

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 6, 2003

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on January 6, 2003 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Mike Baker
Dean Lutz
Terry Whitener
John Pagel
Clyde Brown
Gerald Johnson
Darrell Harkey
Harold Howard Jr.

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: Chairman Cochrane called the January 6, 2003 meeting of the Lincoln County Board of Commissioners to order.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the agenda adding 3a – Questions Concerning Planning Board Procedure and 5a- Recommendations Concerning the Planning Board

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
JANUARY 6, 2003

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| | 6:45 PM | Call to Order |
| 1. | 6:46 PM | Adoption of Agenda |
| 2. | 6:47 PM | Approval of Minutes
- December 16, 2002 |
| 3. | 6:50 PM | New Business/Advertised Public Hearing |

ZMA #440 Max Caldwell Sr. and Max Caldwell Jr., applicants (Parcel ID# 27169) A request to rezone 5.3 acres from Residential Suburban (R-S) to Neighborhood Business (B-N). The property, part of a 22.5-acre tract, is located at the corner of Hwy. 150 East and Old Mill Road in Ironton Township.

ZMA #441 Gene Ross, applicant (Parcel ID# 12719) A request to rezone a 1.6-acre parcel from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located on Rock Dam Road about a quarter-mile north of Owls Den Road in Howard's Creek Township.

ZMA #442 Piedmont Companies Inc. (Parcel ID# 51937) A request to rezone 10.3 acres from General Industrial (I-G) to Zero Lot Line District (RL-ZO) to accommodate a proposed subdivision with 31 single-family dwellings. The property, part of a 14.5-acre tract, is located on Pete's Road about 800 feet south of Roseland Drive in Lincolnton Township.

CUP #211 Eleanor Wescott, applicant (Parcel ID# 57405) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The proposed garage apartment would be constructed along with a house on a 0.9-acre lot at the corner of Perry Road and Squirrel Hill Lane in Catawba Springs Township.

ZTA #443 Lincoln County, applicant. A proposal to amend Chapter 8 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be temporarily placed on a residential lot and used for lodging during the reconstruction of a home destroyed by a fire, tornado or other disaster.

4. 7:25 PM Separation Allowance for Sheriff's Department – Sheriff Barbara Pickens
5. 7:35 PM Audit Report
6. 8:05 PM Other Business

Adjourn

Approval of Minutes – December 16, 2002: Chairman Cochrane presented the minutes of the December 16, 2002 meeting for the Board's approval.

The minutes were deferred to the January 27, 2003 meeting unanimously to approve the November 18, 2002 minutes as presented.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, January 6, 2003 and the time, which was advertised in the *Lincoln Times-News* on Friday, December 27 and January 3, 2003.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, January 6, 2003, at 6:30 p.m. to consider the following zoning-related matters:

ZMA #440 Max Caldwell Sr. and Max Caldwell Jr., applicants (Parcel ID# 27169) A request to rezone 5.3 acres from Residential Suburban (R-S) to Neighborhood Business (B-N). The property, part of a 22.5-acre tract, is located at the corner of Hwy. 150 East and Old Mill Road in Ironton Township.

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CUP #211 Eleanor Wescott, applicant (Parcel ID# 57405) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to

be located in the Residential Single-Family (R-SF) district. The proposed garage apartment would be constructed along with a house on a 0.9-acre lot at the corner of Perry Road and Squirrel Hill Lane in Catawba Springs Township.

ZTA #443 Lincoln County, applicant. A proposal to amend Chapter 8 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be temporarily placed on a residential lot and used for lodging during the reconstruction of a home destroyed by a fire, tornado or other disaster.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the 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. 440 – Max Caldwell Sr. and Max “Buddy” Caldwell Jr., applicants: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 440 – Max Caldwell Sr. and Max “Buddy” Caldwell Jr., applicants.

The applicants are requesting to rezone 5.3 acres from Residential Suburban (R-S) to Neighborhood Business (B-N).

The property, part of a 22.5-acre tract, is located at the corner of Hwy. 150 East and Old Mill Road in Ironton Township. It is adjoined by property zoned Residential Suburban, Residential Single-Family and Neighborhood Business.

Mr. Hawkins stated that the Land Use Plan calls for a new highway, a northern loop around Lincolnton, to intersect Hwy. 150 near this area.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 440 – Max Caldwell Sr. and Max “Buddy” Caldwell Jr., applicants.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing closed.

Commissioner Craig stated that he received a call from Jerry Noles who expressed concerns about how this might impact traffic on Highway 150.

Zoning Map Amendment No. 441 – Gene Ross, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 441 – Gene Ross, applicant.

The applicant is requesting to rezone a 1.6-acre parcel from Transitional Residential (R-T) to Residential Single-Family (R-SF).

The property is located on Rock Dam Road about a quarter mile north of Owls Den Road in Howard’s Creek Township. It is adjoined on the east and south by property zoned Transitional Residential and on the west and north by property zoned Residential Single-Family.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 441 – Gene Ross, applicant.

Forrest Ross, Jr. stated that he is here to answer any questions.

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

Zoning Map Amendment No. 442 – Piedmont Companies, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 442 – Piedmont Companies, applicant.

The applicant is requesting to rezone a 1.6-acre parcel from Transitional Residential (R-T) to Residential Single-Family (R-SF).

The property is located on Rock Dam Road about a quarter mile north of Owls Den Road in Howard's Creek Township. It is adjoined on the east and south by property zoned Transitional Residential and on the west and north by property zoned Residential Single-Family.

The lots will be 8,000 to 10,000 square feet. The RL-ZO district allows only single-family dwellings, which are site built or modular homes. No mobile homes would be allowed here.

The corner lot will be for commercial or the subdivision may be expanded if it goes well.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 442 – Piedmont Companies, applicant.

Marcene Wright, 1198 Wright Road, stated that she has property connected to this land and her 91 year old mother has property adjoining this land. She stated that three homes per acre is too much. She may be in favor of one home per acre.

Sherry Garner, 1161 Confederate Road, stated that there is a planned road widening that will be coming through this area. She stated that this will be too many dwellings for this area. There is not enough land and these are very small homes. She stated that there is not sufficient property there to handle that many homes.

Neal Hutchens, 1313 Pete's Road, stated that the plan calls for detached homes, but what stops them from changing plans later. He stated that there is too much traffic already and 30 homes on this small property is too much. There will be at least 30 more cars from the development. He stated that this is an unreasonable request.

Ronnie Cornwell stated that he lives within 200 feet of this property. He stated that this will really congest the community. The road is already a cut-through for tractor trailers

and the county is going to be faced with adding more schools or classrooms. Mr. Cornwell stated that he is very opposed to this rezoning.

Steve Cornwell, 1314 Pete's Road, stated that the road will not hold that kind of traffic. He asked the Board to do the right thing and not allow this rezoning.

William Garner, 1195 Pete's Road, stated that the development is going to hook onto city sewer. He asked if tax money will have to pay to move these lines when the road comes through there. He presented 110 signatures of people opposed to this.

Melvin Poole stated that his mother-in-law lives next door to this property. He stated that he is against it. Mr. Poole stated that all of this traffic dumping on Pete's Road is ridiculous.

Seth Barlowe, General Contractor from Piedmont Construction, stated that there will be a 2 – 4 year build-out with these homes. Initially the development will only be the first 16 lots. There will be a six foot landscaped berm along Pete's Road. The rest of the property will be surrounded by a natural 20' vegetation strip.

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

Conditional Use Permit No. 211 – Eleanor Wescott, applicant: Having been sworn in by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 211 – Eleanor Wescott, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 211 – Eleanor Wescott, applicant.

The applicant is requesting a Conditional Use Permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The proposed garage apartment would be constructed along with a house on a 0.9-acre lot. A private residential quarters requires the issuance of a Conditional Use Permit in the R-SF district.

The property, currently owned by Richard and Elizabeth Parris, is located at the corner of Perry Hill and Squirrel Hill Lane, off Unity Church Road, in Denver. It is surrounded by property zoned R-SF.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 211 – Eleanor Wescott, applicant.

Hope Mullis, 2354 Perry Road, stated that her property connects to Ms. Wescott's property. These are custom built homes and the applicant is proposing a modular home plus a garage apartment. She asked why the garage could not be attached to the home.

Ms. Mullis expressed concerns about this turning into rental property. She stated that she would like to see the restrictions on the lot and the house they are placing on it.

Constance Vincent, 2339 Perry Road, stated that her main concern is that she does not want an apartment in their neighborhood. She stated that she does not mind the mother-in-law, but do not want this to be an apartment if the house is sold later.

Edel Senefeld, 2346 Perry Road, stated that she is very concerned about the apartment and why it has to be separate. Her biggest concern is if they sell the property the apartment will be rented out.

Mike Secowski, with Tri Tech Builders stated that this will be a guest home not an apartment. Eleanor Wescott wants to provide a home for her son and his children. The value of the home will be close to \$400,000. There will be a three-car garage with an apartment over it for the mother-in-law to live in. He stated that there are no restrictions on the lot and someone could place a singlewide on it.

Eleanor Wescott stated that she is wanting to provide a home for her son, daughter-in-law and their children. She stated that she will consider placing a breezeway between the house and garage if it'll make the neighbors happy.

Mr. Secowski stated that there are deed restrictions against venting.

Hope Mullis stated that she doesn't want it to look like two living quarters.

Mr. Secowski stated that the house will be around 3,000 square feet and the garage apartment will be 720 square feet.

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

Zoning Text Amendment No. 443 - Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 443 – Lincoln County, applicant.

This is a proposal to amend Chapter 8 of the Lincoln County Zoning Ordinance to allow a recreational vehicle to be temporarily placed on a residential lot and used for lodging during the reconstruction of a home destroyed by fire, tornado, or other disaster. The Zoning Ordinance already allows a mobile home to be temporarily placed on a lot under such circumstances. This proposal would allow a motor home or a camping trailer to be used for lodging for up to a year while a home is being rebuilt. Catawba County has a similar allowance.

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 443 – Lincoln County, applicant.

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

Commissioner Mitchem asked questions concerning the Planning Board's method of bringing back recommendations to the Board. He stated that his understanding was that in previous years, the recommendations were brought back the same night. He stated that he believes this is more citizen friendly to get the recommendation the same night.

Chairman Cochrane stated that this was done until a few years ago. He stated that some nights it took a long time to get recommendations so it was changed.

Mike Baker, Planning Board Chairman, stated that the Planning Board would make their decisions tonight either way. It does not matter to them if the Board hears the recommendations the night of the meeting or at the next meeting.

Commissioner Craig stated that he is not in favor of going to back to meeting until 1 or 2:00 AM. He stated that he thinks the Board is doing it the best way. He stated that if an item needs to be rushed, it can be put back on the agenda the same night.

Commissioner Mitchem stated that if there are cases that are not controversial, they should be brought back the same night for a decision. If there are really tough cases, they could be postponed.

The Board agreed that this would be discussed at the Planning Session.

Chairman Cochrane called for a brief recess.
Chairman Cochrane called the meeting back to order.

Separation Allowance for Sheriff's Department: Sheriff Barbara Pickens stated that she has a few officers, over age 55 with 20 years of service, who have recently retired. She has asked them to stay on part-time, but they must receive the Special Separation Allowance to work part-time.

Under GS 143-166.41 (42) the County is required to provide a Special Separation Allowance to sworn law enforcement officers upon retiring that meet certain eligibility requirements. GS 143-166.41 Section c states: Payment to a retired officer under the provisions of this section shall cease at the death of the individual or on the last day of the month in which he attains 62 years of age or upon the first day of reemployment by any State department, agency, or institute.

By consensus, the Board asked the Personnel Department to come up with something to bring back to the next meeting for approval.

Audit Report: Ray Quintin, with Cherry Bekaert and Holland, presented the Audit Report for the year ended June 30, 2002.

Other Business: Commissioner Funderburk presented the following Resolution Concerning Planning Board appointments.

RESOLUTION TO AMEND ORDINANCE

REESTABLISHING THE COUNTY PLANNING BOARD

WHEREAS, by Ordinance adopted February 20, 1989, the Lincoln County Board of Commissioners reestablished the Lincoln County Planning Board; and

WHEREAS, the 1989 ordinance provided that the Planning Board would consist of nine members; and

WHEREAS, in an effort to ensure geographically diverse representation from across Lincoln County, the Board of Commissioners provided in the 1989 ordinance that one member be appointed to represent each of Lincoln County's five townships and four members be appointed at-large; and

WHEREAS, the current Board of Commissioners deems it necessary and advisable to amend the 1989 ordinance to expand the requirement of geographic diversity and continue to ensure broad representation on the Planning Board;

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

1. The first paragraph of Section 1 of the 1989 Ordinance for Reestablishing the County Planning Board or Agency is amended to read as follows:

Option A.

The Planning Board shall consist of nine (9) members who reside within the county. One member shall be appointed from each township. Four at-large members shall be appointed, provided, however, that no more than one at-large member may be appointed from any one township.

Option B.

The Planning Board shall consist of nine (9) members who reside within the County. One member shall be appointed from each township. Four at-large members shall be appointed, provided, however, that no more than two at-large members may be appointed from any one township.

2. The foregoing requirements shall apply to all appointments and reappointments to the Planning Board made on or after January 1, 2003.

3. Except as specifically provided herein, the remainder of the Ordinance for Reestablishing the County Planning Board or Agency is hereby continued in full force and effect.

Adopted this _____ day of January, 2003.

Jerry W. Cochrane, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

A MOTION by Commissioner Funderburk to set a Public Hearing on this Resolution.

Chairman Cochrane stated that he is opposed to Option A, but would consider Option B.

A SUBSTITUTE MOTION by Commissioner Mitchem to accept Option B and move forward to a Public Hearing on January 27 at 6:30 PM. Vote: Unanimously approved.

Steve Gilbert, Director of Public Utilities, presented the low bid for the Sanitary Sewer Force Main and Pump Station to serve the new North Lincoln High School on Lee Lawing Road. This low bid was submitted by Neill Grading & Construction of Hickory, NC, in the amount of \$574,577.55. This low bid was approved in tonight's East Lincoln Water and Sewer District meeting.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the low bid of Neill Grading and Construction of \$574,577.55.

There was a discussion concerning dollar amounts that could be charged in the Ordinance for Land Debris Landfills.

Chairman Cochrane asked to be appointed as voting delegate for the Legislative Goals Conference.

UPON MOTION by Commissioner Craig, the Board voted unanimously to appoint Chairman Cochrane as voting delegate.

Stan Kiser announced February 12, 2003 as a work session with Pathways to discuss the Local Business Plan. He also mentioned the debriefing about the county's emergency plan, which is scheduled for January 23 at 2 PM.

Chairman Cochrane invited the Board to a tour of the DSS Building, which is 3:30 PM Thursday.

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

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners