

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 2, 2001**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 2, 2001 at the Citizens Center, Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:00 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Beth H. Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
Dr. John R. Gamble, Jr. – resigned
David P. Choate

Planning Board Members Present:

James "Buddy" Funderburk
Dean Lutz
Stanley Roseboro
Jerry Geymont
Phil Hunt
Terry Whitener
Mike Baker

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Lee Lawson, Land Use Coordinator
Kelly Atkins, Director of BALD
Shane Stewart, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the April 2, 2001 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to add Item 4a – Comments by Commissioner Gamble and 13A Financing of Timken Sewer Line.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

APRIL 2, 2001

- 7:00 PM Call to Order
- 1. 7:01 PM Adoption of Agenda
- 2. 7:02 PM Approval of Minutes
- March 19, 2001
- 3. 7:05 PM New Business / Advertised Public Hearing

SOA#14 Lincoln County, applicant The following text amendment has been proposed: Amend section 107 (definition of a minor subdivision); section 108 (definition of a major subdivision); and section 109 (definition of a Planned Unit Development) to state.....

CUP #187 American Land Corp., applicant (Parcel ID #78305, 78306, 78307, 77738) The applicant is requesting a Conditional Use Permit in order to accommodate a land clearing and inert debris landfill (LCID) on lot numbers 14-16 of the Shady Oaks subdivision and lot 47 of the Donaphan Hills subdivision. Lot numbers 14-16 are located off Adkin Drive in the Ironton Township while lot number 47 is located of Arden Gate Drive.

ZTA #363 Lincoln County, applicant The following text amendment has been proposed: Amend Section 2.4 in the Lincoln County Zoning Ordinance to state: If a private residential quarters is issued as an agricultural exemption, it shall adhere to the following regulations....

ZMA #366 Marty Mull, applicant (Parcel ID #78259, 71434) The applicant is requesting to rezone two parcels totaling .90 acres from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to Neighborhood Business (B-N DH). The request is to allow the expansion of the Denver Furniture business located on the corner of Highway 16 and Forney Hill Road. These landlocked parcels have access from Forney Hill Road.

ZMA #367 Joan Penn, applicant (Parcel ID #33222) The applicant is requesting to rezone .48 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General

Business (B-G DH). The request is to allow approximately a 1,800 square feet real estate office. The parcel is located off Highway 16.

ZMA #368 Clifford Brown, applicant (Parcel ID #32423) The applicant is requesting to rezone a 3.7 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to General Business (B-G DH). The request is to allow mini-warehouse. The parcel is located off Highway 16 and Montego Lane.

ZMA #369 Ben Nixon, applicant (Parcel ID #51462, 31862) The applicant is requesting to rezone two parcels totaling .95 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to Neighborhood Business (B-N DH). The request is to allow the future placement of a retail business. The parcels are located off Highway 16.

ZTA #370 Lincoln County, applicant The following text amendment has been proposed: Amend Section 2.4 (definition of a major subdivision); section 10.1, 10.2, 10.3, 10.4, 10.5, 10.6 10.7, 10.8, 10.9 (change 50 lots to 25); section 11.5 C (P-I & P-O to 5 acres, P-MU to 25 lots); section 11.7, 11.7.2 A, 11.7.2 E (P-R to 25 lots); section 11.8, 11.8.2 A, 11.8.2 G, 11.8.2 L (reduce P-I to 5 acres and modify screening); section 11.9.2 A, 11.9.2 H (P-O to 5 acres); section 11.10.2 A, 11.10.2 H (P-MU to 10 acres & 25 lots and increase required COS) in the Lincoln County Zoning Ordinance to state.....

ZMA #371 Bethel United Methodist, applicant (Parcel ID #30753) The applicant is requesting to rezone a 1.85 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to General Business (B-G DH). The request is to allow the sale of the property for business use. The parcel is located off Campground Road.

ZMA #372 Dave Carroll, applicant (Parcel ID #50105) The applicant is requesting to rezone 3.68 acres from Neighborhood Business with a Designated Highway Overlay District (B-N DH) to Light Industrial (I-L DH). The request is to allow the expansion of the existing racing located off Highway 16.

ZMA #373 Donald Abernethy, applicant (Parcel ID #18895, 18893) The applicant is requesting to rezone two parcels totaling 20.33 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Industrial (I-G DH). The request is to allow the development of a use by right

business in the I-G zoning district at some point in time. The parcel is located off Highway 150 West in the Lincolnton Township.

4. 8:05 PM Adoption of Land Use Plan
5. 8:50 PM Road Naming Public Hearing – Ford Lane
6. 9:00 PM Child Fatality Review Team Annual Report – Rhonda Saunders
7. 9:15 PM Cross Connection Ordinance Public Hearing – Jack Chandler
8. 9:25 PM Combination of Job Descriptions – Jack Chandler
9. 9:35 PM Roseland Heights Water Corporation – New Proposal – Jack Chandler
10. 9:45 PM Clean Sweep Resolution – Erma Deen Hoyle
11. 9:55 PM Proclamation for Child Abuse Prevention Month
12. 10:00 PM Resolution Endorsing the Completion of Highway 16 in Eastern Lincoln County – Commissioner Beth Saine
13. 10:10 PM Auction of Surplus Property Information – Leon Harmon
14. 10:20 PM Other Business

Adjourn

Approval of Minutes – March 19, 2001: Chairman Cochrane presented the minutes of the March 19, 2001 meeting for the Board’s approval.

Commissioner Anderson stated that he had one correction to page 15 of the minutes. In the last paragraph number 3 should read 3) The current turn lane on Webbs Road be extended such that it will reach the eastern most **driveway** where it abuts Webbs Road.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the March 19, 2001 minutes with the correction noted by Commissioner Anderson.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, April 2, 2001 and the time, which was advertised in the *Lincoln Times-News* on March 23 and 30, 2001.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 6:30 P.M. on Monday, April 2, 2001, to consider the following zoning related matters:

Adoption of the Lincoln County Land Use Plan, which will aid in the decision making process for the future of Lincoln County.

SOA#14 Lincoln County, applicant The following text amendment has been proposed: Amend section 107 (definition of a minor subdivision); section 108 (definition of a major subdivision); and section 109 (definition of a Planned Unit Development) to state.....

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ZMA #367 Joan Penn, applicant (Parcel ID #33222) The applicant is requesting to rezone .48 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Business (B-G DH). The request is to allow approximately a 1,800 square feet real estate office. The parcel is located off Highway 16.

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District (R-SF DH) to General Business (B-G DH). The request is to allow the sale of the property for business use. The parcel is located off Campground Road.

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

Subdivision Ordinance Amendment No. 14 – Lincoln County, applicant:

Lee Lawson, Land Use Coordinator, presented the following information concerning Subdivision Ordinance Amendment No. 14 – Lincoln County, applicant.

Amend Section 107 to the Lincoln County Subdivision Ordinance to state: “Minor Subdivision” Defined

A minor subdivision is defined as a subdivision involving not more than five (5) lots fronting on an existing public or private roads, not requiring any new public or private roads not requiring extension of water lines or public sewer.

Amend Section 108 to the Lincoln County Subdivision Ordinance to state: “Major Subdivision” Defined

A major subdivision is defined as a subdivision involving more than five (5) lots, or requiring new public or private roads for access to interior property, or requiring extension of public sewer or water lines, or requiring a waiver or variance from any requirements of any Ordinances or Plans adopted by the Lincoln County Board of Commissioners.

Amend Section 109 to the Lincoln County Subdivision Ordinance to state:

Other Definitions:

Planned Unit Development:

An area planned as a single entity containing one or more residential, commercial, or mixed-use clusters located on lots which may or may not meet the minimum specified requirements contained in this ordinance. All planned unit development must be located

within a Planned Zoning District and will be reviewed using the Planned Unit Development criteria of Section 308 of the Lincoln County Subdivision Ordinance and Chapter 11 of the Lincoln County Zoning Ordinance.

Chairman Cochrane opened the Public Hearing on Subdivision Ordinance Amendment No. 14.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Subdivision Ordinance Amendment No. 14 closed.

Conditional Use Permit No. 187 – American Land Corporation, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 187 – American Land Corporation, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a land clearing and inert debris landfill (LCID) on lot numbers 14-16 of the Shady Oaks subdivision and lot 47 of the Donaphan Hills subdivision. These four parcels total 6.2 acres with 1.70 acres of land clearing material buried on the parcels.

Lot numbers 14-16, which are zoned Residential Transitional (R-T), are located off Adkin Drive in the Ironton Township and are joined on all lot lines by parcels also zoned R-T. Lot number 47, which is zoned Residential Single-Family (R-SF), is located off Arden Gate Drive and is joined on all lot lines by parcels zoned R-SF. A land clearing and inert debris landfill requires the issuance of a Conditional Use Permit in the R-SF and R-T zoning districts.

Mr. Stewart stated that there is already 1.7 acres of land clearing material buried on this property and per state regulations, they have to be 100 feet from all lot lines. He stated that for the Zoning Ordinance a land clearing and inert debris landfill requires a Conditional Use Permit. He stated that this is already filled, but staff could not overlook this situation, they had to report it to the Board.

Mr. Stewart stated that it has to be recorded on a deed that there was a land clearing and inert debris landfill on the property and no one will build on it. He stated that part of this may have to be removed. Mr. Stewart stated that the applicant dug a hole and they viewed inside it. He stated that it was trees, stumps, and such.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 187 – American Land Corporation, applicant.

John Oglesby asked the definition of a land clearing and inert debris landfill.

Shane Stewart stated that it's basically just limbs, parts of trees, and stumps. He stated that it's just land clearing debris.

Shelly Grier stated that she owns some property in that area and her concern is that if there's going to be a landfill there, who's to say there won't be other people dumping paint, oil, etc. in the landfill. She stated that her concern is groundwater in the area, since everybody in the area is required to have a well.

Shane Stewart stated that no more burying will take place without a new Conditional Use Permit.

Gary Shookette, with American Land Corporation, stated that the biggest part of what was put in was top soil, it was all strippings from when the road was panned out. He stated that there are stumps and sticks in there, but it's mostly top soil. Mr. Shookette stated that there will not be any other material going in there.

Commissioner Craig asked if something comes up down the road and someone suffers from it, could these people go back to the applicant. He also asked if a condition could be placed that a bond could be put on this property to protect the residents of the area.

Jeff Taylor stated that a future injured party could go back against this company and at the same time, a condition could be some sort of bonding arrangement.

Commissioner Anderson stated that a condition could be imposed so that if American Land Corporation should ever sell this property, the Board can require that they be required to perform soil borings and compaction testings on the area in question before the land is sold. He stated that this way anyone purchasing the property, by virtue of the fact that this is recorded on the deed, they would know where this is, and if the seller is required to do these tests, it could be determined if anything could be built there.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 187 – American Land Corporation, applicant, closed.

Zoning Text Amendment No. 363 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 363 – Lincoln County, applicant.

The following text addition has been proposed:

Amend Section 2.4 in the Lincoln County Zoning Ordinance to state:

If a private residential quarters is issued as an agriculture exemption, it shall adhere to the following regulations:

- 1) Must have one (1) parcel containing at least ten (10) acres in actual production.
- 2) The application must be renewed every two (2) years with the supporting documentation that a farm worker resides in home.
- 3) Exemptions are for farm employees only and may not extend to a non-farm employee.

- 4) If farm subsidies, the structure must be removed or come into compliance within one hundred and eighty (180) days.
- 5) Mobile homes may only be in the form of Class A, B, or C.
- 6) The number of homes for farm exemption status are limited to:

<u>Acreage</u>	<u>Units</u>
10	1
11-100	2
For every additional 50 acres	1 additional unit

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 363 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 363 – Lincoln County, applicant, closed.

Zoning Map Amendment No. 366 – Marty Mull, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 366 – Marty Mull, applicant.

The applicant is requesting to rezone two parcels totaling .90 acres from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to Neighborhood Business (B-N DH). The request is to allow the expansion of the Denver Furniture business located on the corner of Highway 16 and Forney Hill Road.

These landlocked parcels have access from Forney Hill Road and are joined on the south, west, and east by properties zoned R-SF DH and to the north by B-N DH.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 366 – Marty Mull, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 366 – Marty Mull, applicant, closed.

Zoning Map Amendment No. 367 – Larry & Joan Penn, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 367 – Larry & Joan Penn, applicant.

The applicant is requesting to rezone .48 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Business (B-G DH). The request is to allow approximately a 1,800 square feet real estate office.

The parcel is located off Highway 16 in the Wrenn Estates Subdivision and is joined on the north, west, and east by properties zoned R-S DH and to the south by General Industrial (I-G DH) and Neighborhood Business (B-N DH).

Commissioner Anderson stated that Zoning Map Amendment 367 is requesting to go to Business General and 369 is requesting to go to Neighborhood Business. He stated that as the Planning Board looks at this, for the sake of consistency on Highway 16, if Neighborhood Business would work for 367.

Shane Stewart stated that there is not enough land for Neighborhood Business and they would have to go General Business with this lot.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 367 – Larry & Joan Penn, applicant.

Joan Penn stated that she is the applicant and would prefer Neighborhood Business, but with the lot size she cannot do that. She stated that Mr. Ben Nixon is present tonight and is a property owner in the Wren Estates Subdivision.

Ben Nixon stated that he went to each property owner in this neighborhood because he owns a lot in it. He stated that he can't find anyone to buy residential property on Highway 16. He stated that they had restrictions removed on this neighborhood.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 367 – Larry & Joan Penn, applicant, closed.

Zoning Map Amendment No. 368 – Clifford Brown, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 368 – Clifford Brown, applicant.

The applicant is requesting to rezone a 3.7 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to General Business (B-G DH). The request is to allow mini-warehouse storage.

The parcel is located off Highway 16 and Montego Lane and joined on the north, south, and east by properties zoned R-SF DH and to the west by Neighborhood Business (B-N DH) and B-G DH.

Shane Stewart presented an email that was sent to him against the rezoning.

Commissioner Craig stated that he had two calls today, one from Ken Phillips, who owns the property across from this and one from Mr. Terry Brotherton, who owns the property up the road. He stated that neither one has a problem with this.

Commissioner Gamble asked about sprawl and intermixing business and residential.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 368 – Clifford Brown, applicant.

Audrey Benton stated that she owns 2 ½ acres of land below the Brotherton house. She stated that she sold the land to Mr. Brown and she had it stipulated in the deeds when all

of this was sold that it had to be residential, so many square foot houses, not business. She asked how it could be business now. She stated that she still has land for sale and is scared this will harm the sale of her property.

Carol Clise stated that property is not near Mr. Nixon's property, which is a lot farther up 16. She stated that in the six miles on Highway 16 between Rock Springs School and North Pilot Knob Road, there are already five mini-storage warehouses. Last September, the Board of Commissioners approved building of another mini-storage warehouse on the Howard property. She stated that Mr. Brown's property contains a single family home, a beautifully kept lawn, and some forested land. She stated that this is a nice residential area. Ms. Clise asked the Board to take these points into consideration.

Denise Oliver stated that she is speaking for the property owners of Malibu Pointe and Montego Lane. She stated that Montego Lane is a private drive and they do not know how Mr. Brown will have access to the property. She stated that there is a dip coming from the north and south on Highway 16 and is a death trap.

Mike Gooch stated that he lives on Montego Lane and has a couple concerns. He stated that he has three children, including a handicapped daughter who they stroll up and down the road and a young son who rides his bicycle. He stated that the property owners came up with the money and paved the road, which is a private road. He spoke of the traffic and danger on Highway 16. Mr. Gooch stated that he would like to see it remain residential.

Renee Whitley stated that she is a homeowner on Montego Lane. She stated that she appeals that the Board think of this as revenue to the County as well, because this mini-storage will decrease property values, which will decrease the amount of taxes that go to the County. She spoke about the Highway 16 bypass, which will be a decrease in the traffic. She stated that she has two small boys and worries about their safety.

Clifford Brown stated that anything he will build will look as well as it does now. He stated that the property has a 60' deeded right of way. Mr. Brown stated that he has talked to all the property owners around his property. He presented signed statements from 7 of those people. Mr. Brown stated that one property owner said that he would like the property to remain as it is. He stated that he has no knowledge of deed restrictions. Mr. Brown stated that there are no houses across from his property on Montego Lane, because he owns the property all the way back to the other property line. He stated that there aren't any children playing on that end of the road.

Tim Orell stated that he lives directly behind Mr. Brown's property. He stated that he is sure that what Mr. Brown puts will be nice, but who's to say that Mr. Brown will stay there. He stated that he agrees with the safety factor, Highway 16 is already stressed beyond it's point as far as traffic. He stated that he does not think anymore businesses are needed along that stretch.

Commissioner Saine asked if there are any watershed concerns here.

Shane Stewart stated that this is in the Watershed 4 Critical, in which 24% impervious coverage is allowed.

Mark Rhyne stated that he is a resident of Montego Lane. He stated that Mr. Brown lives in the center of where he is proposing to put this, and he cannot imagine that Mr. Brown will want to live there with a business surrounding his home. He stated that there are restrictions in their neighborhood that call for no chain link fences, and questioned the buffer that will be required.

Shane Stewart stated this will be a grade c screening, buffering business to residential. He stated that no fence is called for in this buffering, only a large tree, small tree, and shrub buffering. He stated that he would guess it will probably be about 4 large trees, 2 small trees, and 16 shrubs for every hundred feet.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 368 – Clifford Brown, applicant, closed.

Zoning Map Amendment No. 369 – Ben Nixon, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 369 – Ben Nixon, applicant.

The applicant is requesting to rezone two parcels totaling .95 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to Neighborhood Business (B-N DH). The request is to allow the future placement of a retail business.

The parcel is located off NC Highway 16 in the Catawba Springs Township and is joined on the north and west by Neighborhood Business (B-N DH) and Light Industrial (I-L DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 369 – Ben Nixon, applicant.

Ben Nixon stated that he feels like this is ideal Neighborhood Business property.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 369 – Ben Nixon, applicant, closed.

Zoning Text Amendment No. 370 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 370 – Lincoln County, applicant.

The following text addition has been proposed:

Amend Section 2.4 (definition of a major subdivision); section 10.2, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9 (change 50 lots to 25); section 11.5 C (P-I & P-O to 5 acres, P-MU to 25 lots) section 11.7, 11.7. A, 11.7.2E (P-R to 25 lots; section 11.8, 11.8.2A,

11.8.2 G, 11.82. L (reduce P-I to 5 acres and modify screening); section 11.9.2 A, 11.9.2 H (P-O to 5 acres); section 11.10.2 A, 11.10.2 H (P-MU to 10 acres & 25 lots and increase required COS) in the Lincoln County Zoning Ordinance to state...

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 370 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 370 – Lincoln County, applicant, closed.

Zoning Map Amendment No. 371 – Bethel United Methodist Church, applicant:

Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 371 – Bethel United Methodist Church, applicant.

The applicant is requesting to rezone a 1.85 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to General Business (B-G DH). The request is to allow the sale of the property for business use.

The parcel is located off Highway 16 in the Catawba Springs Township and is joined on all lot lines by properties zoned R-SF DH and to the northeast by Neighborhood Business (B-N DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 371 – Bethel United Methodist Church, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 371 – Bethel United Methodist Church, applicant, closed.

Zoning Map Amendment No. 372 – Dave Carroll, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 372 – Dave Carroll, applicant.

The applicant is requesting to rezone 3.68 acres from Neighborhood Business with a Designated Highway Overlay District (B-N DH) to Light Industrial (I-L DH). The request is to allow the expansion of the existing racing facility and to bring the property into compliance due to the fact that B-N does not allow a racing facility.

The parcel is located off Highway 16 in the Catawba Springs Township and is joined on the north, south, and east by B-N DH and to the west by Residential Single-Family (R-SF).

Commissioner Saine asked if this was in the watershed area.

Shane Stewart stated that this is in the 4 Critical Watershed. He stated that 24% of what is not covered could be covered.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 372 – Dave Carroll, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 372 – Dave Carroll, applicant, closed.

Zoning Map Amendment No. 373 – Donald Abernethy, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 373 – Donald Abernethy, applicant.

The applicant is requesting to rezone two parcels totaling 20.33 acres from Residential Suburban with a Designated Highway Overlay District (R-S DH) to General Industrial (I-G DH). The request is to allow the development of a use by right business in the I-G zoning district at some point in time.

The parcel is located off Highway 150 West in the Lincolnton Township and is joined on the north and north east by R-S; to the south by Residential Single-Family (R-SF); and to the west by Neighborhood Business (B-N DH).

Commissioner Craig stated that the railroad will be a buffer between this and the residential area.

Kelly Atkins, Director of Building and Land Development, pointed out on the parcel map where he lives. He stated that he can see the property in question from his home. He stated that this would be no louder than the train and as long as there was screening, he would be fine with it.

Mr. Atkins stated that with this rezoning, it would be open for anything in the Industrial zoning district.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 373 – Donald Abernethy, applicant.

Raybon Taylor stated that he has property on Boy Scout Road. He asked what kind of business that it would be zoned for.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 373 – Donald Abernethy, applicant, closed.

Chairman Cochrane announced that the Planning Board would retreat to the 2nd floor balcony.

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

Comments from Dr. Gamble: Dr. Gamble presented the Board with information from the most recent hospital statement, concerning the loss of money.

Commissioner Gamble stated that Counsel has given him a break-down of discharged county employees for the past six years. He stated that the figure is well over \$100,000.

Commissioner Gamble stated that the Board has on the agenda tonight Adoption of the Land Use Plan and the Board should have a public hearing first.

Commissioner Gamble stated that it is his intention to resign from the Board effective immediately and David Choate has been chosen to replace him.

Judy Gilbert introduced David Choate to the Board.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept Dr. Gamble's resignation and accept Mr. Choate's appointment to that term.

Amy S. Long, Clerk to the Board, administered the Oath of Office to David P. Choate.

**STATE OF NORTH CAROLINA
COUNTY OF LINCOLN**

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

I, **David P. Choate**, 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, **David P. Choate**, 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.

David P. Choate

Subscribed and sworn to before me this 2nd day of April , 2001, as witness my hand.

Amy S. Long

Land Use Plan – Walter Fields Group: Walter Fields and Brad Davis presented the Board with the draft Land Use Plan.

UPON MOTION by Commissioner Saine, the Board voted unanimously to set a Public Hearing for the Land Use Plan at the first meeting in June at 7:30 PM.

Road Naming Public Hearing – Ford Lane: Madge Huffman presented a petition to name the entry road to the Haywood Meadows Subdivision and serves as a connector between Owls Den Road and Haywood Court. The petition asked for Ford Fair Lane, which is similar to a road named Fair Land Lane. Ms. Huffman recommended accepting Ford Lane as the name of the road.

Chairman Cochrane opened the Public Hearing on the road naming for Ford Lane.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the recommendation and name the road Ford Lane.

Child Fatality Review Team Annual Report: Rhonda Saunders gave the Child Fatality Prevention Team Annual Report, stating that for the time period of January 1999 to December 1999, the team reviewed 16 child deaths. She stated that the Child Fatality Prevention Team meets on a quarterly basis to review records of deceased county residents under 18. Members discuss the outcome of services and circumstances surrounding the child's death to promote ways to prevent future child fatalities.

Cross Connection Ordinance Public Hearing – Jack Chandler:
Chairman Cochrane opened the Public Hearing on the Cross Connection Control Ordinance.

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

Jack Chandler, Director of Public Service, stated that he inserted language in the section **Penalties for Violation**, which states: Any violation of or non-compliance with the requirements of this ordinance may result in the termination of service.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Cross Connection Control Ordinance.

Combination of Job Descriptions – Jack Chandler:
Jack Chandler stated that the Lincoln County Public Works Department currently has two job descriptions for Utility Maintenance Crew Leader and two job descriptions for Utility Maintenance Crew Worker, each has a job description essentially written in such a manner as to cover working in both water and sewer while the other limits workers to working in water only. He stated that they have had problems hiring personnel to work in the sewer positions and have had one of the sewer positions vacant for three (3) years, this problem has persisted despite increasing the salaries for these positions by 5% over

what workers on the water crews are making. Because of the problems in hiring people for the sewer crew, our Utility Maintenance Supervisor has been “On-Call” for sewer problems for 95% of the time for the three years that we have been trying to fill the vacant positions, this has placed an incredible burden on our Utility Maintenance Supervisor.

Mr. Chandler proposed that the two job descriptions be combined into one job description so that all Utility Maintenance Crew Leaders and Utility Maintenance Workers can be required to work in both water and sewer as needed. He further proposed that the current Crew Leaders and Workers be given an increase in salary in keeping with our past practices and also for the increased duties they will be performing. The combination of jobs will also lead to dual certification for our field crews making them better all around employees.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt Jack Chandler’s recommendation of combining job descriptions, including the 5% increase for the Crew Leaders and Workers.

Roseland Heights Water Corporation – New Proposal – Jack Chandler:

Jack Chandler stated that as requested, he is recommending that all late penalties from 11/25/1996 to present be removed from the outstanding balance for the Roseland Heights Water Corporation, that the remaining outstanding balance be reduced by 50%, and that the repayment of the remaining balance be made with no interest applied.

The most current balance for the Roseland Heights Water Corporation is \$14,290.00. From 11/25/1996 to present there have been \$240.00 in late penalties assessed. By removing the late penalties the current outstanding balance is \$14,050.00. A 50% reduction equals \$7,025.00.

Mr. Chandler presented the following cost estimates to improve the water system.

With Fire Protection

Item	Description	Quantity	Unit	Cost Per Unit	Extended Cost
1	6" Water Main	270	LF	\$30.00	\$8,100.00
2	2" Water Main	1665	LF	\$10.00	\$16,650.00
3	Tie In	1	LS	\$2,500.00	\$2,500.00
4	Fire Hydrant Assembly	1	EA	\$3,000.00	\$3,000.00
5	Service	30	EA	\$700.00	\$21,000.00
6	Design	1	LS	\$5,000.00	\$5,000.00
Total					\$56,250.00

Cost per House \$1,875.00

Without Fire Protection - 6" Feed

Item	Description	Quantity	Unit	Cost Per Unit	Extended Cost
1	6" Water Main	270	LF	\$30.00	\$8,100.00

2" Water Main	1665 LF	\$10.00	\$16,650.00
3 Tie In	1 LS	\$2,500.00	\$2,500.00
4 Fire Hydrant Assembly	0 EA	\$3,000.00	\$0.00
5 Service	30 EA	\$500.00	\$15,000.00
6 Design	1 LS	\$5,000.00	\$5,000.00
Total			\$47,250.00
Cost per House			\$1,575.00

Without Fire Protection - 2" Feed

Item Description	Quantity	Unit	Cost Per Unit	Extended Cost
1 6" Water Main	0	LF	\$25.00	\$0.00
2 2" Water Main	1935	LF	\$10.00	\$19,350.00
3 Tie In	2	LS	\$1,000.00	\$2,000.00
4 Fire Hydrant Assembly	0	EA	\$3,500.00	\$0.00
5 Service	30	EA	\$500.00	\$15,000.00
6 Design	1	LS	\$5,000.00	\$5,000.00
Total				\$41,350.00
Cost per House				\$1,378.33

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept Jack Chandler’s recommendation on the reduction of costs and proposal number 1, with fire hydrants, payments spread out over a 60 month period, with Mr. Chandler providing the Board with a bill of what each household owes.

Commissioners Anderson and Craig will take the proposal back to the residents of Roseland Heights for input and then bring it back before the Board.

Litter Sweep Proclamation – Erma Deen Hoyle: Erma Deen Hoyle presented the following Proclamation for the Board’s approval.

**LITTER SWEEP
2001
PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation’s Office of Beautification annually organizes a spring roadside cleanup campaign to ensure clean roadsides throughout our State; and

WHEREAS, a spring LITTER SWEEP campaign has been planned for April 16 – 30, 2001, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2001 spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will celebrate the 13th Anniversary of the North Carolina Adopt-A-Highway program;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim April 16-30, 2001 as “**LITTER SWEEP**” in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the Proclamation for Litter Sweep 2001.

Proclamation for Child Abuse Prevention Month: Chairman Cochrane presented the following Proclamation for Child Abuse Prevention Month.

CHILD ABUSE PREVENTION MONTH PROCLAMATION

Whereas, child abuse is a community problem and finding solutions depends on involvement among people throughout the community;

Whereas, approximately 3 million children are reported as abused and neglected in this country each year;

Whereas, approximately 120,000 children are reported as abused and neglected in North Carolina each year;

Whereas, 21 children victims of child abuse homicide in North Carolina last year;

Whereas, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious, and civic organizations, law enforcement agencies, and the business community;

Whereas, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

Now, Therefore, I _____ do hereby proclaim April as Child Abuse Prevention Month in _____ and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Signed

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Proclamation and authorize the Chairman to sign it.

Resolution Endorsing the Completion of Highway 16 in Eastern Lincoln County – Commissioner Beth Saine: Commissioner Saine presented the following Resolution for the Board's approval.

**RESOLUTION ENDORSING THE COMPLETION
OF HIGHWAY 16 IN EASTERN LINCOLN COUNTY**

WHEREAS, the Lincoln County Board of Commissioners would like to offer thanks for the scheduling of a beginning date in May for the first leg from Lucia to Highway 73 and encouragement that nothing deters the initiation of this project; and

WHEREAS, the completion of a four-lane Highway 16 all the way to I-40 is desperately needed for the safety of our citizens, the economic development of our county, and the normal movement of residential, commercial, and pass-through traffic utilizing this road; and

WHEREAS, the explosive growth in the eastern end of the county makes a completion date of 2007 for the total project problematic due to the large number of homes and businesses that are opening weekly in that area; and

WHEREAS, an earlier completion date of 2005 would be more desirable; and

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners, along with the Lincoln/Lincoln County Chamber of Commerce request a completion date of 2005 for Highway 16 in eastern Lincoln County.

Adopted this 2nd day of April, 2001.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

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

Financing of Timken Sewer Line: Leon Harmon stated that three banks bid on this project and the low bidder was BB&T, with 5.81% for 10 years or 6.37% for 15 years. He stated that this requires approval by the Local Government Commission. A public hearing will have to be held before the Resolution can be approved.

UPON MOTION by Commissioner Saine, the Board voted unanimously to go with BB&T for 5.81% for 10 years and set a Public Hearing for April 16 at 7:45 PM.

Auction of Surplus Property Information – Leon Harmon: Leon Harmon stated that periodically the County has a surplus sale to dispose of surplus vehicles and personal property. He asked the Board to select an auction company and he will come back at a later time with the date of the sale.

UPON MOTION by Commissioner Craig, the Board voted unanimously to select Craig Gates, using Gilbert if Craig Gates is not available.

Stan Kiser, County Manager, asked that the Board declare the old dog shelter as surplus property and use the upset bids procedure.

UPON MOTION by Commissioner Saine, the Board voted unanimously to declare the old dog shelter as surplus property and use the upset bids procedure.

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

**RESOLUTION TO DECLARE CERTAIN REAL PROPERTY
OWNED BY LINCOLN COUNTY TO BE SURPLUS PROPERTY
AND AUTHORIZE SALE OF SUCH PROPERTY**

WHEREAS, Lincoln County is the owner in fee simple of a certain tract of real property consisting of approximately 0.25 acres generally located on the north side of East Main Street in the City of Lincolnton, North Carolina, being carved out of property of the Lincoln County Board of Education described in deed recorded in Book 465 at Page 679, Lincoln County Public Registry, and being more specifically described on Exhibit A attached hereto; and

WHEREAS, the said 0.25 acres lies between the campus of G. E. Massey Elementary School and the property of Ralph L. Abernethy, Jr. described in deeds recorded in Book 1122 at Page 424 and Book 514 at Page 181, Lincoln County Public Registry, upon which is located Abernethy Chevrolet; and

WHEREAS, the said 0.25-acre tract is landlocked, has no direct access to a public road, and cannot be subdivided without violating the City of Lincolnton's Subdivision Ordinance and is therefore of limited, if any, usefulness to Lincoln County; and

WHEREAS, in light of the location and inaccessibility of the said tract, the Lincoln County Board of Commissioners believes that the said tract should be declared surplus property and sold; and

WHEREAS, the said tract has been appraised by a licensed real estate appraiser as having a value of \$8,200.00; and

WHEREAS, Lincoln County has received an offer to purchase the said tract for the sum of \$8,450.00, which offer has been secured by a deposit with the County of the sum of \$422.50 representing five percent of the bid as required by the provisions of N. C. G. S. Chapter 160A; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of Lincoln County and its citizens to sell the said tract, and the Board proposes to accept the said bid of \$8,450.00, subject to compliance with the procedures of N. C. G. S. Chapter 160A;

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

1. The Lincoln County Board of Commissioners declares the 0.25-acre tract of real property described on Exhibit A attached hereto to be surplus property and authorizes and directs the sale of said tract as hereinafter resolved.
2. The Board of Commissioners acknowledges receipt of a bid to purchase said tract for the sum of \$8,450.00 and further acknowledges receipt of the deposit from the bidder of the sum of \$422.50, representing five percent of its bid as required by the procedures of N. C. G. S. Chapter 160A.
3. The said deposit shall be forfeited and withheld by Lincoln County in the event that the bidder prematurely withdraws its bid.
4. The County Manager and Clerk to the Board are hereby directed to place an appropriate newspaper advertisement in accordance with the requirements of N. C. G. S. Chapter 160A to inform the public of the Board's action in declaring this property to be surplus and the Board's receipt of this bid and intention to sell the said property to the bidder on these terms unless its bid is upset as provided by law.
5. Any party, person, firm, or other entity wishing to place an upset bid shall file such upset bid with the Lincoln County Finance Department before

the close of business on the 10th day following publication of the newspaper advertisement herein specified.

6. Any such upset bid must comply with the following conditions:
 - a. The upset bid must raise the original bid by an amount equal to at least ten percent of the first \$1,000.00 of that bid plus five percent of the remainder.
 - b. The upset bid must be made in writing and be sealed.
 - c. The purported upset bidder must deposit cash or certified funds with the Lincoln County Finance Department in an amount equal to at least five percent of its bid.
 - d. The deposits of any unsuccessful upset bidders shall be returned within five days after completion of the upset bid process. The deposit of a successful upset bidder who withdraws without the completion of its purchase shall be forfeited and withheld by Lincoln County.
 7. No upset bids shall be opened until after the close of the business on the 10th day following publication of the newspaper advertisement herein specified. Upon opening of any upset bids and verifying receipt of a qualifying upset bid, the County Manager shall arrange for publication of a further advertisement of the receipt of such qualifying upset bid and providing for a further upset bid procedure as set forth herein.
 8. Upon the passing of the ten-day upset bid period without a qualifying upset bid having been received, the highest qualifying bid received shall be deemed accepted, and the Chairman of the Board of Commissioners and the Clerk to the Board shall be authorized to execute all documents necessary to consummate the sale and conveyance of the property to the highest qualifying bidder.
 9. The conveyance of the property shall occur within 30 days after receipt of the highest qualifying bid and shall be made contemporaneously with receiving cash or certified funds in the full amount of the purchase price.
 10. In the event that no qualifying upset bid is received by the close of business on the 10th day following publication of the aforesaid notice, the offer of \$8,450.00 referred to hereinabove shall be accepted and the said property sold and conveyed to the bidder on the terms stated herein.
 11. This resolution shall be effective upon adoption.
- This 2nd day of April, 2001.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

Amy S. Long, Clerk to the Board

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

Commissioner Craig stated that he received a visit from Bill Sipes, a Vale resident who has lived on his land since 1972. He stated that the gentleman has a couple mobile homes and over the years has collected various cars and basically some junk. He stated that the Code Enforcement Officer informed him that he would have to eliminate the cars or come into compliance with the junkyard. Mr. Sipes has since removed the 16 cars over the limit from his property. He stated that Mr. Sipes had a number of tires mounted to rims, which he was asked to remove. Mr. Sipes took these to the dump, but because they were on rims the landfill would not accept them. Commissioner Craig stated that this gentleman is on a fixed income, has a bad leg, and has done his best to come into compliance. He stated that Mr. Sipes is being fined \$10 per day since March 28. He asked the Board to allow him 90 days to come into compliance and waive the fees.

The Board agreed to go along with this.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners