

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 7, 2004**

The Lincoln County Board of County Commissioners met in regular session on June 7, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

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

**Planning Board Members Present:**

Dean Lutz  
Terry Whitener  
Louis McConnell  
Darrell Harkey  
Harold Howard, Jr.  
Ken Hovis  
John Pagel

**Others Present:**

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

**Call to Order:** Chairman Cochrane called the June 7, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Commissioner Funderburk gave the Invocation and led in the Pledge of Allegiance.

**Adoption of Agenda:** **UPON MOTION** by Commissioner Craig, the Board voted unanimously to adopt the agenda adding a Resolution under Other Business.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**JUNE 7, 2004**

6:30 PM	Call to Order
6:31 PM	Invocation – Commissioner Buddy Funderburk

6:32 PM	Pledge of Allegiance
1. 6:33 PM	Adoption of Agenda
2. 6:34 PM	Approval of Minutes - May 17, 2004
3. 6:35 PM	Consent Agenda Budget Adjustments 89, 90, 123 - 129 Letter of Credit and Contract #36
4. 6:40 PM	New Business/Advertised Public Hearings

ZMA #477 B.R. Lee Industries Inc., applicant (Parcel ID# 02474 and 57400) A request to rezone

0.95 acres from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The property is located on Blackwood Road about 2,100 feet east of Hwy. 16 in Catawba Springs Township.

ZMA #478 B.R. Lee Industries Inc., applicant (Parcel ID# 31863)

A request to rezone a 0.325-acre parcel from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The property is located on Blackwood Road about 1,200 feet east of Hwy. 16 in Catawba Springs Township.

ZTA #479 Lincoln County, applicant. A proposal to amend Section 13.7 of the Lincoln County Zoning Ordinance to stipulate that signs requiring a permit must be installed in accordance with the North Carolina Building Code and its appendices.

CUP #235 Rick Hunter, applicant (Parcel ID# 53315) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 1.24-acre parcel is located off Southside Road and Branchview Trail in Lincolnton Township.

CUP #236 Kenneth McCurry and Troy Motz, applicant (Parcel ID# 73217) A request for a conditional use permit to place Class B (doublewide) mobile homes on seven lots to be created from a 20-acre parcel in the Residential Suburban (R-S) district. The property is located off McCorkle Road in Ironton Township and is being subdivided as Section 3 of the Southern Oaks development.

CUP #237 Carol Whitlock, applicant (Parcel ID# 27686) A request for a conditional use permit to place a Class D (pre-1976) mobile home in the Transitional Residential (R-T) district. The 25.9-acre

parcel is located near the end of Otis Dellinger Road in Ironton Township.

CUP #238 Edwin McDonald, applicant (Parcel ID# 33038) A request for a conditional use permit to operate an animal kennel in the Neighborhood Business (B-N) district. The 1.3-acre parcel is located at 1587 N. Hwy. 16 in Catawba Springs Township.

CUP #239 Tuckers Grove United Methodist Church, applicant (Parcel ID# 56930) A request for a conditional use permit to operate a day care center in the Transitional Residential (R-T) district. The 5.1-acre parcel is located on the corner of Hwy. 73 and Beth Haven Church Road in Ironton Township.

CUP #240 Larry Herman, applicant (Parcel ID# 19369) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 1.69-acre lot is located at 2872 Hull-McGinnis Road in Lincolnton Township.

PCUR #105 Waterside Crossing Residential LLC, applicant (Parcel ID# 33125 and 32661) A request for a parallel conditional use rezoning to rezone 49 acres from Transitional Residential (R-T) to Conditional Use Planned Mixed-Use (CU P-MU) to permit the development of 100 lots for single-family homes. The rezoning would expand an existing P-MU district and permit the expansion of an existing subdivision, The Gates @ Waterside Crossing. The property is located off Sifford Road in Catawba Springs Township.

PCUR #106 Paradise Lakes LLC, applicant (Parcel ID# 56262) A request for a parallel conditional use rezoning to rezone 249 acres from Residential Single-Family (R-SF) and RL-20 Single-Family to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 325 lots for single-family homes. The property borders on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs Township.

5. 8:00 PM Annual Review of Lincoln County Industrial Development Incentive Grant Program
6. 8:15 PM Public Hearing - Industrial Development Incentive Grant for Fischer Engine Company, Inc.
7. 8:30 PM Courthouse Security – Dennis Williams

8.	8:50 PM	Resolution Endorsing Highway Improvements for the Intersection of West Highway 27, Highway 182 and Hershel Lackey Road (SR#1223)
9.	9:00 PM	Resolution to Decline Offer to Purchase Certain Real Property Owned by Lincoln County board of Education at GE Massey Elementary
10.	9:10 PM	Other Business
Adjourn		

**Approval of Minutes – May 17, 2004:** Chairman Cochrane presented the minutes of the May 17, 2004 meeting.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the minutes with the following changes:

Page 7: **UPON MOTION** by Commissioner ~~Craig~~, Mitchem, the Board voted unanimously to approve Zoning Text Amendment No. 476 – Lincoln County, applicant.

Page 8: Add Paragraph 2 – **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and Findings of Fact for Conditional Use Permit No. 231 – Shirley Lane, applicant

Page 9: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 233 – Danny Heavner, applicant.

Page 11: **UPON MOTION** by Commissioner ~~Mitchem~~ Craig, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact for Parallel Conditional Use Rezoning No. 103 – Bobby Poole, applicant.

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

- Budget Adjustment No. 89 for Social Services to increase expenditure and revenue line items for SA refunds based on projected figures.
- Budget Adjustment No. 90 for Social Services to increase expenditure and revenue line items for LINKS Special Funds (these funds are used to help DSS youth transition to self-sufficiency. Expenses are reimbursed 100%).
- Budget Adjustment No. 123 for Register of Deeds for increases to cover overages in Revenue and overages in Expense Accounts as a result of increased revenue.
- Budget Adjustment No. 124 for Emergency Management to budget funds from Homeland Security Grant for mobile command unit.
- Budget Adjustment No. 125 for Finance for Fire District Fund.

- Budget Adjustment No. 126 to allocate additional Juvenile Crime Prevention (JCPC) funds received during year and transfer from contingency amount needed for Group Home related expenses. These funds were placed in contingency last year during budget process due to uncertainty of Group Home.
- Budget Adjustment 127 to cover the extra cost of 03 audit approximately \$16,625, billing in current year by Martin Starnes \$9,375.
- Budget Adjustment No. 128 to cover the costs of medical examiners.
- Budget Adjustment No. 129 to cover the expenses of the Forestry Program.

Letter of Credit and Contract No. 36 for Everwood, Phase 2 Subdivision

**New Business: Advertised Public Hearings:** Chairman Cochrane announced that this was the date, Monday, June 7, 2004 and the time, which was advertised in the *Lincoln Times-News* on Friday, May 28 and June 4, 2004.

#### NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, June 7, 2004, at 6:30 p.m. to consider the following zoning matters:

ZMA #477 B.R. Lee Industries Inc., applicant (Parcel ID# 02474 and 57400) A request to rezone 0.95 acres from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The property is located on Blackwood Road about 2,100 feet east of Hwy. 16 in Catawba Springs Township.

ZMA #478 B.R. Lee Industries Inc., applicant (Parcel ID# 31863) A request to rezone a 0.325-acre parcel from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The property is located on Blackwood Road about 1,200 feet east of Hwy. 16 in Catawba Springs Township.

ZTA #479 Lincoln County, applicant. A proposal to amend Section 13.7 of the Lincoln County Zoning Ordinance to stipulate that signs requiring a permit must be installed in accordance with the North Carolina Building Code and its appendices.

CUP #235 Rick Hunter, applicant (Parcel ID# 53315) A request for a conditional use permit to place a Class E (singlewide) mobile home in the Residential Suburban (R-S) district. The 1.24-acre parcel is located off Southside Road and Branchview Trail in Lincolnton Township.

CUP #236 Kenneth McCurry and Troy Motz, applicant (Parcel ID# 73217) A request for a conditional use permit to place Class B (doublewide) mobile homes on seven lots to be created from a 20-acre parcel in the Residential Suburban (R-S) district. The property is located off McCorkle Road in Ironton Township and is being subdivided as Section 3 of the Southern Oaks development.

CUP #237 Carol Whitlock, applicant (Parcel ID# 27686) A request for a conditional use permit to place a Class D (pre-1976) mobile home in the Transitional Residential (R-T) district. The 25.9-acre parcel is located near the end of Otis Dellinger Road in Ironton Township.

CUP #238 Edwin McDonald, applicant (Parcel ID# 33038) A request for a conditional use permit to operate an animal kennel in the Neighborhood Business (B-N) district. The 1.3-acre parcel is located at 1587 N. Hwy. 16 in Catawba Springs Township.

CUP #239 Tuckers Grove United Methodist Church, applicant (Parcel ID# 56930) A request for a conditional use permit to operate a day care center in the Transitional Residential (R-T) district. The 5.1-acre parcel is located on the corner of Hwy. 73 and Beth Haven Church Road in Ironton Township.

CUP #240 Larry Herman, applicant (Parcel ID# 19369) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 1.69-acre lot is located at 2872 Hull-McGinnis Road in Lincolnton Township.

PCUR #105 Waterside Crossing Residential LLC, applicant (Parcel ID# 33125 and 32661) A request for a parallel conditional use rezoning to rezone 49 acres from Transitional Residential (R-T) to Conditional Use Planned Mixed-Use (CU P-MU) to permit the development of 100 lots for single-family homes. The rezoning would expand an existing P-MU district and permit the expansion of an existing subdivision, The Gates @ Waterside Crossing. The property is located off Sifford Road in Catawba Springs Township.

PCUR #106 Paradise Lakes LLC, applicant (Parcel ID# 56262) A request for a parallel conditional use rezoning to rezone 249 acres from Residential Single-Family (R-SF) and RL-20 Single-Family to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 325 lots for single-family homes. The property borders on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs 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.

**Zoning Map Amendment No. 477 – B.R. Lee Industries, Inc., applicant:** Randy Hawkins presented the following information concerning Zoning Map Amendment No. 477 – B.R. Lee Industries, Inc., applicant.

The applicant is requesting the rezoning of 0.95 acres from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The owner of these two parcels has authorized the rezoning request.

The property is located on Blackwood Road about 2,100 feet east of Hwy. 16 in Catawba Springs Township. It is adjoined on the west by property zoned General Industrial and on the other sides by property zoned Residential and Commercial Recreational.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 477 – B.R. Lee Industries, Inc., applicant.

Marty Wolfe stated that he has a problem with semi-trucks going up and down their residential road all day. He stated that B.R. Lee could make a driveway out of the parking lot and stay off Blackwood Lane.

Don Martin stated that he moved onto his road in 1985. The homeowners had to pay to have the road paved. He stated that his tax value is going up, but his property value will go down with B.R. Lee expanding. He stated that there is a stream running from the Lee property into the lake and he feels environmental should look into this.

Laura Foor stated that she is here on behalf of Lincoln Economic Development Association and would like to stress the importance of industry in Lincoln County. She stated that Lee Boy is an elite company that contributes to United Way, fire departments, and rescue squads.

Judy Morton, with the Employment Security Commission, stated that she supports this request. B.R. Lee has better than average compensation and benefit packages. She stated that B.R. Lee received the 2004 Lincoln County Employer Award from the Employment Security Commission.

Rhonda Sigmon, Director of United Way, stated that B.R. Lee gave \$23,000 last year to United Way.

Bob Huffstetler presented two petitions from residents on Blackwood Road. He stated that they are not trying to shut B.R. Lee down, they just don't want an increase in activity or traffic there.

Tom Pope stated that he lives behind B.R. Lee and sees graders driving by his back door. He stated that this is a residential street, not the Daytona 500. He stated that although he realizes that growth is inevitable, this will ruin the whole neighborhood.

Kelly Majeskie, President of B.R. Lee stated that he has been with the company for four years and does not disagree with the comments made tonight. He stated that B.R. Lee is a responsible employer and has closed and locked the gate and moved the heavy equipment. The land will only be used to store vehicles. He stated that they have spent \$2.4 million in the last four years trying to make sure property values stay strong.

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

**Zoning Map Amendment No. 478 – B.R. Lee Industries, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 478 – B.R. Lee Industries, applicant.

The applicant is requesting the rezoning of a 0.325-acre parcel from Residential and Commercial Recreational (R-CR) to General Industrial (I-G). The owner of this lot has authorized the rezoning request.

The property is located on Blackwood Road about 1,200 feet east of Hwy. 16 in Catawba Springs Township. It is adjoined on the west and north by property zoned General Industrial and on the east and south by property zoned Residential and Commercial Recreational.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 478 – B.R. Lee Industries, applicant.

Kim Mosteller stated that she purchased her home two years ago and lives across the street. She stated that there is noise from the business and lights shining into her home. Ms. Mosteller stated that with the traffic, this business is a danger to their neighborhood.

Tom Pope spoke concerning the traffic from B.R. Lee.

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

**Zoning Text Amendment No. 479 – Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 479 – Lincoln County, applicant.

This is a proposal to amend Section 13.7 of the Lincoln County Zoning Ordinance to stipulate that signs requiring a permit must be installed in accordance with the North Carolina Building Code and its appendices.

In the latest edition of the state building code, requirements for signs are not part of the main code. Instead, the provisions are contained in an appendix. As such, they are not mandatory unless they're referenced in a local ordinance adopting the provisions.

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 479 – Lincoln County, applicant.

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

**Conditional Use Permit No. 235 – Rick Hunter, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 235 – Rick Hunter, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 235 – Rick Hunter, applicant.

The applicant is requesting a Conditional Use Permit to place a Class E mobile home (or higher classification) in the Residential Suburban (R-S) district. A Class E mobile home is a singlewide with a metal roof and/or metal siding that was located in Lincoln County as of September 23, 2002, when the new appearance requirements were adopted.

The 1.24-acre parcel is located off Southside Road and Branchview Trail in Lincolnton Township. It is surrounded by property zoned Residential Suburban. A number of mobile homes are located in the area.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 235 – Rick Hunter, applicant.

John Jones stated that he is concerned that this will be rental property.

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

**Conditional Use Permit No. 236 – Kenneth McCurry and Troy Motz, applicants:**

Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 236 – Kenneth McCurry and Troy Motz, applicants.

Randy Hawkins, Zoning Administrator, presented the following information.

The applicants are requesting a Conditional Use Permit to place Class B (doublwide) mobile homes in the Residential Suburban (R-S) district on seven lots to be created from a 20-acre parcel. The property is being subdivided as Section 3 of the Southern Oaks development. A Conditional Use Permit was approved in 2001 to allow Class B mobile homes in Sections 1 and 2 of Southern Oaks.

The property is located off McCorkle Road in Ironton Township. It is adjoined by property zoned Residential Suburban and Transitional Residential (R-T). County water is available in this area.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 236 – Kenneth McCurry and Troy Motz, applicants.

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

**Conditional Use Permit No. 237 – Carol Whitlock, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 237 – Carol Whitlock, applicant.

Randy Hawkins, Zoning Administrator, presented the following information.

The applicant is requesting a Conditional Use Permit to place a Class D mobile home in the Transitional Residential (R-T) district. A Class D mobile home is one that was constructed prior to July 1, 1976, and that was located in Lincoln County as of December 7, 1993. In this case, the home is a 1972 model and has been located in a mobile home park on Acre Heights off Springs East Road. Tax records show it was located in Lincoln County in 1993.

The 25.9-acre parcel is located near the end of Otis Dellinger Road in Ironton Township. The parcel includes land on both sides of the road. The mobile home would be located on the east side and would replace a mobile home that's been removed. Several mobile homes are located in the surrounding area.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 237 – Carol Whitlock, applicant.

Carol Whitlock stated that she would like to put this mobile home on her property for a friend who is disabled to make sure she is taken care of. She presented a paper from her immediate neighbors stating that they have no objections to this.

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

**Conditional Use Permit No. 238 – Edwin McDonald, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 238 – Edwin McDonald, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 238 – Edwin McDonald, applicant.

The applicant is requesting a Conditional Use Permit to allow an animal kennel in the Neighborhood Business (B-N) district. The owner of the property has authorized the request.

The 1.3-acre lot is located at 1587 N. Hwy. 16 in the Catawba Springs Township. It is adjoined on the north and east by property zoned Neighborhood Business, on the south by property zoned General Industrial (I-G) and on the west by property zoned Residential Single-Family.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 238 – Edwin McDonald, applicant.

Edwin McDonald stated that this will be a dog kennel that will be governed by the Agricultural Commissioner. They will only be able to have 12 dogs outside at one time. Someone will be outside with the dogs at all times. There is an 8 foot fence completely surrounding the property. He stated that they are very strict on the dogs allowed at the kennel and aggressive dogs will not be permitted. This will basically be a doggie day care with boarding.

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

**Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant.

The applicant is requesting a Conditional Use Permit to operate a day care center in the Transitional Residential (R-T) district. The day care center would be part of a family life center. In residential districts, a Conditional Use Permit is required to open a day care center (other than an in-home day care serving no more than five children).

The 5.1-acre parcel is located at the corner of Hwy. 73 and Beth Haven Church Road in Ironton Township. It is surrounded by property zoned Transitional Residential. Tuckers Grove Church is located on the other side of Hwy. 73. Tuckers Grove Campground is located on the other side of Beth Haven Church Road.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 239 – Tuckers Grove United Methodist Church, applicant.

Shameka Brown stated that her family has hired an Attorney, due to the fact that they believe they own this property. She asked the Board to hold off on this Conditional Use Permit until the issue is resolved.

Jackie Little stated that the church has had a surveyor survey the land and it is free and clear.

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

**Conditional Use Permit No. 240 – Larry Herman, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 240 – Larry Herman, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 240 – Larry Herman, applicant.

The applicant is requesting a conditional use permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) zoning district. The applicant is proposing to build a 672-square-foot “apartment” onto his house for his mother to live in.

The 1.69-acre parcel is located at 2872 Hull McGinnis Road in Lincolnton Township. It is adjoined by property zoned Residential Single-Family and Transitional Residential (R-T). A mobile home park is located on an adjacent parcel.

Carolyn Waters, a neighboring property owner, called to say she did not have any problem with the change.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 240 – Larry Herman, applicant.

Larry Herman stated that the purpose of the request is to allow his 80 year old mother to move into the apartment.

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

**Parallel Conditional Use Rezoning No. 105 – Waterside Crossing, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 105 – Waterside Crossing, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 105 – Waterside Crossing, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone 49 acres from Transitional Residential (R-T) to Conditional Use Planned Mixed-Use (CU P-MU) to permit the development of 100 lots for single-family homes. The rezoning would expand an existing Planned Mixed-Use district and permit the expansion of an existing subdivision, The Gates @ Waterside Crossing. Included with the rezoning application is a report by the developer, a traffic impact analysis and a site plan.

The property is located off Sifford Road in the Catawba Springs Township. It is adjoined by property zoned Planned Mixed Use and Transitional Residential.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 105 – Waterside Crossing, applicant.

Larry Griffin stated that the request is for Phase X of The Gates. He recapped the history of Waterside Crossing and The Gates. The proposal is to develop 50 additional acres, which will be 100 additional homes. Mr. Griffin is proposing a \$23,100 donation to the schools, which is \$550 per projected student. The average sales price for the homes in The Gates is \$235,000. The total tax base upon completion of Phase X is estimated at \$26 million. The total tax base for The Gates will be over \$120 million.

Albert Glenn stated that he lives in The Gates and there are problems with cracked pavement and sidewalks, and storm water drainage problems. He stated that amenities promised for The Gates were never delivered. Mr. Glenn stated that residents have asked the developer to install speed bumps, but they have never been put in. He stated that there is no room at Catawba Springs for additional children and the \$23,100 will not even pay for a trailer.

Terry Kiser stated that when he bought his house in Waterside Crossing, he was told by the developer that his street would remain a dead-end street. He stated that 30 to 40 kids play there. Mr. Kiser stated that the amenities will not be able to handle another 100 homes.

Todd Woldorf stated that he has concerns about traffic that could be alleviated with speed bumps. He also mentioned that all fire hydrants have not been installed and he feels the

developer should be required to install fire hydrants in each phase before approval is given.

Mike Surasky, Traffic Engineer, answered questions from Commissioner Anderson concerning the finding that most of the traffic on Highway 16 will be diverted onto the new Highway 16.

Steve Bailey stated that the planners and engineers stubbed Brookdale Lane, instead of making a cul-de-sac, for future development. He stated that DOT does not like speed bumps. Mr. Bailey stated that fire hydrants will be installed for the whole community.

Dennis Racey stated that he bought the last house on Brookdale Lane and was told by realtors that it would be a dead-end street. He voiced concerns about traffic and the fact that the children in the neighborhood play in this street. He presented a petition against this change.

Michelle Racey stated that she spent time researching their move from Rhode Island and was told that Brookdale was and would remain a dead-end street. She stated that a lot of children play there.

Gene Grimsley stated that he lives at the end of Mac Lane. He stated that this additional phase will produce extra traffic. He spoke concerning schools and roads.

Annette Grimsley stated that she lives at the end of Mac Lane. She stated that her house is in the woods and she loves it. She stated that she does not want to live in a community where the housing is right up against each other.

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

**Parallel Conditional Use Rezoning No. 106 – Paradise Lakes LLC, applicant:**  
Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 106 – Paradise Lakes, LLC, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 106 – Paradise Lakes, LLC, applicant.

The applicant is requesting a parallel Conditional Use Rezoning to rezone 249 acres from Residential Single-Family (R-SF) and RL-20 Single-Family to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 325 lots for single-family homes.

The property borders on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs Township. It is adjoined by property zoned Residential Single-Family, RL-20 Single-Family, RL Multi-Family, Residential Suburban and General Industrial.

The developer is proposing a contribution to the schools of \$82,800 or \$600 per student.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 106 – Paradise Lakes, LLC, applicant.

Bob McLeod, developer for the project, stated that he has been a resident of Westport since 1977. He stated that this type development has not been done in this state before, but has been done in other states. Mr. McLeod tried to address potential concerns including traffic and dam safety.

Todd Creech, 8004 Blades Trail, stated that Blades Trail is a residential street and asked for everything possible to be done to minimize traffic on Blades Trail. He asked who will maintain the lakes in the future.

Richard Permenter asked the Board to consider existing infrastructure including water and wastewater. He stated that there are drops in water pressure currently.

Tim Sellers stated that he lives on Cindy Lane. He stated that the density in this development is proposed to be very high on Webbs Road, with more than 3 units per acre.

Henry Fogle stated that he lives on Blades Trail. He stated that last year, he presented a petition from 73 residents opposed to this. He requested additional entrances and sidewalks. He asked that the hearing and decision be postponed and the developer be encouraged to meet with residents in the area.

Tony Touchstone stated that he lives on Blades Trail. He stated that many versions of the project have been submitted. He voiced concerns about access to the middle area of the subdivision. Mr. Touchstone stated that he feels the dams will be safe. He asked the Boards to grant approval with a condition that the applicant put an additional access to Webbs Road. He also asked the Board to take ride along Blades Trail before approving the subdivision.

Jack McCachern stated that there are no bike or walking trails proposed for the subdivision. He stated that this will be a very dangerous place if sidewalks are not put in.

Andy Harmon asked who will take care of the dams in the future. He stated that the development is placing a strain on the road and the developer could provide a sidewalk for the people in the area. He asked the Boards to ride along Blades Trail and Burton Lane.

Rudy Bower stated that he lives at 8252 Blades Trail. He stated that the is not against the development, but Blades Trail is a trail, not a road and he does not see how it can handle all this traffic.

Ann Michael stated that she would like to have a town meeting with the developer and see his final proposal. She presented pictures of the road and the area. Ms. Michael stated that the zoning letters are not coming to people affected by the changes. She spoke

concerning the high hazard dam and the fact that residents will probably have to get flood insurance due to this.

Cynthia Jones, Lincoln County Lakekeeper for Lake Norman, stated that the Board did not approve the Sediment and Erosion Control Ordinance and she is concerned about runoff. She spoke concerning the fact that we need streams to continue flowing into Lake Norman.

Don Spence, with Kublins Transportation Group, stated that the document remains unchanged from last year.

Commissioner Anderson stated that he feels the transportation study should include all the changes since last year, including additional homes in SailView and Lakewood.

Don Spence stated that they were not asked to change the document.

Bryce Elliott stated that he moved here from Chicago and drives to downtown Charlotte every morning. He stated that different types of developments increase diversity in neighborhoods.

Jim Sparlazo stated that he lives in Governor's Landing. He stated that 100 year storms would be disastrous with the 2 dams. He spoke concerning the environmental impacts of 285 homes on 250 acres.

Mansour Edwin spoke concerning the dam and density on Webbs Road.

Bill Lifsey stated that he doesn't believe the plan is any better and may be worse than the other plan. He stated that there is more traffic dumping out on Blades Trail. Mr. Lifsey stated that sidewalks are needed for safety and berms should be considered at the end of the lakes.

Jack Crutchfield stated that he owns property on Blades Trail and is in the process of building a home there for his daughter and her children. He stated that he feels the development should go forward, but has major issues with the lakes and dams.

Kathy Grace stated that she understands the neighborhood has to go in, but asked that the Board not approve the lakes.

Mike Falkenberry stated that he has 2 children and the traffic is very dangerous on Deer Run and Blades Trail. He stated that the development will mess up a nice community.

Milton Starnes stated that he lives off Blades Trail and has three major concerns with the development: impact on schools, county services and dam safety. He asked the Board to defer this until more community input is received.

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

Chairman Cochrane recessed the meeting.

Chairman Cochrane called the meeting back to order in the Commissioner's Room.

**Annual Review of Lincoln County Industrial Development Incentive Grant**

**Program:** Laura Foor, with Lincoln Economic Development Association, presented a proposal to amend the Incentive Grant Program. The amendments are to change the time frame for paying incentive grants and to allow the value of shell buildings to qualify for incentive grants.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the new Incentive Grant Program.

**Public Hearing – Industrial Development Incentive Grant for Fischer Engine**

**Company, Inc.** Laura Foor presented the following information concerning an Industrial Development Incentive Grant for Fischer Engine Company, Inc. Fischer Engine Company plans to make an investment of \$1,808,352.00 of which \$1,640,846.40 will qualify for incentives. Within two years, Fischer will provide at least 10 new jobs paying average hourly wages of \$12.00 per hour. The County will provide cash grants to Fischer of \$6,612.61 per year for a five-year period.

Bob Renalde of Fischer Engine Company stated that they have been in business for more than 30 years and they make high performance engines.

Chairman Cochrane opened the public hearing for Industrial Development Incentive Grants for Fischer Engine Company, Inc.

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

**Courthouse Security – Dennis Williams:** Dennis Williams stated that on Saturday, a panic system was installed in the Courthouse. He has also gotten a quote on the building of the kiosk.

The Board discussed bidding packages versus going ahead with getting quotes. Dennis Williams advised against getting bids due to the fact that time would be lost and not a lot of money would be saved.

The Board discussed with Sheriff Pickens the need for additional officers to oversee the security at the Courthouse. Four new people are needed to work in the Courthouse. There was a discussion concerning hiring deputies versus a private security company.

Chairman Cochrane suggested the Board approve steps 1 – 5 and appoint a subcommittee of Commissioners to work with Dennis Williams and Barbara Pickens. Commissioner Anderson and Buddy Funderburk agreed to serve on this committee.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve steps 1 – 5 of the Security Measures Steps.

**Resolution Endorsing Highway Improvements for the Intersection of West Highway**

**27, Highway 182 and Hershel Lackey Road:** UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution Endorsing Highway Improvements.

**RESOLUTION ENDORSING HIGHWAY IMPROVEMETNS FOR THE  
INTERSECTION OF WEST HIGHWAY 27, HIGHWAY 182 AND HERSHEL  
LACKEY ROAD (SR#1223)**

WHEREAS, the North Carolina Department of Transportation maintains and installs all improvements on State Roads in Lincoln County; and

WHEREAS, improvements are needed for the intersection of West Highway 27, Highway 182 and Hershel Lackey Road (SR#1223); and

WHEREAS, these improvements will be made by means of the installation of turn lanes on West Highway 27, installation of a traffic signal, and realignment of Highway 182 and Hershel Lackey Road (SR#1223); and

WHEREAS, these improvements will improve traffic flow and safety at this intersection; and

WHEREAS, NCDOT will spend over \$230,000 to make these improvements;

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners supports and endorses these improvements.

Adopted this 7<sup>th</sup> day of June, 2004.

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Jerry W. Cochrane, Chairman

ATTEST:

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Amy S. Long, Clerk to the Board

**Resolution to Decline Offer to Purchase Certain Real Property Owned by Lincoln**

**County Board of Education:** UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution.

**RESOLUTION TO DECLINE OFFER TO PURCHASE  
CERTAIN REAL PROPERTY OWNED BY**

**LINCOLN COUNTY BOARD OF EDUCATION AT  
G. E. MASSEY ELEMENTARY SCHOOL**

WHEREAS, the Lincoln County Board of Education is the owner in fee simple of a certain tract of real property consisting of a strip approximately 50 feet wide located at the extreme southeastern corner of the campus of G. E. Massey Elementary School and adjacent to the property of Abernethy Holdings, LLC, and the property of K Bo, Inc.; and

WHEREAS, the said tract is to be exchanged with Abernethy Holdings, LLC, for a right of way across other property of Abernethy Holdings, LLC, providing access to Roper Street (formerly Prison Camp Road); and

WHEREAS, by resolution adopted on May 12, 2004, the Board of Education has declared said tract to be surplus property; and

WHEREAS, the market value of the land to be traded has been estimated to be approximately \$65,000.00; and

WHEREAS, the provisions of N. C. G. S. 115C-518 require that the Board of Education offer the first opportunity to obtain the property to the Lincoln County Board of Commissioners at a fair market price; and

WHEREAS, the Board of Education believes that the consideration to be received by it is a fair market price for said tract and has offered to the Board of Commissioners the opportunity to purchase said tract for the sum of \$65,000.00; and

WHEREAS, the Board of Commissioners does not choose to obtain the said tract as offered or to negotiate a different price with the Board of Education;

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

1. That the Lincoln County Board of Commissioners does not choose to obtain the said tract as offered or to negotiate a different price, and the Board of Education may proceed to dispose of the said tract in accordance with N. C. G. S. 115C-518.

2. This resolution shall be effective upon adoption.

This 7th day of June, 2004.

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Jerry W. Cochrane, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Long, Clerk to the Board

**Other Business:** UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution Supporting the Defense of Marriage Act.

**LINCOLN COUNTY BOARD OF COMMISSIONERS LEGISLATIVE REQUEST  
– TO SUPPORT THE DEFENSE OF MARRIAGE ACT**

**WHEREAS**, Senator James Forrester has sponsored Senate Bill 1057, a bill to be entitled, “AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE”; and,

**WHEREAS**, the Lincoln County Board of Commissioners finds that it is in the best interests of the citizens of Lincoln County to support said bill.

**NOW, THEREFORE, BE IT RESOLVED** by the Lincoln County Board of Commissioners that the Lincoln delegation to the North Carolina General Assembly is requested to support Senate Bill 1057, the Defense of Marriage Act, on behalf of the citizens of Lincoln County.

**BE IT FURTHER RESOLVED** that the Clerk is directed to deliver a certified copy of this Resolution to the Lincoln delegation to the North Carolina General Assembly, and to the North Carolina Association of County Commissioners.

Commissioner Craig mentioned a phone call he received from J.C. Rudisill asking for the Board to appropriate \$800 for a bronze plaque to be placed on the Veteran’s monument on the West side of the Courthouse.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve \$800 to complete a plaque for the Veteran’s monument on the Courthouse lawn.

**Recess:** Chairman Cochrane recessed the meeting to June 8, 2004 at 3:30 p.m.

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Amy S. Long, Clerk to the Board  
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Jerry W. Cochrane, Chairman