

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 2, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 2, 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
Clyde Brown
Harold Howard, Jr.
Jerry Geymont
Terry Whitener

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 May 2, 2005 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Patton gave the Invocation and Commissioner Funderburk 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 as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MAY 2, 2005

	6:30 PM	Call to Order
	6:31 PM	Invocation – Commissioner Alex Patton
	6:32 PM	Pledge of Allegiance
1.	6:34 PM	Adoption of Agenda
2.	6:35 PM	Approval of Minutes - April 18, 2005
3.	6:40 PM	Consent Agenda <ul style="list-style-type: none">- Request for Sponsored Group Status<ul style="list-style-type: none">- YMCA – Annual Prayer Breakfast- Tax Requests for Refunds – More Than \$100<ul style="list-style-type: none">- April 4 - 17, 2005- Tax Requests for Releases – More Than \$100<ul style="list-style-type: none">- March 16 – April 15, 2005- Budget Adjustment 85- Declaration of Surplus County Property
4.	6:45 PM	Public Hearing - Incentive Grant for Hof Textiles
5.	6:55 PM	Zoning Public Hearings – Randy Hawkins

ZTA #496 Lincoln County, applicant. A proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincoln County Zoning Ordinance to add “winery” to the list of uses that are permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a conditional use permit by the Lincoln County Board of Commissioners and subject to the criteria that the facility must be operated in association with an existing vineyard located on the same property or on adjoining properties under the same ownership and that all structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines and street right-of-ways, and to permit associated uses such as a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms within or in conjunction with the facility.

ZTA #497 Lincoln County, applicant. A proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincoln County Zoning Ordinance to add “animal shelter” to the list of uses that are permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a conditional use permit by the Lincoln County Board of Commissioners and subject to the criteria that the minimum area for any lot containing an animal shelter shall be three acres, that no structure housing the animals nor any outdoor animal runs or pens or manure piles may be

located closer than 200 feet from any lot line and that screening in the form of a Grade C screen shall be provided if the lot abuts another lot located within a residential or planned zoning district.

CUP #257 Rodney and Amy Gragg, applicants (Parcel ID# 58530) A request for a conditional use permit to allow a private residential storage building to be located on a lot without a home in the Residential Single-Family (R-SF) district. The 0.57-acre parcel, Lot 43 in Westward Trails subdivision off Reesville Road, is located on the east side of Oklahoma Court about 100 feet south of Gold Rush Drive in Howards Creek Township.

PCUR #76A Regent Builders LLC (Parcel ID# 34325) A request to amend a conditional use district that was approved on April 16, 2001, permitting a Planned Mixed-Use (P-MU) district to be developed with 53 single-family homes, 122 town homes and a five-acre commercial section. The applicant is requesting that the plans for the town home section be changed to permit 52 town homes and 27 single-family homes. The 28-acre tract is located on the south side of Fairfield Forest Road about 1,000 feet north of Hwy. 16 in Catawba Springs Township.

PCUR #113 William and Chandra Clark, applicants (Parcel ID# 58327) A request to rezone a 10.6-acre parcel from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (CU R-S) to permit the placement of a Class E (singlewide) mobile home. The property is located about 200 feet north of Tower Road and 600 feet west of Dewey Boyles Road in North Brook Township.

PCUR #114 Johnny Lane, applicant (Parcel ID# 26219) A request to rezone 1.1 acres from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (R-S) to permit the placement of a Class A (doublewide) mobile home. The property is located on the east side of Randleman Road at Alpine Lane in Ironton Township.

PCUR #115 Norman Pointe LLC, applicant (Parcel ID# 77689, 77690 and 56261) A request to rezone 57.6 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 81 lots for single-family homes. The property borders Webbs Road, Little Cove Fork Road and Tree Farm Lane in Catawba Springs Township.

PCUR #116 Jeffrey Chrisco, applicant (Parcel ID# 18434) A request to rezone a 4.9-acre parcel from Transitional Residential (R-T) to Conditional Use Rural Residential (CU R-R) to permit an auto repair/machine shop. The property is located at 4280 Maiden Hwy. in Lincolnton Township.

6. 8:15 PM Public Hearing – Rural Operating Assistance Program – Karen Leonhardt

7. 8:25 PM May is Mental Health Month Proclamation – Dawn Wilson

8. 8:35 PM 2005 July 4th Celebration Requests for Denver Area Business Association and the City of Lincolnton

9. 8:45 PM Courthouse Repairs – Dennis Williams

10. 9:00 PM Budget Presentation – Stan Kiser

11. 9:15 PM Morris Lane Construction Observation Services – Steve Gilbert

12. 9:25 PM Dump Truck Piggyback Purchase – Steve Gilbert

13. 9:35 PM Resolution to Contract with Lincoln Health System

14. 9:45 PM Appointments

15. 9:50 PM Other Business

16. 9:55 PM Closed Session

Adjourn

Approval of Minutes – April 18, 2005: Chairman Anderson presented the minutes of the April 18, 2005 meeting for approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the April 18, 2005 minutes as presented.

Consent Agenda: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda as presented.

- Request for Sponsored Group Stats
 - YMCA – Annual Prayer Breakfast

Tax Requests for Refunds - More than \$100 – April 4 – 17, 2005

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Petersen, Julie E.	2004	DFD/ELSD	0177382	\$158.01	Pro-rated bill

Tax Requests for Releases – More than \$100 – March 16 – April 15, 2005

NAME	YEAR	A/C NO	AMOUNT
Bellsouth			
Telecommunications	2005	0065475	\$ 122.84
Brown, Allen Shaw	2003	0112327	\$ 212.76
Bullard, Elbert Scott	2004	0164376	\$ 100.44
Cashion, Milton	2004	11718	\$ 187.54
Correll, Ashley Lynn	2004	0182545	\$ 124.18
Derr, James Clifton III	2004	0173336	\$ 157.45

Donlen Corporation	2005	0060366	\$ 1,417.18
Donlen Trust	2005	0182471	\$ 169.97
Enterprise Fleet Services	2005	0159597	\$ 183.80
Eugene Tucker Enterprises	2005	0152976	\$ 144.78
Franklin, Sidney Allen	2005	0168422	\$ 167.09
Gonzalez, Calvo Joseph	2003	0144422	\$ 210.61
Holliday, Crystal McAbee	2004	0182209	\$ 153.30
Home Insite Inc.	2004	0173310	\$ 137.10
James, Nancy A.	2004	0173100	\$ 259.89
Jay Abby Charter & Travel	2005	0173392	\$ 1,783.18
Jones, Julie Diane	2004	0182134	\$ 257.70
Lake Norman Propane	2005	0130626	\$ 136.66
Leasing Services Inc.	2004	0171260	\$ 186.44
McCarn, Jennifer Starr	2004	0169145	\$ 110.28
Moretz Farm	2005	0182458	\$ 393.41
Nagim Corp.	2005	0096397	\$ 196.02
Nationsbanc Dealer Leasing	1998	0122679	\$ 239.48
Parker, Virginia Griffin	2004	0182133	\$ 165.43
Perry, Jack Ray	2004	0182255	\$ 350.23
Sigmon, Brian Macarthur Specialized Transportation	2004	0178956	\$ 106.52
Specker, Robert D.	2004	0145542	\$ 101.12
Surgeon, Danny K.	2003/04	0098812	\$ 114.93
Taylor, James David Jr.	2004	0105683	\$ 228.64
Thornburg Machine & Supply	2004	0173177	\$ 116.14
		TOTAL	\$ 8,343.23

NAME	YEAR	A/C NO	AMOUNT
Barnes, Walter Carl	2004	0088150	\$ 1,636.74
Beam, Kenneth F. (Heirs of)	2005	00708	\$ 686.52
Carpenter, Alvin	2005	0085349	\$ 446.63
Cloninger, Paul H. DDS PA	2003/04	0157978	\$ 333.51
Gold, Linda K.	2004	0133356	\$ 144.10
Hallman, Kermit Edward	2004	0151882	\$ 149.00
Johnson, Aldridge	04	0117159	\$ 235.66
Jones, Coy O. Jr.	04	35612	\$ 559.70
Joyner, Donna	97	44194	\$ 280.80

	1995-					
Murphey, Willie	04	0061057	\$	237.29		
Sentry #16	2004	25996	\$	226.79		
Suarez, Fidel Andres	2005	0157511	\$	103.25		
Thrower, Janice	1999	0140632	\$	111.31		
		TOTAL	\$ 5,151.30			

Budget Adjustment No. 85 to increase budgets for Volunteer Fire Departments to account for property tax collections.

Declaration of Surplus County Property – Sigarms P-220 45 cal. Automatic
Serial # 6244591

Public Hearing – Incentive Grant for Hof Textiles: Laura Foor, Existing Business Coordinator, with Lincoln Economic Development, presented information concerning the Incentive Grant for Hof Textiles. Hof has developed plans for installation of non-woven binder production manufacturing equipment. Within two years of the agreement, Hof shall make an investment of \$2,700,000, of which \$1,890,000, will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the date of this agreement, Hof shall provide at such site at least 5 new jobs paying average hourly wages of \$9.00 per hour. The County will provide cash grants to Hof of \$7,616.70 per year for a five-year period.

Gunther Hoffman gave a presentation on Hof Textiles and the expansion.

Commissioner Anderson stated that the Board appreciates the fact that Hof is in Lincoln County and expanding here.

Chairman Anderson opened the public hearing concerning the Incentive Grant for Hof Textiles.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Resolution to Adopt the Economic Incentive Grant Agreement with Hof Textiles Inc.

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, May 2, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on April
NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 2, 2005, at 6:30 p.m. to consider the following matters:

ZTA #496 Lincoln County, applicant A proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincoln County Zoning Ordinance to add “winery” to the list of uses that are

permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a conditional use permit by the Lincoln County Board of Commissioners and subject to the criteria that the facility must be operated in association with an existing vineyard located on the same property or on adjoining properties under the same ownership and that all structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines and street right-of-ways, and to permit associated uses such as a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms within or in conjunction with the facility.

ZTA # 497 Lincoln County, applicant. A proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincolnton County Zoning Ordinance to add "animal shelter" to the list of uses that are permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a conditional use permit by the Lincoln County Board of Commissioners and subject to the criteria that the minimum area for any lot containing an animal shelter shall be three acres, that no structure housing the animals nor any outdoor animal runs or pens or manure piles may be located closer than 200 feet from any lot line and that screening in the form of a Grade C screen shall be provided if the lot abuts another lot located within a residential or planned zoning district.

CUP # 257 Rodney and Amy Gragg, applicants (Parcel ID# 58530) A request for a conditional use permit to allow a private residential storage building to be located on a lot without a home in the Residential Single-Family (R-SF) district. The 0.57-acre parcel, Lot 43 in Westward Trails subdivision off Reepsville Road, is located on the east side of Oklahoma Court about 100 feet south of Gold Rush Drive in Howards Creek Township.

PCUR # 76A Regent Builders LLC (Parcel ID# 34325) A request to amend a conditional use district that was approved on April 16, 2001, permitting a Planned Mixed-Use (P-MU) district to be developed with 53 single-family homes, 122 town homes and a five-acre commercial section. The applicant is requesting that the plans for the town home section be changed to permit 52 town homes and 27 single-family homes. The 28-acre tract is located on the south side of Fairfield Forest Road about 1,000 feet north of Hwy. 16 in Catawba Springs Township.

PCUR # 113 William and Chandra Clark, applicants (Parcel ID# 58327) A request to rezone a 10.6-acre parcel from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (CU R-S) to permit the placement of a Class E (singlewide) mobile home. The property is located about 200 feet north of Tower Road and 600 feet west of Dewey Boyles Road in North Brook Township.

PCUR # 114 Johnny Lane, applicant (Parcel ID# 26219) A request to rezone 1.1 acres from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (R-S) to permit the placement of a Class A (doublewide) mobile home. The property is located on the east side of Randleman Road at Alpine Lane in Ironton Township.

PCUR # 115 Norman Pointe LLC, applicant (Parcel ID# 77689, 77690 and 56261) A request to rezone 57.6 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 81 lots for single-family homes. The property borders Webbs Road, Little Fork Cove Road and Tree Farm Lane in Catawba Springs Township.

PCUR # 116 Jeffrey Chrisco, applicant (Parcel ID# 18434) A request to rezone a 4.9-acre parcel from Transitional Residential (R-T) to Conditional Use Rural Residential (CU R-R) to permit an auto repair/machine shop. The property is located at 4280 Maiden Hwy. in Lincolnton Township.

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: April 22, April 29, 2005

Zoning Text Amendment No. 496 – Lincoln County: Randy Hawkins presented the following information concerning Zoning Text Amendment No. 496 – Lincoln County, applicant.

This is a proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincoln County Zoning Ordinance to add “winery” to the list of uses that are permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a Conditional Use Permit by the Lincoln County Board of Commissioners and subject to the criteria that the facility must be operated in association with an existing vineyard located on the same property or on adjoining properties under the same ownership and that all structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines and street right-of-ways, and to permit associated uses such as a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms within or in conjunction with this facility.

This proposal is prompted by a growing interest in grape production and winemaking in this region of the state. A property owner in western Lincoln County has established a vineyard on his farm and is planning to construct a winery that would include a tasting/sampling room, a gift shop and other offerings. Other plans for wineries are expected to be launched within the next 10 years.

Currently, under our Zoning Ordinance, wineries are permitted only in industrial districts. Iredell and other counties in western North Carolina have amended their zoning ordinances to allow vineyard-winery and associated uses to be located in residential districts subject to certain restrictions with the approval of a special use permit.

This proposed text amendment includes similar restrictions and would set up a similar approval process. A site plan would be submitted, the associated uses would be specified and a public hearing would be held before a winery could be approved.

Following is the text of the proposed amendment:

Amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 (conditional uses in the R-R, R-T, R-S and R-SF districts) to add the following:

Winery

In addition to any other conditions which may be imposed upon said use, the following criteria must be met:

- 1) The facility must be operated in association with an existing vineyard located on the same property or on adjoining properties under the same ownership. Associated uses, including but not limited to a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms, may be permitted within or in conjunction with the winery.

- 2) All structures and storage areas associated with the winery must be located a minimum of one hundred (100) feet from all property lines or street right-of-ways.

There was a discussion concerning wineries being allowed in the R-SF zoning district and putting acreage requirements in the amendment. The Board discussed the fact that in order to make enough grapes to make wine, there would need to be several acres.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 496 – Lincoln County, applicant.

Michael Jones stated that he has concerns about putting manufacturing and retail in neighborhoods, due to the fact that it is out of character with residential communities. He stated that he has no problem with wineries in a business or industrial area. Mr. Jones asked the Board to deny the request.

Cynthia Jones stated that her main objection is that if you have R-SF or R-S that is what it should be. She stated that by approving this amendment and having more public hearings, the Board is not adding any value to Commissioners time.

Carrol Mitchem stated that in order to make wine, the people will have to grow the grapes on their property. He stated that it will take acres of grapes to make wine. Commissioner Mitchem stated that no one will be putting a winery on an acre or less.

Kelly Atkins, Director of Building and Land Development, stated that not all soils are conducive to growing grapes. WS-II and WS-III have the best soils to grow grapes in and there are none of these east of town.

Dean Lutz stated that a good portion of land in western Lincoln County is zoned R-SF.

Jerry Geymont suggested putting an acreage limit on the amendment and Harold Howard suggested a limit of 10 acres.

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

Zoning Text Amendment No. 497 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented information concerning Zoning Text Amendment No. 497 – Lincoln County, applicant.

This is a proposal to amend Sections 10.1.2, 10.2.2, 10.3.2 and 10.4.2 of the Lincoln County Zoning Ordinance to add “animal shelter” to the list of uses that are permitted in the R-R, R-T, R-S and R-SF districts subject to the issuance of a Conditional Use Permit by the Lincoln County Board of Commissioners and subject to the criteria that the minimum area for any lot containing an animal shelter shall be three acres, that no structure housing the animals nor any outdoor animal runs or pens or manure piles may be located closer than 200 feet from any lot line and that screening in the form of a Grade C screen shall be provided if the lot abuts another lot located within a residential or planned zoning district.

The Zoning Ordinance defines “animal shelter” as: “A public, nonprofit or not-for-profit facility where six or more animals which are commonly considered as being household pets are bred, boarded, trained, sold or distributed to the general public. All species of poultry and livestock “including horses, pigs, cows, chickens, and turkeys) shall not be considered as being household pets”.

For-profit animal kennels are already permitted in the residential districts as a conditional use, but the Zoning Ordinance currently allows animal shelters only in business and industrial districts as a conditional use.

This proposed text amendment is prompted by a plan to establish an animal shelter on a large tract of land in Lincoln County. An animal rescue group has been offered use of the land, which is zoned residential. The nonprofit group rescues homeless, stray and unwanted dogs and cats, and finds homes for the animals.

The proposed criteria for an animal shelter is the criteria that's already in the ordinance for a commercial animal shelter located in the R-SF district.

Following is the full text of the proposed amendment:

Amend Sections 10.1.2, 10.2.2, 10.3.2, and 10.4.2 (conditional uses in the R-R, R-T, R-S and R-SF districts) to add:

Animal Shelter

In addition to any other conditions which may be imposed upon said use, the following criteria must be met:

1. The minimum area for any lot containing an animal shelter shall be three (3) acres.
2. No structure housing the animals nor any outdoor animal runs or pens may be located closer than two hundred (200 feet) from any lot line.
3. Manure piles in association with the animal shelter may be located no closer than two hundred (200) feet from any lot line.
4. Notwithstanding any other provision of this Ordinance, an animal shelter may be located on a lot which also contains a principal single-family residential use.
5. Screening in the form of a Grade C screen shall be provided whenever said lot abuts another lot located within a Residential (R) or Planned (P) zoning district.

Chairman Anderson opened the Public Hearing on Zoning Text Amendment No. 497 – Lincoln County, applicant.

Anne Meger, 3312 Reepsville Road, stated that she is the new owner of property on Reepsville Road and has concerns about an animal kennel. She stated that it doesn't fit in the community and abuts all residential property where proposed. Ms. Meger asked if we went to accommodate all animal shelter needs for surrounding counties, becoming an area dog pen. She expressed concerns about waste and watershed issues. She stated that she would object to having a manure lot within 200 feet of the property line.

Debbie Schrum, 3444 Reepsville Road, stated that she has owned property in this area for 25 years and there is already so much traffic there. She expressed concerns about runoff, noise pollution, feces, and property values. Ms. Schrum stated that there is no leash law for Lincoln County. She voiced concerns over children's safety at the daycare. She stated that these animals probably have not had their shots and could have rabies.

John Beam, 2275 Reepsville Road, commended zoning and the fact that Lincoln County is a progressive county. He stated that the western side of the county is absolutely beautiful. He stated that a dog kennel does not fit into this community. He stated that a 200' setback is not adequate.

Jerry Wyant stated that he lives next to the Collier property. He said that the Planning Board has work to do on this amendment. He stated that he doesn't want to see an animal shelter in Lincoln County, but would rather see 30 dogs than 60 houses with dogs and kids. He stated that if a shelter is built, it should be soundproofed, with specific times when the animals would have to be inside the building.

Being no additional speakers, Chairman Anderson declared the Public Hearing on Zoning Text Amendment No. 497 – Lincoln County, applicant, closed.

Conditional Use Permit No. 257 – Rodney and Amy Gragg, applicants: Randy Hawkins, Zoning Administrator, presented information concerning Conditional Use Permit No. 257 Rodney and Amy Gragg, applicants.

Rodney and Amy Gragg are requesting a Conditional Use Permit to allow a private residential storage building to be located on a lot without a home in the Residential Single-Family (R-SF) zoning district. Under the Lincoln County Zoning Ordinance, a Conditional Use Permit is required in order for a storage building to be located on an otherwise vacant lot less than two acres in size. The Graggs reside on an adjacent lot.

The 0.57-acre parcel, Lot 43 in the Westward Trails subdivision off Reepsville Road, is located on the east side of Oklahoma Court about 100 feet south of Gold Rush Drive in Howards Creek Township. It is surrounded by property zoned Residential Single-Family.

Randy Hawkins stated that the building is 14 x 24' and meets setback requirements.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 257 – Rodney and Amy Gragg, applicants.

Amy Gragg presented statements from her neighbors in favor of the building on the lot. She stated that if the building can stay on the lot, they will put white vinyl siding on it.

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

Parallel Conditional Use Rezoning No. 76A – Regent Builders LLC, applicant:

Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 76A – Regent Builders, LLC, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 76A – Regent Builders, LLC, applicant.

The applicant is requesting to amend a conditional use district that was approved on April 16, 2001, permitting a Planned Mixed-Use (P-MU) district to be developed with 53 single-family homes, 112 town homes and a five-acre commercial section. The applicant is requesting that the plans for the town home section be changed to permit 52 town homes and 27 single-family homes (43 fewer housing units than originally approved). The plans for the other sections would remain unchanged. Under the Zoning Ordinance, a change of greater than five percent in the mix of any particular dwelling type within a planned district requires the approval of the Board of Commissioners.

The 28-acre tract is located on the south side of Fairfield Forest Road about 1,000 feet north of Hwy. 16 in the Catawba Springs Township. It is adjoined by property zoned R-SF, RL-14, B-N, and P-MU. Water and sewer service are available in this area.

Jeff Taylor stated that at this point, he's not sure whether more conditions can be added. He stated that he will have to get back with the Board on this at the next meeting.

John Pagel mentioned possibly doing an updated traffic impact study.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 76A – Regent Builders, LLC, applicant.

Cynthia Jones stated that although she understands that Jeff Taylor is not sure if conditions can be added, she would like for the Board to add some water quality issues.

Jim Klein stated that he did not see any amenities such as sidewalks, street lights, playgrounds or a clubhouse in the plans. He stated that DOT may or may not require accel or decal lanes to the subdivision. He stated that he would like to see $\frac{1}{2}$ acre lots maintained. Mr. Klein said that underground utilities should be standard.

Steve Bailey stated that he works for Chas H. Sells. He stated that they are reducing the number of homes and therefore reducing the impact of the subdivision.

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

Parallel Conditional Use Rezoning No. 113 – William and Chandra Clark,

applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 113 – William and Chandra Clark, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 113 – William and Chandra Clark, applicant.

The applicants are requesting the rezoning of a 10.6-acre tract from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (CU R-S) to permit the placement of a Class E mobile home. A Class E mobile home is a singlewide with a metal roof and/or metal siding that was located in Lincoln County as of Sept. 23, 2002, when new appearance requirements were adopted.

The property is located about 200 feet north of Tower Road and 600 feet west of Dewey Boyles Road in North Brook Township. It is adjoined on all sides by property zoned Residential Single-Family. Property zoned Rural Residential (R-R) is located about 300 feet to the south on the opposite side of Tower Road.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 113 – William and Chandra Clark, applicant.

William Clark stated that he purchased this land from Sue Lowman. He stated that he has a mobile home on a rented lot and would like to move it to this property. He said the mobile home will be nice and will not be visible from the road. Mr. Clark stated that his mother-in-law will live in the mobile home and it will not be a rental unit.

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

Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant.

The applicant is requesting the rezoning of a 1.1-acre lot from Residential Single-Family (R-SF) to Conditional Use Residential Suburban (R-S) to permit the placement of a Class A (doublewide) mobile home. The lot is being subdivided from a 2.07-acre parcel that has a single mobile home on it. The singlewide would remain in place. A Class A doublewide has at least a 4/12 roof pitch, a shingled roof, vinyl siding, and brick or rock underpinning.

The property is located on the east side of Randleman Road at Alpine Lane in Ironton Township. It is adjoined on all sides by property zoned Residential Single-Family. Property zoned Transitional Residential (R-T) is located about 400 feet to the south.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant.

Johnny Lane stated that he lives in a 770 square foot singlewide and wants to move in a 1700 square foot doublewide.

Odie Mull stated that she is Johnny Lane's neighbor and her land joins the Lane's. She stated that they have never caused any disturbances and deserve a nice place to live. Ms. Mull stated that they are fine people and good neighbors.

Eugene Lane stated that he is the father of Johnny Lane. He stated that he would appreciate the Board letting him better himself by getting a doublewide.

Dorothy Lane stated that she wishes the Board would approve this so her son can get a doublewide.

Laura Thompson stated that she is Johnny Lane's fiancé and wants to stay on this property to help take care of the whole family. They would like to keep the mobile home there to rent and make the payments on the doublewide.

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

Parallel Conditional Use Rezoning No. 115 – Norman Pointe LLC, applicant:

Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 115 – Norman Pointe LLC, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 115 – Norman Pointe LLC, applicant.

The applicant is requesting the rezoning of 57.6 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 79 lots for single-family homes.

The property borders Webbs Road, Little Cove Fork Road, Tree Farm Lane and Lake Norman. It is adjoined by property zoned Residential Single-Family and by one parcel zoned General Industrial (I-G).

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 115 – Norman Pointe, applicant.

Dan Brewer, with Chas H. sells, stated that they, along with the developer, met with neighbors last week. The developer is a Lincoln County resident, John Freeman. There will be 1.37 lots per acre, with 2 acres of open space. There will be a boat storage area. Homes will be in the \$650,000 range with a \$350,000 starting price. There will be 18 water-front lots. Mr. Brewer stated that Duke Power Lake Management has been on site and the cove will be dredged.

Dr. Charles Lampley stated that he has been a resident for 15 years. He spoke on behalf of the residents of Little Fork Cove Road. Dr. Lampley presented a list of proposed conditions presented a list of proposed conditions for the subdivision.

Jerry Geymont stated that a lot of the items should be in the Restrictive Covenants for the subdivision.

Cynthia Jones spoke of her excitement to see so many residents at the meeting. She spoke concerning water quality and voiced her concerns about the plan.

Michael Jones spoke concerning the additional demand on the wastewater treatment plant and schools. He spoke concerning the traffic in Denver and the fact that it will get worse with all the added subdivisions.

Jim Klein stated that saying no to subdivisions is ok. He stated that shutting down growth is ok instead of playing catch-up.

Henry Fogle, LNRC Board member, voiced concerns about the dredging and shoreline stabilization. He spoke concerning rip-rap and shoreline stabilization. Mr. Fogle asked the Board to move on the Soil and Erosion and Control Ordinance.

John Freeman, developer, addressed citizens concerns. He stated that they will not do anything that is against the law. He stated that they plan to take the dredged material, dry it out and use it for the berms going into the subdivision. Mr. Freeman stated that he is contributing \$18,000 to the school system for the subdivision's impact. He said that this will be a high end subdivision and will have restrictions similar to those in the Crescent Communities. He stated that the runoff will be absorbed through the common open space and they are working on the Soil and Erosion Plan currently.

Alan Howard stated that he owns property adjacent to the subdivision on a mini-farm. He stated that this will change their way of living. He commented on the steep pitch of the property.

Bill Spencer stated that his is the only lot that joins from Tree Farm Road. He stated that he is afraid that the runoff will wash them away. He asked about the Duke Power service road from Tree Farm Road and who would control the road.

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

Commissioner Mitchem asked Jeff Taylor what the developer could do if the request was denied.

Jeff Taylor stated that the applicant could appeal if denied.

Commissioner Moore asked the developer when the sedimentation control and water runoff plan would be ready and if the developer would be willing to bring the plan to the Board and residents.

Mr. Freeman answered that the plan should be ready in 2 weeks and he would be willing to bring this back to the Board.

A MOTION by Commissioner Moore that the Planning Board not bring back a recommendation to the Board of Commissioners until all information is received from the developer concerning the Erosion Control Plan.

Jerry Geymont stated that the developer wants to hold the costs down and asked about the liability of requiring this plan without approval.

Jeff Taylor stated that he does not think that will be a problem.

Chairman Anderson stated that he has looked at this property and it is extremely steep. He stated that this would be an opportunity for the Board to look at the Erosion Control Plan.

Vote on motion: **4 – 1 AYES: Moore, Anderson, Funderburk, Mitchem**
NOES: Patton

UPON MOTION by Commissioner Mitchem, the Board voted unanimously that the Public Hearing be closed.

Parallel Conditional Use Rezoning No. 116 – Jeff Chrisco, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 116 – Jeff Chrisco, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 116 – Jeff Chrisco, applicant.

The applicant is requesting the rezoning of 4.9-acre parcel from Transitional Residential (R-T) to Conditional Use Rural Residential (CU R-R) to permit an auto repair/machine shop. The owner of the property has authorized the rezoning request. Under the Zoning Ordinance, auto repair shops, auto body shops, machine shops and woodworking shops are permitted as a conditional use in the Rural Residential district subject to the following conditions:

1. No portion of any pre-existing residential structure (other than the residential structure which is occupied by the owner of said use) shall be located within 200 feet of the principal structure containing said use.
2. The use may only be in operation between the hours of 7 a.m. and 9 p.m.
3. The total gross floor area of all principal and accessory structures shall be no greater than 2,000 square feet.
4. No outside storage of motor vehicles, parts or equipment shall be allowed.

The property is located at 4820 Maiden Hwy. in Lincolnton Township. It is adjoined by property zoned Transitional Residential (R-T). Property zoned General Industrial (I-G) is located on the opposite side of the highway. Property zoned General Business (B-G) is located about 500 feet to the north.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 116 – Jeff Chrisco, applicant.

Jay Keener stated that owns the property across the highway from the property in question. He stated that he was raised to believe that if you pay the property taxes, you should be able to use your property how you want. He asked that the noise be controlled and that this not turn into a junk/salvage yard. He welcomed Mr. Chrisco to the neighborhood.

Jeff Chrisco, applicant, stated that he has lived here since 1973 and works in Mecklenburg County. He stated that he will hopefully bring some workers with him. Mr. Chrisco said that there will not be a junk yard and the log cabin will stay as a historical site.

Judy Whitley stated that she owns a piece of property that adjoins this property. She stated that she has 18 acres and is wondering how the shop will be laid out. She stated that she has a lot invested in her home and is concerned with the noise this may bring. Ms. Whitley said she does not have a problem with what Mr. Chrisco's trying to do, she just wants him to respect the neighborhood.

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

The Planning Board reconvened to the 2nd floor balcony.
Chairman Anderson called for a 10 minute recess.

Public Hearing – Rural Operating Assistance Program (ROAP): Karen Leonhardt stated that the 2005 – 2006 ROAP applications have been released by the North Carolina Department of Transportation, Public Transportation Division. Lincoln County is eligible to receive a total of \$59,169.00. County governments are the only eligible applicants for formula ROAP funds. Available EDTAP funds are \$51,632.00. TAB Board recommendation is to allocate \$10,000.00 to Salem Industries, \$2,000.00 to Services for the Blind, and the remaining amount of \$39,632.00 be used by our transportation services and contracted services. Work First allocations are \$7,537.00. These funds will be administered by the Department of Social Services.

Chairman Anderson opened the public hearing.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the funds requested.

May is Mental Health Month Proclamation: Dawn Wilson with Pathways, presented the following Proclamation.

MAY IS MENTAL HEALTH MONTH PROCLAMATION

WHEREAS, good mental health is critical to the well-being of our families, communities, schools, and businesses

WHEREAS, mental health problems affect people of all backgrounds, ages, races, at all stages of life and no one is immune; and

WHEREAS, millions of adults and children are disabled by mental illnesses every year, affecting almost every family in America; and

WHEREAS, people with mental illnesses recover if given the necessary services and supports in their communities; and

WHEREAS, people with mental illnesses make important contributions to our families and our communities; and

WHEREAS, only one out of two people with a serious form of mental illness seeks treatment for their mental illness; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health service from seeking help; and

WHEREAS, research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness; and

WHEREAS, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses;

NOW, THEREFORE, I Thomas R. Anderson on behalf of Lincoln County, do hereby proclaim the month of May 2005 as

MENTAL HEALTH MONTH.

As the Board of Commissioners of Lincoln County, we also call upon all citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illnesses.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the May is Mental Health Month Proclamation.

2005 July 4th Celebration: Chairman Anderson presented a request from the City of Lincolnton for \$6,000.00 for the July 4th Celebration and a request from the Denver Area Business Association for \$6,000.00 for the DABA's Fifth Annual Fireworks Festival.

Commissioner Moore stated that she feels the money should be capped at \$6,000.00 and split between East Lincoln, Lincolnton, and West Lincoln.

A MOTION by Commissioner Patton to approve \$6,000.00 for DABA and \$6,000.00 for The City of Lincolnton, capping it at these amounts.

Vote: 2 – 3

AYES: Patton, Moore

NOES: Anderson, Mitchem, Funderburk

A MOTION by Commissioner Moore to cap the money at \$6,000, \$3,000 for DABA and \$3,000 for the City of Lincolnton; if West Lincoln decides to have a celebration next year, each area will receive \$2,000.

Vote: 3 – 2

AYES: Moore, Anderson, Mitchem

NOES: Funderburk, Patton

Courthouse Repairs: Dennis Williams presented information concerning the remaining repairs and modifications needed at the Courthouse. This existing work will cost \$85,000, of which \$20,000 is budgeted. There is a deficit of approximately \$65,000.00.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the request for an additional \$65,000.00 to complete the Courthouse Security project.

Budget Presentation: Stan Kiser presented the 2005-2006 budget.

Morris Lane Construction Observation Services: Steve Gilbert presented the following information.

At last meeting, a bid was approved from Burke Development of Drexel to construct the Morris Lane and Owl's Den Road Water Lines. Mr. Gilbert requested approval to obtain Construction Observation services from WK Dickson for the Morris Lane project. This water line is to be built in the shoulder of the road on Morris Lane, which already has service during the construction. This person will act as liaison between the homeowners and contractor, and can also act as initial contact for the County in dealing with the homeowners. The Public Works Department has sufficient available manpower to provide this service for Owl's Den Road, but due to the sensitive nature and the expected time requirements of the work on Morris Lane, they do not have the time to spend on Morris Lane to ensure a smooth project. WK Dickson has provided Contract Amendment No. 2 for providing these services for a not-to exceed cost of \$16,500.00. This figures includes up to \$15,000.00 for observation and up to \$1,500.00 for engineering that includes final certification and preparation of as-built plans.

It was the consensus of the Board to have Steve review this proposal and the amount of time WK Dickson is really needed.

Dump Truck Piggyback Purchase: Steve Gilbert stated that a notice will run in the newspaper and this item will be back on the next agenda.

Resolution to Contract with Lincoln Health Systems: UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the Resolution to Contract with Lincoln Health Systems.

RESOLUTION TO CONTRACT WITH LINCOLN HEALTH SYSTEM

WHEREAS, pursuant to Subsection .0208 of Title 10A, Chapter 46, of the North Carolina Administrative Code, Lincoln County, through its Health Department, has an obligation to provide, contract for the provision of, or certify the availability of, home health services to its citizens; and

WHEREAS, at the present time home health services in Lincoln County are being provided by the Lincoln County Health Department and Lincoln Health System, in addition to other agencies from outside Lincoln County that serve Lincoln County citizens; and

WHEREAS, the Lincoln County Board of Commissioners believes that certain economies can be achieved by contracting with Lincoln Health System to take over the provision of services now being made by the Lincoln County Health Department's home health agency;

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

1. That the Lincoln County Board of Commissioners directs staff, in conjunction with appropriate officials of Lincoln Health System, to prepare, or assist with the preparation of, the necessary documentation for Lincoln Health System to take over the provision of home health services now being made by Lincoln County Home Health, to be effective on July 1, 2005.

2. That such documentation include provisions for Lincoln Health System to perform all aspects of home health services for which Lincoln County and/or the Lincoln County Health Department is responsible by statute or regulation.

3. That the Board further directs County staff to take appropriate and necessary steps for the winding up of Lincoln County's home health business, including all appropriate and necessary notifications to patients and to regulatory agencies or other authorities.

4. That Lincoln County Home Health cease operation as of June 30, 2005, except to the extent of any winding up items that may not then be complete.

This 2nd day of May, 2005.

LINCOLN COUNTY

By: _____

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the
Board of Commissioners

Appointments: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to appoint Sharon Starr to the Lincoln County Board of Health.

Commissioner Moore agreed to serve on the Highway 73 Committee.

Closed Session: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to go into Closed Session to discuss a real estate matter that is confidential pursuant to N.C.G.S. 143-318.11

UPON MOTION by Commissioner Moore, the Board voted unanimously to go out of Closed Session.

There was a discussion concerning the procedure with zoning cases. The Board asked Kelly Atkins to come back with a text amendment to give staff more time to review larger and more controversial cases before bringing them to the Board.

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

Amy S. Long, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners