an application to have the permit extended. The Zoning Administrator shall have the authority to grant one or more consecutive extensions, each for a period of up to one (1) year upon determining that there has not been a substantive change in pertinent conditions or facts. The applicant can continue to apply for extensions so long as the conditions warrant the need for the accessory unit. Upon termination of the permit or the elimination of the conditions giving rise to the permit, the accessory unit shall be immediately removed within sixty days from the property. **A Class F mobile home may be placed only in a mobile home park registered prior to Sept. 23, 2002.**

- F. The mobile home shall be skirted or underpinned as required for multi-section manufactured homes by the North Carolina Department of Insurance.

• ***Amend Section 8.7.4:***

8.7.4 Temporary Mobile Homes

In R-T and R-R zoning districts where a single-family dwelling is a use by right, the Zoning Administrator shall have the authority to issue a temporary zoning permit for the placement of a mobile home on a lot

of record on a temporary basis while a single-family dwelling is being constructed on the same lot. Such permit may only be issued under the following conditions:

- A. The mobile home is a Class A, B, ~~or C~~ **or E** mobile home.

• ***Amend Section 8.7.6:***

Mobile homes may be allowed on a temporary basis in the R-S, R-SF and R-CR districts on a permitted basis under the following conditions:

- A. In the event of a disaster, the result of which an occupied single-family dwelling was destroyed [i.e., received damage greater than fifty (50) percent of its assessed tax value as indicated on the most current tax listings], a Class C, **E or F** mobile home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such mobile home on said lot is to give the occupants of the destroyed single-family dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired.

• ***Amend Section 10.1.1 (permitted uses by right in the R-R district) to add:***

Mobile homes, Class E

• ***Amend Section 10.2.1 (permitted uses by right in the R-T district) to add:***

Mobile homes, Class E

• ***Amend Section 10.3.2 (conditional uses in the R-S district):***

- L. Mobile homes, Class A (other than those allowed as a permitted use by right), B, ~~and C~~ **and E** – 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. 437 – Lincoln County, applicant.

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

Zoning Text Amendment No. 438 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 438 – Lincoln County, applicant.

This is a proposal to amend Chapter 10 of the Lincoln County Zoning Ordinance to establish two new zoning districts, RSF-32 and RSF-43. The new districts would have the same regulations as the Residential Single-Family (R-SF) district, except the minimum lot size would be 32,500 square feet in RSF-32 and 43,560 square feet in RSF-43 if neither public water or public sewer is available.

This proposal would allow properties currently zoned Residential Transitional (R-T) and Rural Residential (R-R) to be rezoned to have the same restrictions as R-SF but maintain the larger minimum lot size that's required in R-T and R-R.

The minimum lot size in R-SF is 22,500 square feet, a little over half an acre. Some owners of large tracts zoned R-T are wanting to rezone their property to R-SF, but the land lies in areas where half-acre lots would not be desirable from an environmental standpoint unless public water or sewer was available.

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 438 – Lincoln County, applicant.

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

Commissioner Anderson stated that these changes need to be made in conjunction with the Subdivision Ordinance. He stated that we don't want to do anything based on large subdivisions with wells and septic tanks. He stated that we need to have the tools to encourage connection to public utilities, even if they are a little further away than the developer would like it to be.

Community Transportation Application Public Hearing: Erma Deen Hoyle stated that she did not receive any requests to speak at the public hearing. The Grant will be for capital and administrative costs. The capital will be to replace any vans with 100,000 miles as of October 1, 2002. The administrative money will be for the Transportation Coordinator, office furniture, and some office support. The County will have to match 15% for administrative costs and 10% for capital costs. The County will receive 3 vans this fiscal year and 2 vans for 2003-2004.

Chairman Cochrane opened the Public Hearing.

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

Lincoln County Work First Plan – Susan McCracken: Susan McCracken reviewed the Work First Plan for 2003 - 2005 with the Board.

Chairman Cochrane suggested that this be deferred until the next meeting.

Quick Response Vehicle (ORV) Program – Ron Rombs: Ron Rombs stated that with the continued rapid increase in Emergency Medical Services call volume within Lincoln

County and the increase of instances where there is no Advanced Life Support coverage within the county, it is imperative that Lincoln County EMS expand the QRV program to enhance the medical preparedness of Lincoln County.

Mr. Rombs requested that 3 EMT-Paramedic Positions be added. The changes for fiscal year 2002-2003 can be accomplished with an additional \$43,000 in the Personnel Services portion of the budget. The increase in revenues, increased capability, and increase in patient survivability will well offset the cost of adding three positions.

Stan Kiser, County Manager, stated that EMS revenues are at \$409,605.93 and \$1,002,900 has been budgeted for the year.

UPON MOTION by Commissioner Craig, the Board the Board accepted the proposal for the increased expenditure of \$43,000 for 3 new EMT-Paramedics, based on the fact that the County Manager is confident that funds will be available.

Bell South Long Distance Proposal – Dante’ Patterson: Dante’ Patterson presented a proposal from Bell South for long distance service for the county. He stated that there is an estimated savings of \$1,000 per month.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the long distance proposal from Bell South.

Reimbursement Resolution for School Bonds: Leon Harmon presented the following Reimbursement Resolution for the Board’s approval. The school bond sale has been scheduled for December 3, 2002. By approving a reimbursement resolution, we can reimburse the schools for construction and related expenses incurred between the use of the bond funds on hand and the receipt of the bond funds from the new issue.

REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer [has paid, beginning no earlier than September 5, 2002 and] will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the construction of school facilities for Lincoln County (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys [previously advanced no more

than 60 days prior to the date hereof and] to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after [September 5, 2002, which date is no more than 60 days prior to] the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure [was and] will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$9,000,000.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 4th day of November, 2002.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

EXHIBIT A

DESCRIPTION OF PROJECT

Capital Improvement Program - Erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities, and acquiring necessary land and equipment therefor in order to provide additional school facilities in the County of Lincoln.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve the Resolution.

Water Line Extension Policy Revision – Chris Henderson: Chris Henderson presented revisions to the Water Line Extension Policy.

At the Water Workshop held on October 2, 2002, the Board of Commissioners requested that the Public Works Department revise its Water Line Extension Policy to ease the qualification requirements for water line extension requests. These requests are made by private citizens desiring water lines to be extended by the county to serve their neighborhoods. The policy has been revised to incorporate the following changes in the requirements:

1. The payback period for the costs on an extension has been extended from 5 years to 10 years. The requirement for tap fees to equal at least 50% of the cost of construction has not changed. A project meeting either of these criteria will qualify under the revised policy.
2. Citizens submitting requests that do not meet either of these criteria have the option to pay an additional portion of the project costs in order for the payback calculation to meet the 10-year criteria.
3. Citizens will be allowed to pay the applicable fees for an approved water line extension over time, with payment plans of up to 60 months.
4. Implementation of qualifying extensions will be subject to availability of funds.

Mr. Henderson presented example calculations of the revised policy.

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

Resolution Concerning Low-Interest Loans of Clean Water Funds: Chris Henderson stated that Lincoln County, with the assistance of WK Dickson & Co. has made application to the Department of Environment and Natural Resources for low-interest loans of NC Clean Water funds to construct the Eastern and Central Pressure Zone

Improvements. The projects consist of two new elevated storage tanks and approximately 10.5 miles of new water lines. The total amount of loans requested is \$5,625,206.00. The Local Government Commission has requested that a resolution be adopted by the Board of Commissioners agreeing that the County will fulfill its financial obligations in regards to the loans, and if the obligations are not fulfilled the State may withhold funds otherwise due to the County in an amount sufficient to repay the loans.

**RESOLUTION BY BOARD OF COMMISSIONERS
COUNTY OF LINCOLN, NORTH CAROLINA
NOVEMBER 4, 2002**

WHEREAS, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems and

WHEREAS, The County of Lincoln has need for and intends to construct water system improvement projects described as Eastern and Central Pressure Zone Improvements, and

WHEREAS, The County of Lincoln intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN

That the County of Lincoln will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the County of Lincoln will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the County of Lincoln agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Lincoln to make scheduled repayment of the loan, to withhold from the County of Lincoln any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the County of Lincoln will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Jerry W Cochran, Chairman of the Board of Commissioners, and successors so titled, is hereby authorized to execute and file an application on behalf of the County of Lincoln with the State of North Carolina for a loan to aid in the construction of the project described above.

That Jerry W Cochran, Chairman of the Board of Commissioners, and successors so entitled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application for the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the County of Lincoln has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th day of November, at Lincolnton, North Carolina

Jerry W Cochran
Chairman, Board of Commissioners

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners of the County of Lincoln does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the County of Lincoln duly held on the 4th day of November, 2002, and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of November, 2002.

Amy Long
Clerk to the Board

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution.

Bike Map Resolution: Commissioner Tom Anderson presented the following Resolution for the Board's consideration. He stated that at the last RPO meeting, they were made aware of the fact that the NCDOT will provide the necessary technology to complete a bicycle route mapping program. This will be at no cost to the localities. The long term goal is to have a bike trail that encompasses Lake Norman.

**RESOLUTION
REQUESTING DEVELOPMENT OF A BICYCLE MAP
BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
BICYCLE AND PEDESTRIAN DIVISION**

FROM

LINCOLN COUNTY, NORTH CAROLINA

WHEREAS, the Lincoln County Board of Commissioners is committed to providing safe transportation and recreational facilities for the use of its citizens; and

WHEREAS, the Board recognizes the growth of cycling as a sport and as a means of transportation for increasing numbers of people of all ages; and

WHEREAS, signed bicycle paths and routes are becoming not only local recreational facilities but a means of encouraging eco-tourism and economic growth; and

WHEREAS, safe bicycling facilities signal the Board's commitment not only to safety, but also to economic development and quality of life issues; and

WHEREAS, the North Carolina Department of Transportation makes available through its Bicycle and Pedestrian Division a bicycle route mapping program, with no cost to localities; and

WHEREAS, participation in this program requires a formal request from the Board of Commissioners of the requesting county that said bicycle route mapping program be included as a part of the Transportation Improvement Program (TIP); and

WHEREAS, Lincoln County wishes to be added to this program through the Bicycle and Pedestrian Division's portion of the TIP;

NOW THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners does by this resolution formally request that the North Carolina Department of Transportation Bicycle and Pedestrian Division include Lincoln County as a jurisdiction to be mapped as a part of its County bicycle mapping program; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners requests that this item be added to applicable portions of the Transportation Improvement Program for Lincoln County.

Adopted this _____ day of _____, 2002.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Resolution.

Appointments: Commissioner Craig presented the name of Buddy Funderburk for appointment to the Historic Properties Commission.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Buddy Funderburk to the Historic Properties Commission.

Other Business: Stan Kiser, County Manager, presented information concerning the Citizens Center rental fees. He stated that more information will be presented at the next meeting.

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