

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 19, 2004

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on July 19, 2004 at the Citizens Center, Commissioner's Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Vice Chair
Larry S. Craig
Carrol Mitchem
Buddy Funderburk

Planning Board Members Present:

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

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Vice-Chairman Anderson called the July 19, 2004 meeting of the Lincoln County Board of Commissioners to order.

Rev. David Sexton, of Denver Baptist Church, gave the Invocation.

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

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to adopt the agenda as presented.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
JULY 19, 2004

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| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Approval of Minutes
- June 21, 2004 |
| 3. | 6:35 PM | Consent Agenda
Budget Adjustment No. 1
Tax Requests for Releases – May 16 – June 15, 2004
Tax Requests for Refunds – June 14 – June 27, 2004
June 28 – July 11, 2004
Release of Letter of Credit for Hunter Fields Subdivision
Letter of Credit No. 37 for Cowans Ford, Phase II
Sponsored Group Status
- Carolina Cross Connection |
| 4. | 6:40 PM | Public Comments |
| 5. | 6:55 PM | New Business/Advertised Public Hearings |

ZMA #480 Joseph and Saundra Helenberger (Parcel ID# 30710) A request to rezone a 0.91-acre parcel from Transitional Residential (R-T) to Neighborhood Business (B-N). The property is located at 1162 Hwy. 16 South in Catawba Springs Township.

ZMA #481 C-Trac Enterprises Inc., Bill Mull and Lineberger Brothers Inc. (Parcel ID# 34670, 29800, 31044 and 02420) A request to rezone approximately 257 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located on Fay Jones Road and Wingate Hill Road in Ironton and Catawba Springs townships.

ZMA #482 Richard Casucci, applicant (Parcel ID# 19862) A request to rezone a 10.8-acre parcel from Rural Residential (R-R) to Residential Single-Family (R-SF). The property is located on

Summerow Road and Maiden Salem Road in Lincolnton Township.

CUP #241 Steve Sharpe, applicant (Parcel ID# 955421) A request for a conditional use permit to operate an auto repair shop in the Rural Residential (R-R) district. The 1.9-acre parcel is located at 1217 Mount Zion Church Road in Ironton Township.

CUP #242 Daniel and Charlotte Jenkins, applicants (Parcel ID# 50632) A request for a conditional use permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The 0.75-acre lot is located about 1,200 feet east of the intersection of Hoffman Road and Wesleyan Church Road in Lincolnton Township.

CUP #243 Melanie Iluzada, applicant (Parcel ID# 54963) A request for a conditional use permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Suburban (R-S) district. The 1.8-acre parcel is located on the south side of Sherwood Forest Road near Lady Marion Street in Lincolnton Township.

CUP #244 Christopher Pence, applicant (Parcel ID# 70238) A request for a conditional use permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Single-Family (R-SF) district. The 10.2-acre parcel is located off Applehill Lane in Howards Creek Township.

CUP #245 Robert Vaughn Jr., applicant (Parcel ID# 32167) A request for a conditional use permit to operate an auto sales lot in the Neighborhood Business (B-N) district. The 0.87-acre parcel is located at 2744 N. Hwy. 16 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.

6. 8:00 PM Public Hearing – Leash Law Requirement for Cherry Lane

7. 8:15 PM Mountain Island Marine Commission Report – Kari Lanning
8. 8:30 PM Courthouse Security Equipment Quotes
9. 8:40 PM Restaurant Sanitation Score Card – Maggie Dollar
10. 8:50 PM Water Plant Bids – Steve Gilbert
11. 8:55 PM Water Plant Construction Observation Services – Steve Gilbert
12. 9:00 PM Roseland Heights Water System Update – Steve Gilbert
13. 9:05 PM Public Works Capital Project Report – Steve Gilbert
14. 9:10 PM Recommendations from Planning Board
15. 9:45 PM Adequate Public Facilities Ordinance Proposal
16. 9:55 PM Reimbursement Resolution
17. 10:00 PM Request for Surplus Vehicle
18. 10:05 PM County Manager’s Report
19. 10:10 PM Finance Officer’s Report
20. 10:15 PM County Attorney’s Report
21. 10:20 PM Vacancies/Appointments
22. 10:25 PM Calendar
23. 10:30 PM Other Business

Adjourn

Approval of Minutes – June 21, 2004: Vice-Chairman Anderson presented the minutes of the June 21, 2004 meeting for the Board’s approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the minutes as presented.

Public Comments: Vice-Chairman Anderson opened the public comments section.

Hal Schronce stated that he got his tax statement in the mail Saturday and appreciates it. He stated that the Board is doing one heck of a job spending tax dollars wisely. He stated that the Board is doing a good job and asked them to continue.

Being no additional speakers, Vice-Chairman Anderson declared the public comments section closed.

New Business: Advertised Public Hearings: Vice-Chairman Anderson announced that this was the date, Monday, July 19, 2004 and the time, which was advertised in the *Lincoln Times-News* on Friday, July 9 and 16, 2004.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, July 19, 2004, at 6:30 p.m. to consider the following zoning matters:

ZMA #480 Joseph and Sandra Helenberger (Parcel ID# 30710) A request to rezone a 0.91-acre parcel from Transitional Residential (R-T) to Neighborhood Business (B-N). The property is located at 1162 Hwy. 16 South in Catawba Springs Township.

ZMA #481 C-Trac Enterprises Inc., Bill Mull and Lineberger Brothers Inc. (Parcel ID# 34670, 29800, 31044 and 02420) A request to rezone approximately 257 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located on Fay Jones Road and Wingate Hill Road in Ironton and Catawba Springs townships.

ZMA #482 Richard Casucci, applicant (Parcel ID# 19862) A request to rezone a 10.8-acre parcel from Rural Residential (R-R) to Residential Single-Family (R-SF). The property is located on Summerow Road and Maiden Salem Road in Lincolnton Township.

CUP #241 Steve Sharpe, applicant (Parcel ID# 955421) A request for a conditional use permit to operate an auto repair shop in the Rural Residential (R-R) district. The 1.9-acre parcel is located at 1217 Mount Zion Church Road in Ironton Township.

CUP #242 Daniel and Charlotte Jenkins, applicants (Parcel ID# 50632) A request for a conditional use permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The 0.75-acre lot is located about 1,200 feet east of the intersection of Hoffman Road and Wesleyan Church Road in Lincolnton Township.

CUP #243 Melanie Iluzada, applicant (Parcel ID# 54963) A request for a conditional use permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Suburban (R-S) district. The 1.8-acre parcel is located on the south side of Sherwood Forest Road near Lady Marion Street in Lincolnton Township.

CUP #244 Christopher Pence, applicant (Parcel ID# 70238) A request for a conditional use permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Single-Family (R-SF) district. The 10.2-acre parcel is located off Applehill Lane in Howards Creek Township.

CUP #245 Robert Vaughn Jr., applicant (Parcel ID# 32167) A request for a conditional use permit to operate an auto sales lot in the Neighborhood Business (B-N) district. The 0.87-acre parcel is located at 2744 N. Hwy. 16 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. 480 – Joseph and Sandra Helenberger, applicants:

Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 480 – Joseph and Sandra Helenberger, applicants.

The applicants are requesting the rezoning of a 0.91-acre lot from Transitional Residential (R-T) to Neighborhood Business (B-N). Offices and retail sales are among the permitted uses in the Neighborhood Business district.

The property is located at 1162 S. Hwy. 16 in Catawba Springs Township. It is adjoined on the south side by property zoned Neighborhood Business, on the rear by property zoned General Industrial, and on the north side by property zoned Transitional Residential. The property across the road is zoned Residential Single-Family (R-SF). The Lincoln County Land Use Plan designates this area as a Neighborhood Center, an area suitable for concentrating small-scale commercial development.

Vice-Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 480 – Joseph and Sandra Helenberger, applicants.

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

Zoning Map Amendment No. 481 – C-Trac Enterprises, Inc., Bill Mull and Lineberger Brothers, applicants:

Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 481 – C-Trac Enterprises, Inc., Bill Mull and Lineberger Brothers, applicants.

The applicants are requesting the rezoning of approximately 257 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The rezoning request for the Linebergers Brothers property (Parcel ID# 02420) is only for the portion of the property that lies north of Wingate Hill Road. C-Trac Enterprises is developing a small stick-built

home community. R-SF does not allow mobile homes or duplexes. This change would not be approving a higher density.

The property is located on Fay Jones Road and Wingate Hill Road in Ironton and Catawba Springs townships. It is surrounded by property zoned Transitional Residential.

Vice-Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 481 – C-Trac Enterprises, Inc., Bill Mull and Lineberger Brothers Inc., applicants.

Belford Blaine expressed concerns for rezoning this land with no site plan. He stated that these roads are extremely narrow and subdivisions would create a higher traffic volume. He voiced concerns over the water table with the maximum volume of development with wells and septic tanks. He stated that this tract of land is currently being used for a race track, which is an annoyance.

Jason Wylie, 2417 Fay Jones Road, stated that he would like to see a community water system. He voiced concerns on water and septic systems.

Tony Cloninger stated that the rezoning is not for density, they only want to enhance what can be put on the property. The property could be developed right now with the same amount of lots.

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

Zoning Map Amendment No. 482 – Richard Casucci, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 482 – Richard Casucci, applicant.

The applicant is requesting the rezoning of a 10.8-acre parcel from Rural Residential (R-R) to Residential Single-Family (R-SF).

The property is located on Summerow Road and Maiden Salem Road near U.S. 321 North in Lincolnton Township. It is adjoined on the west by property zoned Residential Single-Family and on the other sides by property zoned Rural Residential.

Commissioner Craig stated that he had received contact from two citizens with concerns the rezoning of this property. He stated that once these citizens realized that this was going from the least restrictive zoning to the most restrictive, they were happier.

Vice-Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 482 – Richard Casucci, applicant.

Richard Casucci, applicant, stated that he is trying to aesthetically put two houses on Maiden Salem Road and put the rest of the lots coming down. He plans to put ten or eleven lots in the subdivision.

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

Conditional Use Permit No. 241 – Steve Sharpe, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 241 – Steve Sharpe, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 241 – Steve Sharpe, applicant.

The applicant is requesting a Conditional Use Permit to operate an auto repair shop (specializing in the repair of heavy equipment) in the Rural Residential (R-R) district. Under the Zoning Ordinance, auto repair shops, auto body shops, machine shops and woodworking shops may be allowed as a conditional use in the R-R 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 1217 Mount Zion Church Road in Ironton Township. It is surrounded by property zoned Rural Residential.

Mr. Hawkins presented Exhibit 1 and Exhibit 2, which are photos of the existing shop building. He also presented a letter in support of the Conditional Use Permit from Roxie Cloninger, a property owner in the area.

Mr. Hawkins stated that this case stems from a complaint received that a business was being operated on this property. The applicant opted to apply for a Conditional Use Permit.

Vice-Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 241 – Steve Sharpe, applicant.

Teresa McCullen stated that her property adjoins this property on two sides. She stated that there is burning on the site and she has to close her windows at night. The auto repair shop is for large equipment, dump trucks, bulldozers, etc. She stated that the fumes are horrible and she has to shut her barn doors. The property has been used

illegally. Ms. McCullen stated that she is worried about where he is disposing of chemicals. She stated that she worries about property values.

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

Conditional Use Permit No. 242 – Daniel and Charlotte Jenkins, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 242 – Daniel and Charlotte Jenkins, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 242 – Daniel and Charlotte Jenkins, applicant.

The applicants are requesting a Conditional Use Permit to place a Class C mobile home in the Residential Suburban (R-S) district on a 0.75-acre lot that has been carved from an 18-acre tract as a family subdivision. A Class C mobile home is a singlewide that meets the county's appearance criteria (shingled roof vinyl siding).

The property is located about 1,200 feet east of the intersection of Hoffman Road and Wesleyan Church Road in Lincolnton Township. The larger tract is adjoined by property zoned Residential Suburban and Residential Single-Family (R-SF). A doublewide mobile home is located on it. Other mobile homes are scattered in the area.

Vice-Chairman Anderson opened the public hearing concerning CUP # 242 – Daniel and Charlotte Jenkins, applicant.

Being no one wishing to speak, Vice-Chairman Anderson declared the Public Hearing closed.

Conditional Use Permit No. 243 – Melanie Iluzada, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 243 – Melanie Iluzada, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 243 – Melanie Iluzada, applicant.

The applicant is requesting a Conditional Use Permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Suburban (R-S) district. The applicant is proposing to build a house and a garage apartment.

The 1.8-acre parcel is located on the south side of Sherwood Forest Road near Lady Marion Street in Lincolnton Township. The front portion of the lot is zoned Residential Single-Family (R-SF). The rear portion, where the house and the garage apartment are proposed to be located, is zoned Residential Suburban (R-S). The lot is adjoined by property zoned Residential Single-Family and Residential Suburban. The surrounding area includes some apartments. County water is available in this area.

Vice-Chairman Anderson opened the public hearing concerning CUP # 243 – Melaine Iluzada, applicant.

Melanie Iluzada stated that she could answer any questions about the Conditional Use Permit.

Being no additional speakers, Vice-Chairman Anderson declared the Public Hearing closed.

Conditional Use Permit No. 244 – Christopher Pence, Jr., applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 244 – Christopher Pence, Jr., applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 244 – Christopher Pence, Jr., applicant.

The applicant is requesting a Conditional Use Permit to construct a private residential quarters (an accessory dwelling, not rented or occupied for gain) in the Residential Single-Family (R-SF) district. The applicant is building a house and accessory building that he wants to turn into a guest house and future residence for his parents.

The 10.2-acre parcel is located off Applehill Lane and Hog Hill in Howards Creek Township. A portion of the property is zoned Rural Residential (R-R). The property is adjoined by property zoned Rural Residential, Residential Suburban (R-S) and Residential Single-Family.

Vice-Chairman Anderson opened the public hearing concerning CUP # 244 – Christopher Pence, Jr., applicant.

Christopher Pence, Jr. stated that he will be using this building for his parents to retire in. It will not be used for profit.

Being no additional speakers, Vice-Chairman Anderson declared the Public Hearing closed.

Conditional Use Permit No. 245 – Robert Vaughn Jr., applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 245 – Robert Vaughn Jr., applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 245 – Robert Vaughn Jr., applicant.

The applicant is requesting a Conditional Use Permit to operate an auto sales lot in the Neighborhood Business (B-N) district. An existing house would be converted into an office.

The 0.87-acre parcel is located at 2744 N. Hwy. 16. The rear portion of the property is zoned Residential Single-Family (R-SF), but it would not be used as part of the auto sales lot. This parcel is adjoined on the north by property zoned Neighborhood Business and on the east and south by property zoned Residential Single-Family. The property across the highway is zoned General Industrial (I-G).

Vice-Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 245 – Robert Vaughn Jr., applicant.

Kenny Freeman stated that he lives in Sailview and owns a business in Georgia. He purchased land owned by William Perrin adjacent to this site. He stated that there are already eight used car lots on Highway 16 from Highway 73 to Campground Road.

Christie Nelson Martin stated that she is speaking for Myrtle Pope, who is not in good health and Althena Helg, who is away in the service and does not know about this. She stated that she cannot see how this will benefit the neighborhood. She stated that in 1996, William Perrin came before the Board to put a used car lot in there. The residents fought it at that time and the Board voted against it. She stated that this is running into their back yards. Ms. Martin presented pictures of the neighborhood.

Keith Sawyer, 7440 Sarah Drive, stated that he can look straight out his back door to where the car lot would be and it's less than 50 feet from his deck. He stated that the lights from the lot would be in their bedroom windows. He stated that there are water problems with the house that will be used for the sales office and with the roof.

Robert Vaughn stated that he has been in the car business for 20 years and would like to make this his sales office. He stated that this will not be a typical used car lot. There will be no car parts sitting around and no auto repair work will be done on this site. He stated that there will be 8 – 10 vehicles there at one time.

Being additional speakers, Vice-Chairman Anderson declared the Public Hearing closed.

Parallel Conditional Use Rezoning No. 106 – Paradise Lakes LLC, applicant: Vice-Chairman Anderson reopened the public hearing concerning Parallel Conditional Use Rezoning No. 106 – Paradise Lakes LLC, applicant.

Randy Hawkins stated that the applicant has revised the site plan. He presented the revisions to the Board. The Planning Board recommended approval of the project with conditions. One of the conditions was to provide an additional access to Webbs Road or a sidewalk along Blades Trail. The applicant has bought property for access to Webbs Road. An updated traffic impact study was also done with additional developments in the area that were not included in the original study.

Vice-Chairman Anderson complemented the people who have worked on this and the developer and his engineer.

Ann Michael stated that she still has reservations about the lakes. She stated that she went to Charleston and Harmony, NC to view ski lakes. In Harmony, there is a place called Skyview Waterskiing Club. She presented a letter written July 10 outlining conditions that they think should be approved. She stated that with these conditions a date should be approved for completion of them. In Harmony, there was recently a ski competition. She stated that she is very concerned with ski competitions being held there, due to parking along Blades Trail.

Jack Crutchfield stated that he lives in Bermuda Run, North Carolina, but owns property on Burton Lane and is building a house for his daughter and granddaughter there. He stated that he is not opposed to the development of this property and leaves the density up to the Board. He addressed his concerns with the lakes, which are 1 – traffic and 2 – safety of the high hazard dams. He asked why the lakes would be added to the development at all.

Henry Fogle stated that he visited Charleston to see one of these ski communities and the residents held community meetings concerning this development. He reviewed a letter and the conditions listed in the letter, including the entrance on Webbs Road, sidewalks along Blades Trail adjacent to the subdivision to Sarah Drive, soil and erosion control, and ongoing involvement on dam safety by Lincoln County.

Todd Creech, 8004 Blades Trail, stated that he lives very close to one of the dams and is very concerned about safety. He expressed concerns about soil and erosion control and the view of the dams. He stated that he would like landscaping to cover the spillways and a buffer. He asked the Board to keep up the good work.

Bob McLeod stated that he wants to create something that is an asset and benefit to Lincoln County. He stated that they have tried to accommodate the residents and have added another entrance and moved the common area. He stated that the Homeowner's Association will own the dams and carry insurance on them. They have gotten confirmation from the insurance company. McLeod Construction is ultimately responsible for construction of the dams and carries liability insurance. The engineers also carry liability insurance. He stated that dams are not designed to fail. Mr. McLeod introduced Jerry Cook, who worked for NCDEHNR in dam inspections. He stated that he has no intent to develop this to be a ski club. He stated that if there were a competition, the cars would have plenty of parking in the subdivision and cars would not need to park on Burton Lane. Mr. McLeod stated that he has not received approval from the State on the lakes yet.

Mr. McLeod stated that each lake will only be used by the lakefront homeowners and only one boat at a time will be allowed on the lake.

Jerry Cook reviewed the criteria for high hazard dams and monitoring inspections for them, which are once per year and more frequently if problems are found. He addressed where the water would flow if the dams were to break and the initial breachwave height.

Jeff Frank stated that he lives right down the road from Todd Creech and is also worried about the children. He stated that there are 12 children in the cove. Mr. Frank stated that when he moved there, there was not a dangerous lake and he would like it to stay that way.

Dick McMahan asked Mr. Cook a question concerning the breachwave height. He stated that on the revised plan, there is an estate lot that he would like to know how this will be accessed.

Ken Bieman stated that he is amazed that the Board makes decisions with so much information not yet decided on. He stated that the Homeowner's Association is not even there yet, but they will be responsible for the lakes and dams. He stated that he lived in a development before where the Homeowner's Association had to pay to fill in the lakes, because no one wanted to take care of them.

Renee' Singletary stated that she is building a house right at one of the dams. She stated that with the controversy, risk, and damage that could occur, she doesn't see why the Board would allow the risk for 20 to 30 lots.

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

Commissioner Craig asked if the Board can separate the lakes from the subdivision, only approving the subdivision.

Jeff Taylor stated that it is a pretty radical departure from what was requested, but the Board could do that.

UPON MOTION by Commissioner Craig, the Board voted unanimously to table Parallel Conditional Use Permit No. 106 – Paradise Lakes, LLC, applicant, as to such time the Board receives data concerning breakage of the dams.

Vice-Chairman Anderson called for a brief recess.

Vice-Chairman Anderson called the meeting back to order.

Public Hearing – Leash Law Requirement for Cherry Lane: Vice-Chairman Anderson opened the public hearing for the leash law for Cherry Lane.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Leash Law for Cherry Lane and establish an effective date of August 1, 2004.

Mountain Island Marine Commission Report – Kari Lanning: Kari Lanning, Lincoln County's appointee to the Mountain Island Marine Commission gave a progress report on the work of the Marine Commission. She also reported that she will be resigning from the Commission, due to relocation to Florida, but will be working to find someone to replace her. Ms. Lanning stressed the need for a Sediment and Erosion Control Ordinance.

Courthouse Security Equipment Quotes: Stan Kiser, County Manager, presented bids received by Williams Design for equipment for courthouse security. The quote is part of step four of the project and is the initial installation of the digital recording equipment, the computer monitors, and the initial camera's on the ground floor of the Courthouse which is a part of the kiosk location. The original quotation from Guardian Securities was a total of \$28,000.00. The other quote is from Johnson Controls on the same equipment and the price for that quotation is \$31,000.00.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the quote from Guardian Securities for a total of \$28,000.00

Restaurant Sanitation Score Card: Maggie Dollar and Scott Sneed presented the Board with information concerning Restaurant Sanitation Score Cards. The restaurant inspection process will remain the same, but the sanitation score 'grade cards' posted after the inspection will have a different look, beginning August 1. The new cards will prominently feature both the letter grade (A, B or C) and the number score (70-102), in 1 ½-inch characters.

Water Plant Bids: Steve Gilbert, Director of Public Utilities, stated that the Public Works Department received bids on July 1, 2004 for the first phase of construction at the Lake Norman Water Treatment Plant. This phase includes two new filters and a new disinfection system. The low bidder for the base bid was Hickory Construction Co., of Hickory, NC, with a bid of \$1,131,530.00. The contract time for the construction work is 320 days. The bids were very competitive and came in well under the construction budget.

The base bid will provide a new MIOX (mixed oxidation) disinfection system. The bids also included an alternate bid item for a sodium hypochlorite disinfection system in order to keep the bid prices as competitive as possible. While the sodium hypochlorite system came in as a deduct item amounting to \$28,132.00, it is the recommendation of the engineer to accept the base bid without the alternate bid item. The MIOX system, as noted in their letter provides “an overall reduction in chemicals required to treat water (caustic and alum), lower trihalomethanes formation (THMs) in the distribution system and safer chemical handling with the mixed oxidant system.” The MIOX system is also favored by the water plant staff.

The Public Works Department recommends the first phase of the water plant construction project, which includes two new filters and a new disinfection system, be awarded to Hickory Construction Co. in the amount of \$1,131,530.00.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the bid of Hickory Construction Company in the amount of \$1,131,530.00 for the first phase at the Lake Norman Water Treatment Plant.

Water Plant Construction Observation Services: Steve Gilbert, Director of Public Utilities stated that in light of the construction bids that were approved, the Board now needs to address the need for construction observation for the project. WK Dickson has submitted a proposal to provide no more than 91 days of observation time (approximately 2 days per week) for a cost not to exceed \$55,000.00. It is expected that this amount of time will provide to be sufficient to ensure that the contractor adheres to the project specifications and that construction schedules are being met. These services will be billed on an hourly basis, and if adjustments are needed, an additional contract amendment would be utilized to request changes. Observation costs will be monitored by staff on a monthly basis as construction proceeds.

The Public Works Department recommends contract proposal for Construction Observation Services for the first phase of construction at the Lake Norman Water Treatment Plant be approved as submitted by WK Dickson in the not to exceed amount of \$55,000.00 as presented.

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

Roseland Heights Water System Update: Steve Gilbert, Director of Public Utilities, presented the following update on the Roseland Heights Water System. The construction of the new water lines was completed on schedule on July 1, 2004. Notices were sent out in May telling the residents and tenants of the project schedule and notifying them that the old water system would be taken out of service one month after completion of the construction, giving them one month to apply for service with the County and to have their water service hooked to the new lines.

At the completion of construction, reminder letters were sent out by registered mail to anyone that had failed to contact us to apply for service and confirming the County's schedule for taking the old water system out of service. As of today all but 4 residents or tenants have been in contact with us. We are continuing efforts to contact these people. Barring unforeseen circumstances, the Public Works Department intends to turn off the old water system on August 2, 2004, one month after the completion of construction.

Public Works Capital Project Reports: Steve Gilbert presented the Public Works Capital Project Reports.

Recommendations from the Planning Board:

Conditional Use Permit No. 241 – Steve Sharpe, applicant: The Planning Board voted 7 – 0 to recommend approval with the condition that Grade C screening be provided on the west (front), south and east sides of the property.

A MOTION by Commissioner Funderburk to accept the Planning Board's recommendation and findings of fact for Conditional Use Permit No. 241 – Steve Sharpe, applicant.

Commissioner Funderburk withdrew his motion.

Application # CUP #241 Date 07/19/04

Applicant's Name Steve Sharpe
 1072 Beth Haven Church Road
 Denver, NC 28037

Property location: 1217 Mount Zion Church Road

Watershed District: R-R

Proposed Conditional Use Auto repair shop

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Based on reasoning given by Planning Board that the law will not allow an individual to contaminate the area.
UPON MOTION by Commissioner Craig, the Board voted unanimously to find the fact in the affirmative.

2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Based on conditions set for in Zoning Ordinance.
UPON MOTION by Commissioner Craig, the Board voted unanimously to find the fact in the affirmative.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO ☒ X
UPON MOTION by Commissioner Craig, the Board voted unanimously to find the fact in the negative due to fumes in the atmosphere,
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES ☒ X NO
Factual Reasons Cited: Has agreed to provide screening.

UPON MOTION by Commissioner Craig, the Board voted unanimously to deny Conditional Use Permit No. 241.

Conditional Use Permit No. 242 – David and Charlotte Jenkins, applicant: The Planning Board voted 8 – 0 to recommend approval.

Application # CUP #242 Date 07/19/04

Applicant's Name Daniel and Charlotte Jenkins
 2965 Zeb Johnson Trail
 Lincolnton, NC 28092

Property location: off Hoffman Road

Existing Zoning: R-S

Proposed Conditional Use Class C mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES ☒ X NO
Factual Reasons Cited: Putting the house on an 18 acre tract will not be visible from the road.
2. The use meets all required conditions and specifications. YES ☒ X NO
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ X NO
Factual Reasons Cited: Located in the heart of 18 acre tract and a doublewide is permitted in this district.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES ☒ X NO

Factual Reasons Cited: Other such homes in the area.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Conditional Use Permit No. 242 – Daniel and Charlotte Jenkins, applicant, with the Findings of Fact as presented by the Planning Board.

Conditional Use Permit No. 243 – Melaine Iluzada, applicant: The Planning Board voted 8 – 0 to recommend approval.

Application # CUP #243 Date 07/19/04

Applicant's Name Melanie Iluzada
 3347 Maiden Highway
 Lincolnton, NC 28092

Property location: Sherwood Forest Road

Existing Zoning: R-S

Proposed Conditional Use private residential quarters (garage apartment)

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Will not endanger public health or safety if placed where proposed.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Will meet all required specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO
Factual Reasons Cited: According to plat property values will not be affected.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES X NO
Factual Reasons Cited: Based on location and plan.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the rezoning and approve Conditional Use Permit No. 243 – Melaine Iluzada, applicant, with the Finding of Fact as presented by the Planning Board.

Conditional Use Permit No. 244 – Christopher Pence, Jr., applicant: The Planning Board voted 8 – 0 to recommend approval.

Application # CUP #244 Date 07/19/04

Applicant's Name Christopher Pence, Jr.
3097 Holly Road
Connelly Springs, NC 28612

Property location: off Applehill Lane

Existing Zoning: R-SF

Proposed Conditional Use private residential quarters (accessory dwelling)

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Based on location there will be no danger.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Does meet all requirements.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO
Factual Reasons Cited: Large tract of land.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES X NO
Factual Reasons Cited: Based on where it is located.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the rezoning and approve Conditional Use Permit No. 244 – Christopher Pence, Jr., applicant, with the Finding of Fact as presented by the Planning Board.

Conditional Use Permit No. 245 – Robert Vaughn, Jr., applicant: The Planning Board voted 7 – 1 to recommend approval with the conditions that the land remain undisturbed past the well house and that the Grade C screening be provided on the north and south sides of the property.

Application # CUP#245 Date 07/19/04

Applicant's Name Robert Vaughn, Jr.
2135-301 Regatta Lane
Denver, NC 28037

Property location: 2744 N. Hwy. 16

Existing Zoning: B-N

Proposed Conditional Use Auto sales lot

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Will not endanger public health and plan follows Lincoln County Land Use Plan.
UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept fact number one as recommended by the Planning Board.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Follows conditions set forth by Zoning Ordinance and follows Land Use Plan.
UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept fact number two.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO X
UPON MOTION by Commissioner Mitchem, the Board voted unanimously to find the fact in the negative due to the fact that it is not a public necessity.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES X NO
UPON MOTION by Commissioner Craig, the Board voted unanimously to find in the negative, the Land Use Plan allows different uses and a used car lot is not the best use.

UPON MOTION by Commissioner Craig, the Board voted unanimously to deny Conditional Use Permit No. 245 on the basis of the Findings of Fact being found in the negative.

Zoning Map Amendment No. 480 – Joseph and Sandra Helenberger, applicant:

Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 8 - 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the Planning Board's recommendation and approve Zoning Map Amendment No. 480 – Joseph and Sandra Helenberger, applicant.

Zoning Map Amendment No. 481 – C-Trac Enterprises, Inc, Bill Mull and Lineberger Brothers Inc., applicants: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 8 - 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment # 481 – C-Trac Enterprises, Inc, Bill Mull and Lineberger Brothers Inc, applicants as recommended by the Planning Board.

Zoning Map Amendment No. 482 – Richard Casucci, applicant: Randy Hawkins, Zoning Administrator, stated that the Planning Board voted 8 - 0 to recommend approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve Zoning Map Amendment # 482 – Richard Casucci, applicant, based on the recommendation of the Planning Board.

Adequate Public Facilities Ordinance: Kelly Atkins, Director of Building and Land Development, presented a proposal from Freilich, Leitner & Carlisle to develop an Adequate Public Facilities Ordinance. The total cost for this Ordinance would be \$59,390.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the proposal for a draft APFO.

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

REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the construction of New Elementary School and New Middle School (the "Projects"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of Bond Funds for the Expenditures with respect to the Project made on and after July 19, 2004. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the above Projects is \$22,294,500, of which \$17,000,000 of bond funds is currently scheduled to be issued September 28, 2004.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 19th day of July, 2004.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

EXHIBIT A

DESCRIPTION OF PROJECT

Capital Improvement Program - Construction of new New Elementary and New Middle School along with the acquisition of land, equipment and furnishings necessary to provide a complete and furnished facility.

Request for Surplus Vehicle: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve a request from Union VFD for a surplus vehicle to be donated to their fire department.

County Manager's Report: Stan Kiser, County Manager, gave the County Manager's Report.

County Attorney's Report: Jeff Taylor, County Attorney, reported on foreclosures, the lease on the jail property, the City's interest in the old Recreation building, and the lease for Beatties Ford.

Vacancies/Appointments: Commissioner Craig presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 6

Recreation Commission –	Union 1	
	Howards Creek	1
	Lincolnton	1
	Ironton	2

Solid Waste Advisory Board 4
(3 year terms, only meet about 2 times per year)

Historic Properties 1

Planning Board

At large 1

Library Board

Lincolnton 1

The following are Commissioner Craig's recommendations.

APPOINTMENTS

BFI Grant Committee

Ned Setzer

Harry Huss

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the appointments of Ned Setzer and Harry Huss to the BFI Committee.

Other Business: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to send nice letters to outgoing board members on boards, committees, and commissions.

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