

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 2, 2002**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on December 2, 2002 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Larry S. Craig, Vice Chair
Thomas R. Anderson, PE
Carrol Mitchem
Buddy Funderburk

Planning Board Members Present:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Dean Lutz, Secretary
Terry Whitener
John Pagel
Stan Roseboro
Darrell Harkey

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: Stan Kiser, County Manager, called the December 2, 2002 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Dr. Bob Wise of South Fork Baptist Association gave the invocation.

INDUCT BOARD OF COMMISSION MEMBERS

by Fred Hatley, Clerk of Court

Carrol Mitchem

James “Buddy” Funderburk

Fred Hatley, Clerk of Court, administered the Oath of Office to the newly elected members, James “Buddy” Funderburk and Carrol Mitchem..

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

I, **James “Buddy” Funderburk**, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, **James “Buddy” Funderburk**, do further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **James “Buddy” Funderburk**, do further swear that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

James “Buddy” Funderburk

Subscribed and sworn to before me this 2nd day of December, 2002, as witness my hand.

Fred Hatley

**STATE OF NORTH CAROLINA
COUNTY OF LINCOLN**

I, **Carrol Mitchem**, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, **Carrol Mitchem**, do further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Carrol Mitchem**, do further swear that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

Carrol Mitchem

Subscribed and sworn to before me this 2nd day of December, 2002, as witness my hand.

Fred Hatley

Election of Chairman: Stan Kiser, County Manager, convened the new Board of Commissioners and opened the floor to nominations for Chairman.

Commissioner Anderson nominated Commissioner Jerry Cochrane as Chairman.

Commissioner Craig motioned that the nominations be closed.

Vote: Unanimously approved.

Election of Vice Chairman: Chairman Jerry Cochrane conducted the election of vice chairman.

Commissioner Anderson nominated Commissioner Larry Craig as Vice Chairman.

Commissioner Funderburk motioned that the nominations be closed.

Vote: Unanimously approved.

Induction of Soil and Water Board:

Fred Hatley, Clerk of Court, administered the Oath of Office to the Soil and Water Conservation District Board Members, Blair Goodson, Tommy Houser, and Carl Beam.

I, Blair Goodson, do solemnly swear that I will support the Constitution of the United States, so help me, God.

I further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of the United States, to the best of my knowledge and ability; so help me, God.

I further swear that I will well and truly execute the duties of the office of Lincoln Soil and Water Conservation District Supervisor, according to the best of my skills and ability, according to the Soil and Water conservation District Laws of North Carolina, so help me, God.

Blair Goodson
Supervisor

Subscribed and sworn to before me, this 2nd day of December, 2002.

Fred Hatley, Clerk of Court

I, Tommy Houser, do solemnly swear that I will support the Constitution of the United States, so help me, God.

I further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of the United States, to the best of my knowledge and ability; so help me, God.

I further swear that I will well and truly execute the duties of the office of Lincoln Soil and Water Conservation District Supervisor, according to the best of my skills and ability, according to the Soil and Water conservation District Laws of North Carolina, so help me, God.

Tommy Houser
Supervisor

Subscribed and sworn to before me, this 2nd day of December, 2002.

Fred Hatley, Clerk of Court

I, Carl Beam, do solemnly swear that I will support the Constitution of the United States, so help me, God.

I further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of the United States, to the best of my knowledge and ability; so help me, God.

I further swear that I will well and truly execute the duties of the office of Lincoln Soil and Water Conservation District Supervisor, according to the best of my skills and ability, according to the Soil and Water conservation District Laws of North Carolina, so help me, God.

Carl Beam
Supervisor

Subscribed and sworn to before me, this 2nd day of December, 2002.

Fred Hatley, Clerk of Court

Appointment of County Manager: Commissioner Craig motioned to reappoint Stan Kiser as County Manager.

VOTE: Unanimously approved.

Appointment of Clerk to the Board: Commissioner Anderson motioned to reappoint Amy Long as Clerk to the Board.

VOTE: Unanimously approved.

Appointment of County Attorney: Commissioner Anderson motioned to appoint Mr. Jeff Taylor, with Pendleton and Pendleton, to continue as County Attorney.

VOTE: Unanimously approved.

Recognition of Commissioner Service: Chairman Cochrane presented plaques to outgoing Commissioners Beth H. Saine and David P. Choate.

Chairman Cochrane called for a recess and announced that the meeting would resume in the Commissioner's Room on the third floor.

Chairman Cochrane called the December 2, 2002 meeting back to order.

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 as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

DECEMBER 2, 2002

6:30 PM Call to Order – County Manager

Invocation – Dr. Bob Wise
 South Fork Baptist Association

Pledge of Allegiance

Performance by Lincolnton High School Band

Induct Board of Commission Members
By Fred Hatley, Clerk of Court
James “Buddy” Funderburk
Carrol Mitchem

Seating of Board

Election of Chair

Election of Vice-Chair

Induct Soil and Water Conservation District Board Members
By Fred Hatley, Clerk of Court
Blair Goodson
Tommy Houser
Carl Beam

Appointment of County Manager

Appointment of Clerk to the Board

Appointment of County Attorney

Recognition of Commissioner Service

Public Congratulations – The Board will recess for the public congratulations and reconvene in the Commissioner’s Room on the Third Floor.

1. 7:20 PM Adoption of Agenda
2. 7:25 PM Adoption of Rules of Procedure
3. 7:30 PM Announcement of Board Organization
4. 7:35 PM Approval of Minutes
- November 18, 2002
5. 7:40 PM New Business/Advertised Public Hearings

ZMA #439 Tommy Engle, applicant (Parcel ID# 56314) A request to rezone a 3.1-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located on Hwy. 73 at Caldwell Circle in Ironton Township.

CUP #210 AT&T Wireless, applicant (Parcel ID# 32631) A request for a conditional use permit to erect a 235-foot telecommunication tower in the Transitional Residential (R-T) district on a 37-acre tract of land located on Killian Farm Road in Catawba Springs Township and owned by James and Barbara Sifford.

6. 8:00 PM Resolution to Authorize Filing of Application for Scattered Site Housing Community Development Block Grant – Jeff Vernon
7. 8:10 PM Proposed Committee Members for Scattered-Site Housing Grant Selection Committee – Jeff Vernon
8. 8:20 PM 2003 Meeting Schedule
9. 8:30 PM Changes to the NC Local Government Debt Setoff Clearinghouse Program – Madge Huffman
10. 8:50 PM Other Business

Adjourn

Adoption of Rules of Procedure: Chairman Cochrane presented the following Rules of Procedure.

RULES OF PROCEDURE

LINCOLN COUNTY

BOARD OF COMMISSIONERS

I. Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Lincoln County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to Be Open.

(a) The public policy of North Carolina and of Lincoln County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Lincoln County Board of Commissioners shall be open to the public, and any person may attend.

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions.

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public, but only under the following circumstances:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
3. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
5. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
6. To consider the qualifications, competence, performance, character, fitness, conditions or appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public

officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 560, s. 2.

III. Organization of the Board

Rule 4. Organizational Meeting. On the first Monday in December following a general election in which county officers are elected, the board shall meet at the regular meeting time and place. The County Manager or the clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and vice-chair from its members. As the third order, the board shall approve the bonds of the register of deeds, and the sheriff, and induct them and any other newly elected county officials into office.

Rule 5. Election of the Chair. The chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a board member.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings.

(a) **Regular Meetings.** The board shall hold a regular meeting on the [first] and [third] [Monday] of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Board of County Commissioners Meeting Room on the Third Floor of the Citizens Center and shall begin at [time]. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted, and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to

the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

(b) Special Meetings. The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and subjects to be considered. The person or persons calling the meeting shall cause the notice to be posted on the principal bulletin boards of the county and delivered to the chair and all other board members or left at the usual dwelling place of each member at least forty-eight hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news organizations having requested such notice as provided in subsection (e), below. Only items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed waivers.

(c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) Work Sessions and Committee Meetings. The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(e) Sunshine List. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by individuals {must be renewed by the last day of each calendar quarter year and} are subject to a \$20.00 non-refundable annual fee; requests by news organizations {~~must be renewed annually by July 1 and~~} are not subject to any fee.

Rule 7. All Meetings Within the County. All meetings shall be held within the boundaries of Lincoln County except as otherwise provided herein.

- (1) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
- (2) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.

Rule 8. Broadcasting and Recording of Meetings.

(a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official board meeting shall so notify the county manager no later than forty-eight hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Citizens Center is available, the county manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

V. Agenda

Rule 9. Agenda.

(a) The clerk to the board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least **five** ~~four~~ working days before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each board member at least twenty-four hours before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.

(c) The board may, by majority vote, add an item not on the agenda.

Rule 10. Informal Public Comments. The clerk to the board shall include on the agenda of each regular meeting at least fifteen minutes for comments or questions from the public in attendance. The chair will first recognize individuals or groups having made appointments to be heard, and then may recognize others, subject to available time. The chair may specify the time allotted to each speaker. When the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Approval of the minutes of the previous meeting.
2. Scheduled public hearings.
3. Action items.
4. Informal public comments.
5. Administrative reports.
6. Committee reports.
7. Unfinished business.

8. Introduction of ordinances, resolutions and orders.
9. Other new business.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

VI. Conduct of Debate

Rule 12. Powers of the Chair. The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 13. Presiding Officer When the Chair Is Active in Debate. If the chair wishes to debate a proposal actively, he or she shall designate another board member to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 15. Second Not Required. A motion shall not require a second.

Rule 16. One Motion at a Time. A member may make only one motion at a time.

Rule 17. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 18. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

Rule 19. Debate. The chair shall state the motion and then open the floor to debate, presiding according to these general principles:

- (1) The member making the motion or introducing the ordinance, resolution, or order may speak first.
- (2) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

- (3) If possible, the debate shall alternate between opponents and proponents of the measure.

Rule 20. Procedural Motions.

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *To Adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. *To Recess.*
3. *To Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.
4. *To Suspend the Rules.* The motion requires a vote equal to a quorum.
5. *To Divide a Complex Motion and Consider It by Paragraph.*
6. *To Defer Consideration.* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. *To Call the Previous Question.* The motion is not in order until there has been at least twenty minutes of debate and every member has had one opportunity to speak.
8. *To Postpone to a Certain Time or Day.*
9. *To Refer to Committee.* Sixty days after a motion has been referred to committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
10. *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
11. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
12. *To Reconsider.* The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
13. *To Prevent Reconsideration for Six Months.* The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 21. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 22. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 23. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative. In the event of the failure of a member to express a vote, the Chairman shall specify for the record any member who failed to express a vote and that such failure shall be recorded as an affirmative vote. The Chairman's action in such event shall be conclusive unless the non-voting member immediately expresses an objection in order to record a negative vote. The Chairman in his discretion may demand a roll-call vote.

Rule 24. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 25. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 26. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 27. Adoption, Amendment, or Repeal of Ordinances. To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority but not by all the members of the board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 28. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Rule 29. Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Rule 30. Quorum at Public Hearings. A quorum of the board must be present at all public hearings required by law.

Rule 31. Minutes. To the extent required by N. C. G. S. Sections 153A-42 and 143-318.10(e) and applicable case law, the Clerk shall keep full and accurate minutes of the proceedings of the Board of Commissioners to record actions taken, including the results of each vote, and evidence that such actions were taken according to proper procedures. Upon the request of any member, the ayes and noes upon any question shall be taken and recorded. The minutes shall not become the official record of the Board's actions until they are adopted by the Board. The minutes shall be available for public inspection.

If the Board becomes aware of an error in minutes that have been previously adopted, the Board may correct the minutes. The Clerk shall note any such correction in the minutes of the meeting at which the correction is made and shall place an appropriate notation and cross reference at the place in the minutes where the provision being corrected appears.

With respect to closed sessions of the Board of Commissioners, the Clerk shall keep full and accurate minutes to the extent required by N. C. G. S. 143-318.10(e) and applicable case law and shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such minutes and accounts shall be public records within the meaning of the Public Records Law, N. C. G. S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with N. C. G. S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 32. Appointments. The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 33. Reference to *Robert's Rule of Order*. To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *RRO* to resolve procedural questions.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Rules of Procedure.

Commissioner Organization: Chairman Cochrane presented the following organizational appointments for the Board.

COMMISSIONER

Jerry W. Cochrane, Chairman

ORGANIZATION

Chamber of Commerce
Hospital Board of Trustees

Communities in Schools
Partnership for Children

Carrol Mitchem

Pathways
Juvenile Crime Prevention Council

Buddy Funderburk

Historic Properties Commission
Downtown Development Association
Lincoln Cultural Center

Larry S. Craig

Recreation Commission
Board of Health
Appointment Coordinator
Emergency Services Advisory Council

Thomas R. Anderson, PE

Economic Development Association
East Lincoln Library Planning Committee
Centralina Council of Government
Airport Authority

Approval of Minutes – November 18, 2002: Chairman Cochrane presented the minutes of the November 18, 2002 meeting for the Board’s approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the November 18, 2002 minutes as presented.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, December 2, 2002 and the time, which was advertised in the *Lincoln Times-News* on Friday, November 22 and 29, 2002.

ZMA #439 Tommy Engle, applicant (Parcel ID# 56314) A request to rezone a 3.1-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located on Hwy. 73 at Caldwell Circle in Ironton Township.

CUP #210 AT&T Wireless, applicant (Parcel ID# 32631) A request for a conditional use permit to erect a 235-foot telecommunication tower in the Transitional Residential (R-T) district on a 37-acre tract of land located on Killian Farm Road in Catawba Springs Township and owned by James and Barbara Sifford.

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.

Zoning Map Amendment No. 439 – Tommy Engle, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 439.

The applicant is requesting to rezone a 3.1-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N).

The property is located on Hwy. 27 at Caldwell Circle in Ironton Township. It is adjoined on the east by property zoned General Industrial (I-G), on the south by property zoned Residential Single-Family and General Business (B-G) and on the west and north by property zoned Residential Single-Family.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 439 – Tommy Engle, applicant.

Joe Wilson stated that he lives on the north side of this property and would like for it to stay single-family residential. He stated that anything can be built there if he gets this zoning change.

Phillip Reel stated that he lives across from the site and would like to see it stay family residential. He stated that the applicant could keep it a few years and then sell it.

Randy Hawkins reviewed what is allowed in Neighborhood Business.

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

Conditional Use Permit No. 210 – 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. 210 – AT&T Wireless, applicant.

The applicant is requesting a Conditional Use Permit in order to erect a 235-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 37-acre parcel, owned by James and Barbara Sifford, is located on Killian Farm Road in the Catawba Springs 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. 210 – AT&T Wireless, applicant.

Jamie Bryson stated that he is here on behalf of AT&T. Co-location is not possible for the coverage they need. The parcel is heavily cleared and will only be cleared for the site. There is no problem with the FAA lighting.

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

Resolution to Authorize Filing of Application for Scattered Site Housing Community Development Block Grant – Jeff Vernon: Jeff Vernon stated that that the Sheriff's Department has a Use of Excessive Force Policy in effect. He stated that he has been assured by Steve Austin of Benchmark that they will handle re-inspections and pointed out several documents he has saying that they will take care of everything.

Commissioner Anderson suggested that when a contract is drawn up it is made clear that Benchmark does these re-inspections.

RESOLUTION TO AUTHORIZE FILING OF
APPLICATION FOR SCATTERED SITE HOUSING
COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Lincoln County Board of Commissioners recognizes the need for improvement in the housing conditions of underprivileged citizens of Lincoln County; and

WHEREAS, the North Carolina Division of Community Assistance makes available community development block grant funds for assisting with such improvements, among other purposes; and

WHEREAS, the Board of Commissioners wishes to authorize the filing of an application on behalf of Lincoln County to obtain such a grant; and

WHEREAS, Stephen F. Austin, Benchmark, LLC, has prepared an application to be filed on behalf of Lincoln County for a community development block grant for scattered site housing;

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

1. That the Lincoln County Board of Commissioners authorizes the filing of the application prepared by Stephen F. Austin of Benchmark, LLC, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. That this resolution shall be effective immediately upon adoption.

Adopted this 18th day of November, 2002.

LINCOLN COUNTY

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

ATTEST:

Amy S. Long, Clerk to the
Board of Commissioners

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

Proposed Committee Members for Scattered-Site Housing Grant Selection Committee: Jeff Vernon presented the following proposed list of committee members for the Scattered-Site Housing Grant Selection Committee.

Ray Cloninger, Former County Commissioner
Mike Owen, Executive Director, Lincoln Housing Authority
Randy Shives, Habitat for Humanity
Bob Cantwell, Habitat for Humanity
Susan McCracken, Social Services Director
Kenneth Tucker, President, Lincoln County Homebuilders Association
Amy Chilcote, Extension Agent, Family Consumer Sciences.

Alternate – Harry Huss, Former Chairman, Board of County Commissioners

Steve Gurley, Director of City Planning – Technical Advisor
Jeff Vernon, Plans Reviewer - Technical Advisor

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

2003 Meeting Schedule: Chairman Cochrane presented the 2003 Meeting Schedule for the Board's approval.

**NOTICE
LINCOLN COUNTY
BOARD OF COMMISSIONERS
2003 MEETING SCHEDULE**

Monday, January 6, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, January 27, 2003

- 6:30 P.M. Regular Meeting

Monday, February 3, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, February 17, 2003

- 6:30 P.M. Regular Meeting

Monday, March 3, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, March 17, 2003

- 6:30 P.M. East Lincoln County Water and Sewer District
- 7:00 P.M. Regular Meeting

Monday, April 7, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, April 21, 2003

- 6:30 P.M. Regular Meeting

Monday, May 5, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, May 19, 2003

- 6:30 P.M. Regular Meeting

Monday, June 2, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, June 16, 2003

- 6:30 P.M. East Lincoln County Water & Sewer District
- 7:00 P.M. Regular Meeting

Monday, July 7, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, July 21, 2003

- 6:30 P.M. Regular Meeting

Monday, August 4, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, August 18, 2003

- 6:30 P.M. Regular Meeting

Monday, September 8, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, September 22, 2003

- 6:30 P.M. East Lincoln County Water & Sewer District
- 7:00 P.M. Regular Meeting

Monday, October 6, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, October 20, 2003

- 6:30 P.M. Regular Meeting

Monday, November 3, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, November 17, 2003

- 6:30 P.M. Regular Meeting

Monday, December 1, 2003

- 6:30 P.M. Public Hearings – Zoning

Monday, December 15, 2003

- 6:30 P.M. East Lincoln County Water & Sewer District
- 7:00 P.M. Regular Meeting

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

Changes to the NC Local Government Debt Setoff Clearinghouse Program: Madge Huffman asked the Board for approval and the Chair's signature on the Local Collection

Assistance Fee Rider, which amends the original NC Local Government Debt Setoff Clearinghouse Program Memorandum of Understanding and Agreement, to accommodate the following:

- Recent legislation permits charging debtor a \$15 collection assistance fee, beginning January 1, 2003.
- All debtors, including those whose debts have already been submitted for processing, must be notified of collection assistance fee, and notification cannot occur before January 1, 2003.
- The clearinghouse will add the \$15 fee to the debt amounts submitted by participating local governments.
- Department of Revenue now allows a county or city to combine debts to meet \$50 minimum.

These changes will be effective January 1, 2003.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Debt Setoff Rider as presented.

Other Business: Commissioner Funderburk asked about getting additional lighting at the Car Farm Road Convenience Site. People have approached him concerned for their safety at this site.

Stan Kiser, County Manager, stated that he will be meeting with John Avery and will discuss this with him.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint *Devona Wyant* to the *Regional Library Board*.

Chairman Cochrane stated that he would like to have a Planning Session in February or early March. He reminded the Board of the Pathways meeting at 2:30 tomorrow. He also mentioned the meeting on December 10 at 12:00 p.m. on regional water interconnects.

Stan Kiser reminded the Board of the Employee Awards Luncheon scheduled for Wednesday.

Steve Gilbert stated that the county has been approached by the City of Hickory about a subdivision on Hwy. 150 east of Hwy. 16. There is a private well system that is contaminated. They are asking for an emergency connection to the county system and to purchase water from the county until their line is constructed. They expect to use 30,000 gallons per day, which should not be any problem. The line will be constructed at their own expense. Water will be sold at the bulk rate and will be paid based on consumption.

Mr. Gilbert stated that the City of High Shoals is trying to get a grant from Community Development Block Grants to build an interconnect for emergency situations. Chairman Cochrane stated that he and Commissioner Anderson had a meeting with the City of Lincolnton last week to discuss collaboration of expansion of the water treatment plant and running a line to Lincolnton.

Recess: Chairman Cochrane recessed the meeting to 2:30 p.m. tomorrow for the joint meeting in Dallas concerning Pathways.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners