

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 3, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on January 3, 2005 at the Citizens Center, Commissioners Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Carrol D. Mitchem, Vice Chairman
James Buddy Funderburk
Marie Moore
Alex E. Patton

Planning Board Members Present:

Dean Lutz, Chairman
Louis McConnell
John Pagel
Darrell Harkey
Ken Hovis
Terry Whitener
Clyde Brown
Harold Howard, Jr.
Jerry Geymont

Others Present:

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

Call to Order: Chairman Anderson called the January 3, 2005 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Moore gave the Invocation and Chairman Anderson led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Item 7a – Commissioner Pay Study Committee and Item 8a – Approval of Property Purchase Options.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
JANUARY 3, 2005

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Marie Moore
- 6:32 PM Pledge of Allegiance
1. 6:34 PM Adoption of Agenda
2. 6:35 PM Approval of Minutes
- December 20, 2004
3. 6:40 PM Consent Agenda
- Request for Waived Fees or Sponsored Group Status
 - Lincoln County Republican Party
 - Request for Waived Fees
 - Piedmont Council of Boy Scouts
 - Tax Requests for Refunds – More Than \$100
 - December 13, 2004 – December 27, 2004
4. 6:45 PM New Business/Advertised Public Hearings – Randy Hawkins

SOA #24 Lincoln County, applicant. A proposal to amend Section 405 of the Lincoln County Subdivision Ordinance to require all subdivision plats to abide by all requirements of the Lincoln County Addressing Ordinance.

ZMA #489 Tony Cloninger Jr., applicant (Parcel ID# 31106, 31064 and 83356) A request to rezone 237 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located on the east and west sides of Beth Haven Church Road about two-thirds of a mile north of Forney Hill Road in Catawba Springs Township.

ZMA #490 Perry Tripp, applicant (Parcel ID# 53017) A request to rezone a 0.82-acre parcel from Transitional Residential (R-T) to General Business (B-G). The property is located at 6962 E. Hwy. 150 in Catawba Springs Township.

ZTA #491 Lincoln County, applicant. A proposal to amend Section 8.21 of the Lincoln County Zoning Ordinance to prohibit on any residential lot the storage of any junked motor vehicle

unless it is screened from view from a public road by means of an enclosed building, suitable fencing, trees, shrubbery or otherwise. A junked vehicle is defined as one that does not display a current license plate and that is partially dismantled or wrecked, or cannot be self-propelled or moved in the manner in which it originally was intended to move.

- 5. 7:40 PM Piggyback for Purchase of Software for 911 and the Sheriff's Department – Sheriff Barbara Pickens
- 6. 7:55 PM Voting Delegate for NCACC Legislative Goals Conference
- 7. 8:00 PM Appointments
- 8. 8:05 PM Other Business

Adjourn

Approval of Minutes – December 20, 2004: Chairman Anderson presented the minutes of the December 20, 2004 meeting for approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the December 20, 2004 minutes as amended.

Consent Agenda: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda with Sponsored Group Status for the Lincoln County Republican Party.

- Request for Waived fees or Sponsored Group Status
 - Lincoln County Republican Party
- Request for Waived fees
 - Piedmont Council of Boy Scouts

LINCOLN COUNTY TAX DEPARTMENT
REQUEST FOR REFUNDS
 ANNUALS

PERIOD COVERED (December 13, 2004 – December 27, 2004)

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

NAME	YEAR DIST	A/C#	AMOUNT
Eubank, Bryon Lyndon	2004 AFD	0140436	339.50
		TOTAL	\$ 339.50

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, January 3, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on December 24 and 31, 2004.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, January 3, 2005, at 6:30 p.m. to consider the following matters:

SOA # 24 Lincoln County, applicant. A proposal to amend Section 405 of the Lincoln County Subdivision Ordinance to require all subdivision plats to abide by all requirements of the Lincoln County Addressing Ordinance.

ZMA # 489 Tony Cloninger Jr., applicant (Parcel ID# 31106, 31064 and 83356) A request to rezone 237 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located on the east and west sides of Beth Haven Church Road about two-thirds of a mile north of Forney Hill Road in Catawba Springs Township.

ZMA # 490 Perry Tripp, applicant (Parcel ID# 53017) A request to rezone a 0.82-acre parcel from Transitional Residential (R-T) to General Business (B-G). The property is located at 6962 E. Hwy. 150 in Catawba Springs Township.

ZTA # 491 Lincoln County, applicant. A proposal to amend Section 8.21 of the Lincoln County Zoning Ordinance to prohibit on any residential lot the storage of any junked motor vehicle unless it is screened from view from a public road by means of an enclosed building, suitable fencing, trees, shrubbery or otherwise. A junked vehicle is defined as one that does not display a current license plate and that is partially dismantled or wrecked, or cannot be self-propelled or moved in the manner in which it originally was intended to move.

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

2T: Dec. 24, Dec. 31, 2004

Subdivision Ordinance Text Amendment No. 24: Brad Dyer presented the following information concerning Subdivision Ordinance Text Amendment No. 24.

This is a proposal to amend Section 405 of the Lincoln County Subdivision Ordinance to require that all new roads follow the requirements set forth in the Lincoln County Addressing Ordinance.

The intention of this proposal is to mitigate any problems that may arise in the addressing process and to better coordinate interdepartmental processes.

Section 405

All proposed subdivisions shall be required to comply with any and all rules set forth by the Lincoln County Addressing Ordinance.

Chairman Anderson opened the public hearing concerning Subdivision Ordinance Text Amendment No. 24.

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

Zoning Map Amendment No. 489 – Tony Cloninger, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. – Tony Cloninger, applicant.

Tony Cloninger Jr. is requesting the rezoning of three tracts of land totaling 237 acres from Transitional Residential (R-T) to Residential Single Family (R-SF). Cloninger is an owner of one of the tracts, and the owner of the other two tracts has consented to the rezoning request. The R-SF district is a more restrictive district that, unlike the R-T district, does not permit mobile homes or duplexes. The minimum lot size is the same in both districts (32,500 square feet, or 0.75 acres).

The property is located on the east and west sides of Beth Haven Church Road about two-thirds of a mile north of Forney Hill Road in the Catawba Springs Township. It is surrounded by property zoned Transitional Residential (R-T). County water and sewer are not available in this area.

Chairman Anderson opened the Public Hearing on Zoning Map Amendment No. 489 – Tony Cloninger, applicant.

Kenneth Carpenter, 2510 Beth Haven Church Road, stated that Beth Haven Church Road is already a race track and people use the road to cut from Highway 150 to Highway 73. He stated that there will be an increase in traffic due to a new development.

Randy Hawkins explained that currently the request is only for rezoning the land, not for a subdivision. There may be plans to develop property on the east side of the road. Any subdivision with 20 – 50 lots will have to come before the Planning Board.

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

Zoning Map Amendment No. 490 – Perry Tripp, applicant: Randy Hawkins, Zoning Administrator, presented information concerning Zoning Map Amendment No. 490 – Perry Tripp, applicant.

The applicant is requesting the rezoning of a 0.82-acre lot from Transitional Residential (R-T) to General Business (B-G). Offices and retail sales are among the permitted uses in the B-G district.

The property is located at 6962 E. Hwy. 150 in Catawba Springs Township. It is adjoined by property zoned Transitional Residential and Residential Single-Family (R-

SF). Property zoned General Industrial and General Business is located about 600 feet to the west. The planned four-lane Hwy. 16 will intersect Hwy. 150 about 1,200 feet to the east. County water is available at this location. The Lincoln County Land Use Plan designates this area as a commercial and employment center.

There is a recorded easement to this property. To the west, there is a mobile home and to the east there is a house.

Chairman Anderson opened the Public Hearing on Zoning Map Amendment No. 490 – Perry Tripp, applicant.

Perry Tripp stated that he lives in Sherrills Ford and owns an internet business. He stated that he is renting space in Mooresville for storage and would like to construct a commercial building to store supplies in.

Being no additional speakers, Chairman Anderson declared the Public Hearing on Zoning Map Amendment No. 490 – Perry Tripp, applicant, closed.

Zoning Text Amendment No. 491 – Lincoln County, applicant: Randy Hawkins presented the following information concerning Zoning Text Amendment No. 491 – Lincoln County, applicant.

This is a proposal to amend Section 8.21 of the Lincoln County Zoning Ordinance to prohibit on any residential lot the storage of any junked motor vehicle unless it is screened from view from a public road by means of an enclosed building, suitable fencing, trees, shrubbery or otherwise. A junked vehicle is defined as one that does not display a current license plate and that is partially dismantled or wrecked, or cannot be self-propelled or moved in the manner in which it originally was intended to move.

The intent of this proposal is to enhance the appearance of neighborhoods and to protect property values. Junked vehicles top the list of the types of complaints received by our department. This new regulation would not take effect until April 1 to give property owners time to come into compliance.

Currently, Lincoln County allows up to four junked vehicles to be kept in the open (that is, not inside an enclosed building) on a lot. The open storage of five or more junked vehicles is a violation of the Lincoln County Junkyard Control Ordinance unless the site is a registered junkyard.

In November, a public hearing was held on a proposal to prohibit the open storage of more than one unlicensed vehicle on any residential lot. After a number of citizens voiced concerns, the Planning Board tabled the proposal for further study. The Board discussed the issues at a workshop and agreed to submit a revised proposal for consideration.

This new proposal would apply only to unlicensed vehicles that are inoperable. The definition of junked vehicle is taken from state statutes. Under this proposal, junked vehicles would not have to be stored inside a building, but they would have to be placed

where they cannot be seen by someone driving through a neighborhood (behind a building, for example). They would not have to be screened from view from adjoining property or from a private road.

A screening regulation of this type is endorsed by the Specialty Equipment Market Association (SEMA), which represents the industry that serves vehicle hobbyists and lobbies against what it views as unfair restrictions.

Following is the full text of the proposed amendment:

Amend Section 2.4 (definitions) to add the following:

JUNKED MOTOR VEHICLE

A vehicle that does not display a current license plate and that:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
3. Is more than five years old and appears to be worth less than one hundred dollars (\$100.00)

Amend Section 8.21 to add the following:

Effective April 1, 2005, the following shall be prohibited on any residential lot: the storage of any junked motor vehicle unless it is screened from view from a public road by means of an enclosed building, suitable fencing, trees, shrubbery or otherwise. Fencing consists of tarps, pallets, particle board, tin or similar materials shall not be considered suitable.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 491 – Lincoln County, applicant.

John Dancoff stated that the first proposal was too restrictive and he asked the Board not to approve it. He stated that this is a fair compromise to the original.

Chuck Auton stated that he hopes the Board will consider what was in the paper and consider allowing more cars.

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

Chairman Anderson announced that at this time the Planning Board would retire to the 2nd floor balcony.

Piggyback for Purchase of Software for 911 and the Sheriff's Department: Sheriff Barbara Pickens asked the Board to approve the purchase of new software for the Comm Center, Sheriff's Department, and Jail using the Piggyback method. The integrated system will save time and money. The 911 funds were depleted improving the

firefighter's radio service. The money will be financed and 911 funds will be used to repay the loan. Sheriff Pickens asked for approval of the piggyback method for purchasing the software. This will need to be advertised and they would like to get started as soon as possible.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve using the piggyback method to purchase software for 911.

Voting Delegate for NCACC Legislative Goals Conference: **UPON MOTION** by Commissioner Moore, the Board voted unanimously to appoint Chairman Anderson as the voting delegate for the NCACC Legislative Goals Conference.

Appointments: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to appoint Chairman Anderson and Pete Acker to the CEDS Board.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to appoint Bobbi Baker, Eddie Faulkner, Jim Lail, Joe Tate, and Jeff Faucette to the Commissioner Pay Study Committee.

Approval of Options for Land Purchase: **UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the purchase of the property around the Owls Den Landfill by exercising the options, with the total purchase price on the five tracts of \$185,450.

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

Amy S. Long, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners