

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 13, 2004

The Lincoln County Board of County Commissioners met in regular session on September 13, 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
Louis McConnell
Darrell Harkey
Harold Howard, Jr.
Ken Hovis
Jerry Geymont

Others Present:

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

Call to Order: Chairman Cochrane called the September 13, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present. He 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 with the addition of 6a – Formation of a Committee for Soil and Erosion Control.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 13, 2004

6:30 PM	Call to Order
6:31 PM	Invocation – Chairman Jerry Cochrane
6:32 PM	Pledge of Allegiance

1. 6:34 PM Adoption of Agenda
2. 6:35 PM Approval of Minutes
 - August 16, 2004
3. 6:40 PM Consent Agenda
 - Tax Requests for Releases – July 16 – August 15, 2004
 - Tax Requests for Refunds – August 9 – 22, 2004
 - Letter of Credit No. 29
 - Bid Approval for Scattered Site Housing Grant
 - Budget Adjustments 5 - 15
 - Sponsored Group Status
 - Go Ministries
 - United Way of Lincoln County
4. 6:45 PM Public Hearing – Incentive Grant for Blum, Inc. and Resolution to Adopt Economic Incentive Grant Agreement
5. 6:55 PM Public Hearing – Incentive Grant for Prospect Company and Resolution to Adopt Economic Incentive Grant Agreement
6. 7:05 PM Approval to Use Proceeds from Land Sale at Lincoln County Industrial Park for New Infrastructure – Barry Matherly
7. 7:10 PM New Business/Advertised Public Hearings – Randy Hawkins

CUP #247 John Miller, applicant (Parcel ID# 78558) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 13-acre parcel is located on the south side of Reepsville Road about 800 feet east of Howards Creek Mill Road in Howards Creek Township.

CUP #248 Dean Rhoney, applicant (Parcel ID# 55569) A request for a conditional use permit to operate an auto sales lot in the Neighborhood Business (B-N) district. The 0.35-acre parcel is located at 9225 Hwy. 10 in North Brook Township.

CUP #249 David Smith, applicant (Parcel ID# 73748) A request for a conditional use permit to place a private residential storage building in the Residential Single-Family (R-SF) district. The 0.88-acre parcel, Lot #4 in the Amity Acres subdivision, is located at the end of Old Homestead Lane off Amity Church Road in Ironton Township.

PCUR #108 Victory Development Group Inc.. applicant (Parcel ID# 56253) A request to rezone a 77-acre parcel from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 97 lots for single-family homes. The property is located on Webbs Road and Cindy Lane in Catawba Springs Township.

ZMA #484 Randy and Ann Herron, applicants (Parcel ID# 34644) A request to rezone a 1.56-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 1697 N. Hwy. 16 in Catawba Springs Township.

ZTA #485 Lincoln County, applicant. A proposal to amend the Lincoln County Zoning Ordinance to stipulate that subdivisions of over 20 lots and mobile home parks of over 20 spaces may only be created through a parallel conditional use rezoning to a Planned District designation. The proposal would amend Section 2.4 to change the definition of "major subdivision" to "any subdivision where over 20 lots will be created after the subdivision is complete" and add clarifying language; amend Sections 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 to delete a reference to the current definition of major subdivision ("over 50 lots"); amend Sections 10.1 and 10.2 to change the Planned District designation requirement for mobile home parks from "over 50 spaces" to "over 20 spaces"; amend Section 11.6.1 to state that the requirement for a traffic impact study may be waived for major subdivisions of 50 lots or less and mobile home parks of 50 spaces or less; and amend Section 11.7.2 to delete the requirement that any area proposed for P-R zoning have at least 200 feet of frontage on an arterial or collector road.

SOA #21 Lincoln County, applicant. A proposal to amend Sections 109, 304.3, and 309 of the Lincoln County Subdivision Ordinance to assist with the plat review process. The definitions of the following terms would be added to Section 109: Voluntary Agricultural District and Permanent Drainage Easement. In Section 304.3 the amendment would require any subdivision plans that are to be reviewed by the Subdivision Technical Review Committee to be accompanied by a topographic contour map. In Section 309 the amendment would require the following information to be displayed on subdivision plats submitted for review: Any lot or lots that lie within a Lincoln County Voluntary Agricultural District must be verified on the plat by means of a certificate. A Permanent Drainage Easement of 20 feet for storm water drains and 30 feet for permanent/perennial streams must be labeled on the plat with a metes and bounds description. All culverts and pipes shall be displayed on the plat where they cross under a proposed road,

showing the size of the pipe or culvert with a metes and bounds description. Any and all wetland areas, as designated by the Army Corp of Engineers, are to be shown on all plats. Areas considered wetlands shall be addressed by the Army Corp of Engineers prior to plat approval. Any and all driveways that will cross a Permanent Drainage Easement shall have engineered culvert/pipe size that shall be shown on the plat. All proposed subdivisions which require a Sedimentation and Erosion Control Plan shall submit proof of approval of this plan prior to county approval of the subdivision plat.

SOA #22 Lincoln County, applicant. A proposal to amend Sections 107, 108 and 306 of the Lincoln County Subdivision Ordinance to reduce the number of lots required for a “Major Subdivision” from greater than fifty (50) lots to greater than twenty (20) lots; and to amend Sections 108, 109, 112, 304.1, 304.2, 306, 307.1, 307.3(d) and 408.4 to create a more streamlined process that will aid in the plat review process and to adjust plat review fees

8. 8:15 PM Leash Law for Grandview Farms
9. 8:25 PM School Land Request – Dr. Jim Watson
10. 8:40 PM Public Health Accreditation Resolution – Maggie Dollar
11. 8:50 PM Request for 2 New State Funded School Nurse Positions – Maggie Dollar
12. 9:00 PM Resolution in Support of Amendment One
13. 9:10 PM Door to Door Sales Ordinance
14. 9:25 PM Indian Creek Industrial Park Operating Agreement – Steve Gilbert
15. 9:35 PM Status of Water Line Extension Petitions – Steve Gilbert
16. 9:45 PM Resolution Concerning Constitution Week
17. 9:50 PM Other Business

Adjourn

Approval of Minutes – August 16, 2004: Chairman Cochrane presented the minutes of the August 16, 2004 meeting for the Board’s approval.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the minutes as modified.

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

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (AUGUST 9, 2004 – August 22, 2004)

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

NAME	YEAR DIST	A/C#	AMOUNT
XtraCash ATM Inc.	2003 CITY	0158572	114.78
		TOTAL	\$ 114.78

Tax Requests for Releases – More than \$100

NAME	YEAR	A/C NO	AMOUNT
Auten, James H.	2004	0141122	\$ 186.78
Black, Larry L.	2004	18706	\$ 103.12
Clark, Annette Murphy	2004	0098263	\$ 135.05
Dalrymple, Leslie Michelle	2004	0173060	\$ 150.48
Dellinger, William F. III	2004	0167851	\$ 213.68
Earley, Robert J.	2004	0130213	\$ 109.62
Farley, Nubian Queen	2004	0165771	\$ 108.35
Flowers, Clinton Cornelius Jr.	2004	0176574	\$ 227.62
Hamilton, Tammy Sanders	2004	0176403	\$ 133.46
Leming, Carol Parker	2004	0176181	\$ 251.22
Lynch, Mark Adrian	2004	0131081	\$ 183.31
Mervine, John Everett	2004	0152769	\$ 118.00
Moody, Teddy G.	2004	28196	\$ 119.77
Owens, Charles Jr.	2004	0175604	\$ 174.52
Patterson, Richard	2003	0130128	\$ 200.90
Pomainville, Derrick Andre Ricardo, Donald Francis Sr.	2004	0174934	\$ 151.75
Schwartz, Floyd Ray	2004	0173131	\$ 118.01
Stillwell, Lori Fisher	2003	0160198	\$ 122.18
Tar Heel Leasing Co.	2004	0133548	\$ 196.99
Universal Management	2004	0167211	\$ 118.61
Watts, Joshua Douglas	2004	0175675	\$ 159.66
		TOTAL	\$ 3,400.67

NAME	YEAR	A/C NO	AMOUNT
Andrews, David Edward	2004	0164910	\$ 580.67
Bank of America NA	2004	0144183	\$ 450.41
Barreras, Louis Lopez	2004	0170580	\$ 337.48
Brelias, George M.	2004	0151181	\$ 140.18
	2000-		
Brown, Angela Helms	04	0119514	\$ 255.42
	2002-		
Cloninger, Dale Anthony	04	0084132	\$ 166.83
DFS-SPV LP	2004	0144056	\$ 1,327.01
Duncan, Billy D.	2004	0164886	\$ 2,070.00
Foster, Ernest Jr.	2003	0156105	\$ 120.52
Habitat for Humanity	2004	0061164	\$ 1,732.28
Hall, Janet R.	2004	0171665	\$ 215.71
Hartman, Terry L.	2004	147272	\$ 102.48
Helms, Angela G.	2000	0114155	\$ 123.20
Hovis, Daniel M. Jr.	2004	02763	\$ 138.32
Kelly, Ralph E.	2004	18335	\$ 301.04
Leedy, Jerry G.	2004	47661	\$ 114.57
Meeks, Adam Gregory	2001/02	0119926	\$ 109.03
Miller, Gary D.	2004	0128831	\$ 248.04
Morgan, Jimmy B.	2004	0144910	\$ 131.89
NBD Investment LLC	2004	0174402	\$ 1,819.23
Neill, Howard Estate	2002/03	0158414	\$ 614.60
Scala Medical Clinic	2004	0163253	\$ 1,512.57
Schism, Timothy Wayne	2004	0075841	\$ 222.72
Scronce, William David	2004	03095	\$ 146.28
Shuford, Donald J.	2004	15720	\$ 570.34
Sites, Roy A.	2004	20284	\$ 159.00
Smith, Alma	2004	16419	\$ 132.99
Stephenson, Thomas	2004	0154678	\$ 218.03
Ugol, Ruth	2004	0170928	\$ 112.64
VF Imagewear Inc.	2004	0173647	\$ 3,604.69
Ward, Richard Clint	2004	0073756	\$ 163.05
West Lincolnton Mobile Home	2004	26322	\$ 147.40
		TOTAL	\$18,088.62

- Letter of Credit #29 for Webbs Chapel Cove Subdivision
- Scattered Site Housing Grant – Bid Approval

Sponsored Group Status

- Go Ministries
- United Way of Lincoln County

Budget Adjustment No. 5 for encumbrance of Tax Department invoice.
Budget Adjustment No. 6 for encumbrance of Register of Deeds to cover payments to State for June collections.
Budget Adjustment No. 7 for Register of Deeds to carry forward amount of automation funds collected from previous years.
Budget Adjustment No. 8 for Emergency Management to carry over balance of Duke Discretionary funds from previous year.
Budget Adjustment No. 9 to encumber DSS funds per request.
Budget Adjustment No. 10 to encumber JCPC Restoration funds per request.
Budget Adjustment No. 11 to carry over funds collected in Library gift fund.
Budget Adjustment No. 12 to carry over balance unexpected in Historical Properties account.
Budget Adjustment No. 13 to budget estimated cost of courthouse security contract approved 8/16/04 with Wackenhut.
Budget Adjustment No. 14 to increase amount budgeted for employee assistance as approved 8/16/04.
Budget Adjustment No. 15 to budget for additional funds that were allocated to In-Home aid program from Office on Aging.

Public Hearing – Incentive Grant for Blum: Carl Rudisill, General Manager of Blum, stated that the expansion will be \$30 million and will be for additional manufacturing.

Michael Gias presented additional information on the expansion.

Chairman Cochrane opened the public hearing concerning the Incentive Grant for Blum. Being no one wishing to speak, Chairman Cochrane declared the public hearing closed.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Incentive Grant for Blum.

Public Hearing – Incentive Grant for Euromarket Designs: Barry Matherly stated that Euromarket Designs is asking for an incentive grant for a distribution center at the Lincoln County Industrial Park. The company will distribute furniture that is built in the Carolinas. Issues still have to be worked out with the company, but it is close to being completed. Of the \$8,750,000 investment, \$7,775,000 will qualify for incentives. Over a five year period, \$36,153.75 per year will be paid.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the Resolution Approving the Incentive Grant for Euromarket Designs.

Approval to Use Proceeds from Land Sale at Lincoln County Industrial Park for New Infrastructure: Barry Matherly stated that during budget discussions, the Board approved expansion of sewer lines in the Industrial Park. He asked for final approval for the water and sewer lines into the park. The money will come from the sale of property at the Industrial Park.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve using the proceeds of the land sale to improve infrastructure for the Industrial Park.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, September 13, 2004 and the time, which was advertised in the *Lincoln Times-News* on Friday, September 3 and 10, 2004.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, September 13, 2004, at 6:30 p.m. to consider the following matters:

CUP #247 John Miller, applicant (Parcel ID# 78558) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 13-acre parcel is located on the south side of Reepsville Road about 800 feet east of Howards Creek Mill Road in Howards Creek Township.

CUP #248 Dean Rhoney, applicant (Parcel ID# 55569) A request for a conditional use permit to operate an auto sales lot in the Neighborhood Business (B-N) district. The 0.35-acre parcel is located at 9225 Hwy. 10 in North Brook Township.

CUP #249 David Smith, applicant (Parcel ID# 73748) A request for a conditional use permit to place a private residential storage building in the Residential Single-Family (R-SF) district. The 0.88-acre parcel, Lot #4 in the Amity Acres subdivision, is located at the end of Old Homestead Lane off Amity Church Road in Ironton Township.

PCUR #108 Victory Development Group Inc., applicant (Parcel ID# 56253) A request to rezone a 77-acre parcel from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 97 lots for single-family homes. The property is located on Webbs Road and Cindy Lane in Catawba Springs Township.

ZMA #484 Randy and Ann Herron, applicants (Parcel ID# 34644) A request to rezone a 1.56-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 1697 N. Hwy. 16 in Catawba Springs Township.

ZTA #485 Lincoln County, applicant. A proposal to amend the Lincoln County Zoning Ordinance to stipulate that subdivisions of over 20 lots and mobile home parks of over 20 spaces may only be created through a parallel conditional use rezoning to a Planned District designation. The proposal would amend Section 2.4 to change the definition of "major subdivision" to "any subdivision where over 20 lots will be created after the subdivision is complete" and add clarifying language; amend Sections 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 to delete a reference to the current definition of major subdivision ("over 50 lots"); amend Sections 10.1 and 10.2 to change the Planned District designation requirement for mobile home parks from "over 50 spaces" to "over 20 spaces"; amend Section 11.6.1 to state that the requirement for a traffic impact study may be waived for major subdivisions of 50 lots or less and mobile home parks of 50 spaces or less; and amend Section 11.7.2 to delete the requirement that any area proposed for P-R zoning have at least 200 feet of frontage on an arterial or collector road.

SOA #21 Lincoln County, applicant. A proposal to amend Sections 109, 304.3, and 309 of the Lincoln County Subdivision Ordinance to assist with the plat review process. The definitions of the following terms would be added to Section 109: Voluntary Agricultural District and Permanent Drainage Easement. In Section 304.3 the amendment would require any subdivision plans that are to be reviewed by the Subdivision Technical Review Committee to be accompanied by a topographic contour map. In Section 309 the amendment would require the following information to be displayed on subdivision plats submitted for review: Any lot or lots that lie within a Lincoln County Voluntary Agricultural District must be verified on the plat by means of a certificate. A

Permanent Drainage Easement of 20 feet for storm water drains and 30 feet for permanent/perennial streams must be labeled on the plat with a metes and bounds description. All culverts and pipes shall be displayed on the plat where they cross under a proposed road, showing the size of the pipe or culvert with a metes and bounds description. Any and all wetland areas, as designated by the Army Corp of Engineers, are to be shown on all plats. Areas considered wetlands shall be addressed by the Army Corp of Engineers prior to plat approval. Any and all driveways that will cross a Permanent Drainage Easement shall have engineered culvert/pipe size that shall be shown on the plat. All proposed subdivisions which require a Sedimentation and Erosion Control Plan shall submit proof of approval of this plan prior to county approval of the subdivision plat.

SOA #22 Lincoln County, applicant. A proposal to amend Sections 107, 108 and 306 of the Lincoln County Subdivision Ordinance to reduce the number of lots required for a "Major Subdivision" from greater than fifty (50) lots to greater than twenty (20) lots; and to amend Sections 108, 109, 112, 304.1, 304.2, 306, 307.1, 307.3(d) and 408.4 to create a more streamlined process that will aid in the plat review process and to adjust plat review fees.

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.

Conditional Use Permit No. 247 – John Miller, applicant: Having been sworn by the Clerk, the following individuals presented information.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 247 – John Miller, applicant.

The applicant is requesting a Conditional Use Permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. A prospective buyer wants to place a doublewide on the property.

The 13-acre parcel is located on Reepsville Road, across from Union Volunteer Fire Department. The property is partly zoned Residential Single-Family (R-SF) and is bordered by property zoned Residential Suburban and Residential Single-Family. Mostly stick-built homes are located in the surrounding area, but there are also some mobile homes. The proposed location for the doublewide is in the southeastern corner of the property, about 900 feet off Reepsville Road.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 247 – John Miller, applicant.

Jerry Geymont stated that he will be abstaining from voting on this issue with the Planning Board, since he is a partner in this property. He stated that there will be no mobile home park, just one mobile home for an employee to live in.

Dale Devine stated that he will have no problem if only one mobile home is put there, but would not want a mobile home park.

Debbie Leatherman stated that she doesn't want to see a mobile home park there. She stated that it is beautiful country and she does not want to see it cluttered with mobile homes.

Bud Wise stated that the zoning was like this when the applicant purchased it. He stated that this change will open the door for more mobile homes and he would rather it not be approved.

Dean Carpenter stated that his property adjoins this parcel. He stated that if there would only be 1 mobile home he would be ok with it. He expressed concerns that it may open the door for more mobile homes.

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

Conditional Use Permit No. 248 – Dean Rhoney, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 248 – Dean Rhoney, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 248 – Dean Rhoney, applicant.

The applicant is requesting a Conditional Use Permit to operate an auto sales lot in the Neighborhood Business (B-N) district.

The 0.35-acre parcel is located at 9225 N. Hwy. 10 in the North Brook Township. A building on this parcel was previously used as a beauty shop. The property is bordered on the east by property zoned Neighborhood Business and on the other sides by property zoned Rural Residential (R-R).

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 248 – Dean Rhoney, applicant.

Dean Rhoney stated that he wants to start a car lot at this location. He stated that he has talked to surrounding businesses and they are behind the Conditional Use Permit.

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

Conditional Use Permit No. 249 – David Smith, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 249 – David Smith, applicant.

Randy Hawkins, Zoning Administrator, presented the following information.

The applicant is requesting a Conditional Use Permit to place a private residential storage building in the Residential Single-Family (R-SF) district. Under the Zoning Ordinance, a

storage building may not be placed on a lot less than two acres in size before a house is built, unless a Conditional Use Permit is obtained.

The 0.88-acre parcel is located at the end of Old Homestead Lane off Amity Church Road in Ironton Township. It is bordered by property zoned Residential Single-Family and Transitional Residential (R-T).

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 249 – David Smith, applicant.

David Smith, applicant, stated that he would like to build a storage building and will build a house there in the next two years.

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

Parallel Conditional Use Rezoning No. 107 – Victory Development Group, Inc., applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Permit No. 107 – Victory Development Group, Inc., applicant.

Randy Hawkins, Zoning Administrator, presented the following information.

The applicant is requesting a parallel conditional use rezoning to rezone 77 acres from Residential Single-Family (R-SF) to Conditional Use Planned Residential (CU P-R) to permit the development of a major subdivision with 97 lots for single-family homes.

The property is located on Webbs Road and Cindy Lane in Catawba Springs Township. It is adjoined by property zoned Residential Single-Family and by Lake Norman. The county's water treatment plant is located on an adjacent tract to the east of this property. To the west, a 50-lot subdivision is under development. To the south is the site of the proposed Paradise Lakes development.

The applicant has met with residents and come up with an agreement in terms of conditions of the subdivision approval.

Commissioner Craig stated that with regards to water frontage lots, the Board is looking at trying to add a mechanism to monitor regulations that are in place concerning Erosion Control.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 107 – Victory Development, applicant.

Greg Duncan, applicant, stated that the development has been reduced from 151 lots to 97. He stated that he has met with the community and come to an agreement. He is also working with Steve Gilbert, Director of Public Utilities, concerning right of way.

Dan Demato stated that he met with Mr. Duncan and feels appreciative that Mr. Duncan listened and made changes. He stated that he is prepared to support the development. Mr. Demato said that Mr. Tim Sellers has asked for the conditions/agreement to be built into the approval process.

Don Spence with Kublins Transportation Group, stated that he prepared a traffic impact document with this development as well as the other pending developments in the area. As a condition of the development, the main entrance will have left turn lanes and the driveway access will be opposite of the proposed Paradise Lakes. The traffic impact will be held to a minimum based on these improvements.

Cynthia Jones, stated that she is speaking on behalf of the Lincoln Natural Resources Committee. Ms. Jones stated that she spent most of the day on the telephone speaking with other counties about steps they are taking concerning protecting water quality. She recommended that the Board not approve any new development close to the water intake until a water intake protection plan is implemented and until the Board adopts a Sediment and Erosion Control Ordinance.

Michael Goode stated that he is speaking against the development. He stated that this is too close to the water intake and the pump station may spill into the lake.

Greg Duncan stated that there will be no multi-use boat slips. He stated that there will be an undisturbed buffer and will be no run-off or spillage. He stated that Ryan Homes will not be involved from this project. There will be a retention area around the lift station.

Randy Hawkins stated that in 1994, the Board adopted a Watershed Protection Ordinance.

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

Zoning Map Amendment No. 484 – Randy and Ann Herron, applicants: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 484 – Randy and Ann Herron, applicants.

The applicants are requesting the rezoning of a 1.56-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N) .

The property is located at 1697 N. Hwy. 16 in Catawba Springs Township. It is adjoined on the south and east by property zoned Neighborhood Business and on the north and west by property zoned Residential Single-Family. The applicants reside on a lot at the rear of this property.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 484 – Randy and Ann Herron, applicants.

Randy Herron, applicant, stated that he lives at 1693 Highway 16 and wants the property rezoned. He stated that this property has been rented as residential. He stated that the property to the south was rezoned business and he was recently approached by an insurance agent wanting to rent it for an office. He stated that he is trying to go through the proper channels to get the land rezoned. Mr. Herron stated that there is a lot of business in the area.

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

Zoning Text Amendment No. 485 – Lincoln County, applicants: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 485 – Lincoln County, applicant.

This is a proposal to amend the Lincoln County Zoning Ordinance to stipulate that subdivisions of over 20 lots and mobile home parks of over 20 spaces may only be created through a parallel conditional use rezoning to a Planned District designation. The proposal would amend Section 2.4 to change the definition of “major subdivision” to “any subdivision where over 20 lots will be created after the subdivision is complete” and add clarifying language; amend Sections 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, and 10.8 to delete a reference to the current definition of major subdivision (“over 50 lots”); amend Sections 10.1 and 10.2 to change the Planned District designation requirement for mobile home parks from “over 50 spaces” to “over 20 spaces”; amend Section 11.6.1 to state that the requirement for a traffic impact study may be waived for major subdivisions of 50 lots or less and mobile home parks of 50 spaces or less; and amend Section 11.7.2 to delete the requirement that any area proposed for P-R zoning have at least 200 feet of frontage on an arterial or collector road.

Under this proposal, more developments would be subject to the public hearing process and the review of the Planning Board and the Board of Commissioners. Currently, subdivisions of 50 lots or less are subject only to staff review.

If the proposed amendment was approved, there would be at least 2 additional cases per month. There would be no changes for subdivisions under 20 homes.

The Board discussed how much longer this process would take for developers to get up and going and what kind of a financial burden it would be.

Dean Lutz stated that approving this amendment would make housing more expensive.

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 485 – Lincoln County, applicant.

Gary Falkenberry thanked Jerry Cochrane and Larry Craig for the work they’ve done as Commissioners. He stated that most subdivisions with less than 50 lots are done by local builders. He stated that subdivisions and mobile home parks should be put into different categories. Mr. Falkenberry stated that not being able to use the existing public roads is a big problem.

Bob McLeod stated that he is a Lincoln County employer and employees 160 people. He stated that he makes his living developing land. He stated that the additional step and additional step will make it more difficult for local developers.

Cynthia Jones pointed out subdivisions that cause problems and the amount of 50 lot subdivisions created.

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

Subdivision Ordinance Amendment No. 21: Brad Dyer, Land Use Coordinator, presented the following Subdivision Ordinance Amendment.

The following sections of Subdivision Ordinances 109 and 309 will read as follows:

1. This section of the proposed amendment will require subdividers to list on a subdivision plat that the subdivision lies within a Voluntary Agriculture District when all or a part of the subdivision is in an Agriculture District.
 - It will require that a definition of “Lincoln County Voluntary Agriculture District” be added to Section 109, **Other Definitions**, of the Subdivision Ordinance. The definition will read as such:

Lincoln County Voluntary Agriculture District – An area designated by the Lincoln County Agriculture District Advisory Board, at the request of the owner(s), that is made up of at least 50 acres of land used exclusively for agriculture and farming.

- It will also be listed in Section 309, **“Information to be Contained in or Depicted on Preliminary and Final Plats”**

All lots (or A portion of the lots) in this subdivision lie within a Lincoln County Voluntary Agriculture District.

2. This section of the proposed amendment will require subdividers to designate Permanent Drainage Easements on all subdivision plats. No construction can take place within a Drainage Easement. 30' PDEs will be required on all permanent streams. A 20' PDE will be required on areas where natural storm water runoff occurs or where the land is graded to accommodate storm water runoff.
 - It will require that “Permanent Drainage Easement” be listed in Section 109 of the Ordinance – **Other Definitions**. The definition will read as such:

Permanent Drainage Easement (PDE) – A specially designated section of land where a permanent stream runs or where storm water runoff occurs. No construction shall take place in a PDE, nor shall the flow of water in this area be rerouted or impeded. The size of an easement will be as follows:

- a. On a BLUE LINE (Permanent/Perennial) stream, the PDE will be 30 feet. This easement will run 15 feet from the top of the bank on both sides of the stream.

- b. On Storm Water Drains, the PDE will be 20 feet. This easement will run 10 feet from the center on each side of the drain.

Permanent Drainage Easements are the responsibility of the property owner of the land on which they cross, and are to be maintained by them unless otherwise designated on the subdivision plat or property owner's deed. However, it is the developer's responsibility until the lot(s) are transferred to the new owner.

- **The following statement concerning PDEs will also be listed in Section 309, "Information to be Contained in or Depicted on Preliminary and Final Plats"**

All Permanent Drainage Easements must be designated on the Subdivision plat. Permanent Drainage Easements will be shown on the plat with a metes and bounds description.

3. This section of the proposed amendment will require subdividers to show all pipes and culverts where they cross under a road on the subdivision plat. The following statement will be listed in Section 309, **"Information to be Contained in or Depicted on Preliminary and Final Plats"**

All culverts and pipes shall be shown where they cross under a proposed road. The plat shall show the size of the proposed pipe or culvert, along with a metes and bounds description of its location.

4. This section of the proposed amendment will require subdividers to include on the plat any section of the property that is considered wetlands, as designated by the Army Corp of Engineers. The following statements will be listed in Section 309, **"Information to be Contained in or Depicted on Preliminary and Final Plats"**

Any and all wetland areas, as designated by the Army Corp of Engineers, are to be shown on the plat. Areas that may be considered wetland areas shall be addressed by the Army Corp of Engineers prior to plat approval.

5. This section of the proposed amendment will require subdividers to include a Culvert/Pipe Size" for driveways where they will cross a Permanent Drainage Easement. The following statement will be listed in Section 309, **"Information to be Contained in or Depicted on Preliminary and Final Plats"**

Any and all driveways that will cross a Permanent Drainage Easement shall have engineered culvert/pipe size that shall be shown on the plat.

6. This section of the proposed amendment will require subdividers, when required, to have Sedimentation and Erosion Control Plan that has been approved by the North Carolina Department of Environment and Natural Resources. The following statements will be listed in Section 309, **"Information to be Contained in or Depicted on Preliminary and Final Plats"**

All proposed subdivisions, whose construction will disturb more than an acre of land and therefore, be required by state law to have a Sedimentation and Erosion Control Plan, shall submit proof of approval of this plan prior to county approval of the subdivision plan.

Note: This may be altered in the future due to possible ZTA.

7. This section of the proposed amendment will require all subdivisions that go before the Subdivision Technical Review Committee to submit a topographic contour map. The following statement will be listed in Section 304.3.

All proposed subdivisions, whose development will require the review of the Subdivision Technical Review Committee, shall submit a topographic contour map with their development plans to this committee.

Subdivision Ordinance Amendment No. 22: Brad Dyer, Land Use Coordinator, presented the following Subdivision Ordinance Amendment.

This is a proposal to amend the Lincoln County Subdivision Ordinance to reduce the number of lots required for the creation of a “Major Subdivision” and to create a more streamlined process that would aid in correcting any problems that could potentially occur during the plat review process. The proposal would amend **Section 107** to change the definition of a “**Minor Subdivision**” to “**A minor subdivision is defined as a subdivision where twenty (20) or fewer lots will be created after the subdivision is complete.**” Section 108 would also be amended to change the definition of a “**Major Subdivision**” to “**A major subdivision is defined, as a subdivision where over twenty (20) lots will be created after the subdivision is complete**” and add qualifying language; amend Section 306 to adjust required number of lots from 50 to 20.

Other amendments are as follows; **Section 108**, omit language stating that all major subdivisions must first go before the Lincoln County Subdivision Technical Review Committee prior to going before the Planning Board and Board of Commissioners, **Section 109**, amend the definition of Subdivision Technical Review Committee to “**A committee appointed by the Lincoln County Board of Commissioners to review plats and to make recommendations to the Lincoln County Subdivision Administrator**” rather than the Planning Board. **Section 306, paragraph #5** shall be amended to read “**to submit its recommendations to the Subdivision Administrator**” rather than the Planning Board.

Sections 112, 304.1, and 408.4 shall be amended to change the term “sketch plan” to preliminary plat. Also the heading of Section 408.4 shall be amended to “Information to be depicted on preliminary plat”. Amendments to **sections 304.2, 306, 307.1, 307.3 (d)** will change the fees involved with the plat review process from a monetary number to the statement “fees set forth by the Lincoln County Board of Commissioners as defined in the Building and Land Development fee schedule.”

Chairman Cochrane opened the public hearing.

Gary Falkenberry stated that this is a costly move and the cost will go directly to the homeowners.

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

Chairman Cochrane called for a brief recess.

Chairman Cochrane called the meeting back to order.

Leash Law for Grandview Farms: Stan Kiser, County Manager, stated that Sheriff Barbara Pickens has verified the signatures for the Leash Law for Grandview Farms.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the leash law for Grandview Farms effective October 1, 2004.

Commissioner Craig stated that the homeowners in this subdivision should be notified that the leash law has been approved.

School Land Request – Dr. Jim Watson: George Dellinger, School Board Member and Chairman of Building and Site Committee, asked the Board to purchase land for a new elementary school. The tract is 31 acres and is clear land. He thanked Kelly Atkins for his help in checking the schools sites.

Fred Jarrett, School Board Member, thanked Kelly Atkins, Scott Sneed, Sherry Mobley, April Nunn, Steve Gilbert, and Rick McSwain for their help in choosing school sites.

Dr. Jim Watson stated that the land is in the Howard's Creek Township. This school will help relieve overcrowding. The site is on Rock Dam Road, approximately .8 of a mile North West of Hwy. 27. The new elementary school should be opening in the fall of 2006. He thanked Kelly Atkins for his work reviewing school sites.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the purchase of land for the School Board.

Request for 2 New State Funded School Nurse Positions: Maggie Dollar presented a request for 2 new nursing positions that will be state-funded. One is a permanent position and the other is a two-year position. No county dollars will be required for these positions.

UPON MOTION by Commissioner Craig, the Board voted unanimously to receive the funds and put the nursing positions in place. At the end of the two year stretch, Ms. Dollar should come back to the Board to request funding for the two-year position.

Public Health Accreditation Resolution: Maggie Dollar presented the following Public Health Accreditation Resolution for the Board's approval.

**LINCOLN COUNTY BOARD OF COMMISSIONERS' RESOLUTION
PROMOTING HEALTH DEPARTMENT ACCREDITATION
IN NORTH CAROLINA**

WHEREAS, the North Carolina Public Health Task Force 2004 was established in mid-2003 to study public health in North Carolina and to devise an action plan to strengthen public health infrastructure, improve health outcomes, and eliminate health disparities; and

WHEREAS, the six committees of the Task Force reflect the Task Force's six focus areas:

Accreditation of state and local health departments;
Public health structure and organization;
Public health funding
Workforce development and training;
Improving public health planning, resources and health outcomes; and
Quality improvement and accountability;
And

WHEREAS, the North Carolina Public Health Task Force 2004 recommendations on accreditation are to establish state-level support for a mandatory system of accreditation and to fund local health departments for the accreditation process; and

WHEREAS, the Lincoln County Health Department wishes to ultimately participate in this accreditation process and to fully meet and/or exceed accreditation standards;

THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners joins the Lincoln County Health Board in supporting the accreditation process for local health departments, beginning this year with the legislative enacted pilot process.

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners, in its support of this statewide effort to accredit local health departments, recognizes the need for adequate resources to implement on-going accreditation activities and therefore recommends that \$50,000 per year of ongoing state funding be provided to each health department to support accreditation and continuous quality improvement.

Jerry Cochrane, Chairman

Adopted by the Lincoln County Board of Commissioners

September 7, 2004

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution Promoting Health Department Accreditation.

Resolution in Support of Amendment One: Commissioner Anderson stated that North Carolina is one of two states that does not have the option for this financing. He stated that these are very similar to revenue bonds for economic development. They require Local Government Commission approval and the projects they can do are very limited.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Resolution in Support of Amendment One.

**RESOLUTION IN SUPPORT OF AMENDMENT ONE: SELF-FINANCING BONDS:
A LOCAL ECONOMIC DEVELOPMENT TOOL TO CREATE QUALITY JOBS,**

**REVITALIZE COMMUNITIES AND ATTRACT NEW ECONOMIC
OPPORTUNITIES IN NORTH CAROLINA**

WHEREAS, Lincoln County has a need to attract more jobs and economic development; and

WHEREAS, self-financing development bonds will have a direct impact on creating new jobs, new investment, and strengthening the tax base in our state; and

WHEREAS, communities across the nation have used these bonds successfully to promote economic development; and

WHEREAS, the use of these bonds will make a difference for every community – urban, suburban and rural; and

WHEREAS, these bonds will give local governments flexibility to pursue multiple types of economic development projects including industrial site development, redevelopment of existing industrial and Brownfield sites, affordable housing and community revitalization; and

WHEREAS, these bonds allow North Carolina's local governments to use a new mechanism to invest in public improvements designed to attract private sector investment; and

WHEREAS, North Carolina is only one of two states in the nation that do not have this economic development tool; and

WHEREAS, self-financing development bonds have received wide-range bi-partisan support from the General Assembly and the business community, as well as municipal, county and state government and Governors Holshouser, Martin and Hunt; and

WHEREAS, North Carolina will have some of the strongest safeguards in the country to ensure self-financing bonds are used for good purposes; and

WHEREAS, these bonds are subject to voter approval on the November 2004 ballot and deserve rightful consideration by the citizens of the State; and

NOW, THEREFORE, BE IT RESOLVED THAT Lincoln County strongly supports self-financing development bonds because now is the time to enhance our ability to create new jobs and investment in our community/county.

BE IT FURTHER RESOLVED that Lincoln County pledges to work to educate and inform the citizens of our state and community about the importance of self-financing development bonds in providing jobs and improving the economic competitiveness, and pledges to encourage voters to approve the measure in November 2004.

This is the _____ day of _____, 2004.

Door to Door Sales Ordinance: Jeff Taylor presented an updated copy of the Lincoln County Peddling and Solicitation Ordinance with the following summary of the changes.

LINCOLN COUNTY PEDDLING AND SOLICITATION ORDINANCE

WHEREAS, the Lincoln County Board of Commissioners has received numerous complaints about unwanted door-to-door sales calls being made on citizens throughout the County; and

WHEREAS, the Board verily believes that it would be in the public interest to prohibit door-to-door sales for commercial purposes; and

WHEREAS, North Carolina General Statutes Section 153A-125 gives counties the authority to regulate such activities; and

WHEREAS, the Board believes that it should not prohibit door-to-door sales by nonprofit organizations (or subgroups thereof) such as schools, churches, volunteer fire departments, rescue squads, historic preservation groups, garden clubs, and/or other charitable organizations.

NOW, THEREFORE, PURSUANT TO SECTIONS 153A-125, 153A-121, AND 153A-123 OF THE NORTH CAROLINA GENERAL STATUTES, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. Prohibited Acts. Except as otherwise provided herein, the practice of going in and upon private residences within Lincoln County by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of such private residence for the purpose of soliciting orders for the sale of goods, wares, services, or merchandise or disposing of or peddling or hawking the same is hereby declared to be a nuisance and is punishable as a misdemeanor.

Section 2. Exceptions. This Ordinance shall not apply to sales of any kind or nature by nonprofit organizations (or subgroups thereof) such as schools, churches, volunteer fire departments, rescue squads, historic preservation groups, garden clubs, and/or other charitable organizations.

Section 3. Violations. This Ordinance shall be enforced by the Lincoln County Sheriff. Any violation of a provision of this Ordinance shall constitute a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statutes Section 14-4 or successor statute by a maximum fine of \$500.00.

Section 4. Cooperation of Complainants. Before initiating a criminal proceeding pursuant to this Ordinance, the Lincoln County Sheriff shall have the option

of requesting the complaining party to sign a sworn statement of the alleged offense and to require the cooperation of the complaining party in court appearances arising from said complaint. Nothing contained in this Ordinance shall obligate Lincoln County, its officers and staff members, and/or the Lincoln County Sheriff to pursue any proceedings hereunder where the complaining party is unwilling to sign such sworn statement and cooperate in court appearances arising therefrom.

Section 5. Effective date. This Ordinance shall become effective on

Adopted this 13th day of September, 2004.

Jerry W. Cochrane
Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Commissioner Mitchem stated that he hasn't had anybody say there is a problem with door to door sales. He stated that crooks will still be around even with this ordinance. He stated that he has problems putting more and more ordinances in place that are not necessary.

Commissioner Craig stated that this is mainly to protect the elderly, to try and prevent something bad happening.

Commissioner Anderson stated that the problem is worse in neighborhoods than in rural areas.

The Board discussed the registration requirement.

Commissioner Anderson stated that the Board could adopt the ordinance and sunset it in one year. The Sheriff could keep a record during that year of how many people registered.

UPON MOTION by Commissioner Mitchem, the Board voted 3 – 2 (Cochrane, Craig against) to table this ordinance and have the County Manager come back with statistics on this.

Indian Creek Industrial Park Operating Agreement: Steve Gilbert presented the following information concerning the Indian Creek Industrial Park Operating Agreement.

The Indian Creek Industrial Park has a dedicated fire protection system for five industries. The system, which consists of a 400,000 gallon ground storage tank and an electric pump with a diesel backup, is operated at the expense of the five industries, and the County maintains the system for them. Some time ago, an agreement was signed outlining the particulars of the ownership and operation of the system. A review of this agreement revealed some areas that were unclear, and a fully signed agreement has not been found, so a new agreement has been prepared in a combined effort of County staff and representatives of the five industries. Staff concurs with the agreement as presented and it is staff's recommendation that this new agreement be approved for signature by the appropriate parties.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Indian Creek Industrial Park Operating Agreement.

Status of Water Line Extension Petitions: Steve Gilbert presented the following information concerning the status of water line extension petitions.

The Public Works Department is currently in the process of receiving applications from residents of two neighborhoods that submitted petitions for water line extensions. The neighborhoods that meet the criteria for the extensions are Cloudburst Circle and Morris Lane. Thirteen of 22 applications for the Morris Lane residents have been received and 1 of 18 applications has been received from a resident of Cloudburst Circle.

Lincoln County Industrial Park Sewer Outfall – Engineering Proposal: Steve Gilbert presented the following information concerning the engineering proposal for the Lincoln County Industrial Park Sewer Outfall.

The Public Works Department has requested and received an Engineering Services Proposal for the surveying, design and other services for the sewer trunk line that will serve the Lincoln County Industrial Park. The route that has been selected for the sewer main runs along Larkard Creek to Clark's Creek and ties to the City's sewer system at Clark's Creek Road.

The Board discussed if this money would come from Economic Development funds or from the General Fund.

The Board deferred this item until the next meeting.

High Shoals – Emergency Water Interconnection Agreement: Steve Gilbert presented the following information concerning the High Shoals Emergency Water Interconnection Agreement.

The City of High Shoals has received funding to construct a water system interconnection with the Lincoln County Water System for emergency use. The interconnection will be

constructed at no expense to the County, and an agreement outlining the particulars has been submitted.

The County water system has adequate flow to accommodate the City of High Shoals in case of an emergency and this type of interconnection has been encouraged by the State regulators for just such situations. Mr. Gilbert recommended approval of the agreement.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the High Shoals Emergency Water Interconnection Agreement.

Resolution Concerning Constitution Week 2004: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to pass a Resolution and support Constitution Week 2004.

Constitution Week 2004

Whereas, September 17, 2004 marks the two hundred and seventeenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of United States of America designating September 17 through 23 as constitution week;

NOW, THEREFORE, I, Jerry Cochrane, Chairman of the Board of Commissioners of Lincoln County do hereby proclaim September 17 through 23, 2004 to be

CONSTITUTION WEEK

In Lincoln County, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Other Business: Stan Kiser, County Manager, presented a projected schedule for Courthouse security.

He presented a letter from Steve Gurley concerning improvements to Wilma Sigmon Road and Huss Street. Mr. Gurley has asked that the County write a letter supporting this.

Mr. Kiser presented a quote for new carpet in the Citizens Center. He stated that he has received complaints about the carpet.

Mr. Kiser presented a letter from the Lake Norman Marine Commission concerning funding.

Chairman Cochrane stated that he and Commissioner Anderson met with the City and School officials concerning the possibility of running sewer to the new school site.

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

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman