

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 8, 2002

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on April 8, 2002 at the Citizens Center, Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Beth H. Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
David P. Choate

Planning Board Members Present:

Jerry Geymont, Chairman
Mike Baker, Vice Chairman
Dean Lutz, Secretary
Eddie Sigmon
Gerald Johnson
John Pagel

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 April 8, 2002 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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 as presented.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

APRIL 8, 2002

	6:30 PM	Call to Order
1.	6:31 PM	Adoption of Agenda
2.	6:32 PM	Approval of Minutes
		- March 18, 2002
		- March 26, 2002
3.	6:35 PM	Spring Litter Sweep – Nathan Eurey
4.	6:40 PM	New Business/Advertised Public Hearings

ZMA #410 Melvin Dagenhardt, applicant (Parcel ID# 00588) The applicant is requesting to rezone a 4.8-acre parcel from Transitional Residential (R-T) to General Industrial (I-G). The property is located on Lyn Well Road just off the Cherryville Highway in Lincolnton Township.

ZTA #411 Lincoln County, applicant. An amendment to the Lincoln County Zoning Ordinance is proposed to include “day care centers” as a permitted use by right in the Neighborhood Business (B-N) district.

ZTA #412 Lincoln County, applicant. Amendments to the Lincoln County Zoning Ordinance are proposed to increase the minimum lot size in the Residential Suburban (R-S) and Residential Single-Family (R-SF) districts (currently 22,500 square feet) to 32,500 square feet if neither public water or sewer is available at the site.

ZTA #413 Lincoln County, applicant. Amendments to the Lincoln County Zoning Ordinance are proposed to waive the requirements that an area proposed for Planned Residential (P-R) zoning have a minimum of 50 lots and at least 200 feet of frontage on an arterial or collector road, if the area is an extension of an existing subdivision.

PCUR #73 Milton Keener, applicant (Parcel ID #25389) The applicant is requesting to change a conditional use permit that was approved on Nov. 6, 2000, to accommodate a major subdivision with 75 single-family houses. The applicant is requesting the removal of a condition that all water lines and taps meet Lincoln County standards per the approval of the County Engineer. The 66.5-acre parcel is located on Asbury Church Road in Ironton Township.

5. 7:20 PM Water Issues – Larry Griffin, Jr.
6. 7:45 PM Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium
7. 7:55 PM Other Business

Adjourn

Approval of Minutes – March 18, 2002 and March 26, 2002: Chairman Cochrane presented the minutes of the March 18, 2002 and March 26, 2002 meetings for the Board's approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the March 18, 2002 and March 26, 2002 minutes with the following changes:

March 18, 2002 Page 17

The Board discussed different manners to get the word out about the change. They left it up to staff to determine **which method to use.**

March 26, 2002 Page 1

Continued discussion with City of Lincolnton for creation of a combined Water Authority.

Spring Litter Sweep: Nathan Eurey presented the Board with the following Proclamation concerning the Spring Litter Sweep.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve the Litter Sweep Proclamation.

**LITTER SWEEP
2002**

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes a spring roadside cleanup campaign to ensure clean roadsides throughout our State; and

WHEREAS, a spring LITTER SWEEP campaign has been planned for April 15-28, 2002, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2002 spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

NOW, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim April 15-28, 2002 as "**SPRING LITTER SWEEP**" in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

Jerry W. Cochrane, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, April 8, 2002 and the time, which was advertised in the *Lincoln Times-News* on Friday, March 29, 2002 and Friday, April 5, 2002.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, April 8, 2002, at 6:30 p.m. to consider the following zoning-related matters:

ZMA #410 Melvin Dagenhardt, applicant (Parcel ID# 00588) The applicant is requesting to rezone a 4.8-acre parcel from Transitional Residential (R-T) to General Industrial (I-G). The property is located on Lyn Well Road just off the Cherryville Highway in Lincolnton Township.

ZTA #411 Lincoln County, applicant. An amendment to the Lincoln County Zoning Ordinance is proposed to include "day care centers" as a permitted use by right in the Neighborhood Business (B-N) district.

ZTA #412 Lincoln County, applicant. Amendments to the Lincoln County Zoning Ordinance are proposed to increase the minimum lot size in the Residential Suburban (R-S) and Residential Single-Family (R-SF) districts (currently 22,500 square feet) to 32,500 square feet if neither public water or sewer is available at the site.

ZTA #413 Lincoln County, applicant. Amendments to the Lincoln County Zoning Ordinance are proposed to waive the requirements that an area proposed for Planned Residential (P-R) zoning have a minimum of 50 lots and at least 200 feet of frontage on an arterial or collector road, if the area is an extension of an existing subdivision.

PCUR #73 Milton Keener, applicant (Parcel ID #25389) The applicant is requesting to change a conditional use permit that was approved on Nov. 6, 2000, to accommodate a major subdivision with 75 single-family houses. The applicant is requesting the removal of a condition that all water lines and taps meet Lincoln County standards per the approval of the County Engineer. The 66.5-acre parcel is located on Asbury Church Road in Ironton Township.

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. 410 – Melvin Dagenhardt, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 410 – Melvin Dagenhardt, applicant.

The applicant is requesting to rezone a 4.8-acre parcel from Transitional Residential (R-T) to General Industrial (I-G).

The property is located on Lyn Well Road just off the Cherryville Highway in Lincolnton Township. It is adjoined on the east and south by property zoned General Industrial and the west and north by property zoned Transitional Residential (R-T).

Mr. Dagenhardt is the head of Meltex Industries, which is adjacent to this property. The rezoning of this property will be used for a warehouse and to package the products.

The screening required is an opaque wall or fence, plus a grade C screen, which is a certain number of large trees, small trees, and shrubs.

Twenty additional people will initially be employed here and as many as forty in the future.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 410 – Melvin Dagenhardt, applicant.

Bruce Sutton, Jr. stated that his property is within 200 feet of Mr. Dagenhardt's. He stated that there is a 200 foot area between Mr. Dagenhardt's and his property. This area is filthy. He stated that the trailers and mess need to be cleaned up.

Kimberly Eurey stated that the trailer park is behind her house. She stated that it is basically a trash dump. They have all kinds of traffic in there and they have big fires. Ms. Eurey stated that there are gunshots occasionally.

Kelly Atkins, Director of Building and Land Development, stated that they will look at this from a Code Enforcement standpoint. He stated that he will also inform the Fire Marshal of the fires and the Sheriff of the gunshots.

Misty Hance stated that she lives directly behind the mill. She asked where the warehouse would be located on the property.

Randy Hawkins stated that it will be up near the road.

Tonya Calloway stated that she lives in the area. She asked if they fill in the creek and do development if it will be a flooding area.

Randy Hawkins stated that there would be a number of environmental issues with filling in the creek.

Ms. Calloway stated that there is a problem in the trailer park with drugs and crime in the park. She stated that with Mr. Dagenhardt rezoning, it will only be good for their neighborhood.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 410 – Melvin Dagenhardt, applicant, closed.

Zoning Text Amendment No. 411: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 411.

A zoning text amendment is proposed to include “day care centers” as a permitted use by right in the Neighborhood Business (B-N) district. We have been allowing day care centers in the Neighborhood Business district, but the zoning ordinance doesn’t spell it out.

The proposal would:

Amend Section 10.10.1 of the Lincoln County Zoning Ordinance to add “day care centers” as Item “F”.

We have been allowing day care centers in B-N, but the zoning ordinance doesn’t spell it out. This would just make it in line with what’s been allowed.

Chairman Cochrane opened the Public Hearing concerning Zoning Text Amendment No. 411.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 411, closed.

Zoning Text Amendment No. 412: Chairman Cochrane stated that Zoning Text Amendment 412 has been deferred at the request of the applicant.

Zoning Text Amendment No. 413: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 413.

Amendments to the Lincoln County Zoning Ordinance are proposed to waive the requirements that an area proposed for Planned Residential (P-R) zoning have a minimum of 50 lots and at least 200 feet of frontage on an arterial or collector road, if the area is an extension of an existing subdivision.

This proposal is prompted by the recent amendment to the Subdivision Ordinance aimed at preventing developers from avoiding the requirements for a planned district, which kick in when more than 50 lots are created. As you are aware, developers skirted the rules by submitting multiple plats for subdivisions, each calling for less than 50 lots. Now we've added new language to require developers to rezone to a planned district once they exceed the 50-lot total.

This proposal would also set a requirement for common open space for P-R areas less than 50 acres, using the same percentage that's currently in the ordinance for 50-149.9 acres.

The proposal would amend the following sections (new text shown in bold):

Section 11.7.2 Yard Requirements (in the Planned Residential District)

- A. Minimum project area – fifty (50) residential lots or spaces, **unless the area is an extension of an existing subdivision.**
- E. Common Open Space – Common open space, based on the total acreage included in the property(ies) proposed for zoning to a P-R district (and any subsequent additions to such zoned areas) shall be provided in the following manner:

<u>Gross Area of Site</u>	<u>% of Site in Common Open Space</u>
0-149.9 acres	12.5 percent
150+ acres	10.0 percent, with a minimum of 18.75 acres

- G. Access – Any area proposed for P-R zoning shall have at least two

hundred (200) feet of frontage on an arterial or collector road (as designated on the most recent Lincoln County Thoroughfare Plan), **unless the area is an extension of an existing subdivision.**

Chairman Cochrane opened the Public Hearing concerning Zoning Text Amendment No. 413.

Commissioner Anderson stated that he has a problem with the language used in this amendment. He stated that the definition for minimum project area is not clear.

Zoning Text Amendment No. 413 was deferred for staff to reword this amendment.

Parallel Conditional Use Rezoning No. 73 – Milton Keener, applicant: The Board deferred due to the applicant not being at the meeting.

Chairman Cochrane called for a short recess.

Chairman Cochrane called the meeting back to order.

Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium:

David Hollars with Centralina Council of Government presented the Board with the Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium.

**RESOLUTION APPROVING THE ARTICLES
OF ASSOCIATION AND
AGREEMENT FOR THE CENTRALINA WORKFORCE DEVELOPMENT
CONSORTIUM**

WHEREAS, the counties of Anson, Cabarrus, Iredell, Lincoln, Rowan, Stanly, and Union as independent and continuous units of general purpose local government do hereby agree to continue as the Centralina Workforce Development Consortium to act jointly as a Workforce Investment Area under the Workforce Investment Act of 1998.

WHEREAS, certain technical revisions to the original “Articles of Association” and subsequent amendments, have been made for Program Years 2002 and 2003 and have been executed by the Chairman of this Board on behalf of this county, subject to ratification of such action by this Board.

WHEREAS, the “Articles of Association” designates the signatory official for the Consortium and the administrative/fiscal agent to administer the program on behalf of the

Consortium, and requests certification of the current Centralina Workforce Development as the local "Workforce Investment Board" as required by the Act; now, therefore it is

RESOLVED, that the execution of the aforesaid "Articles of Association and Agreement for the Centralina Workforce Development Consortium" by our Chairman is ratified and adopted by this Board.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium.

Water Issues: Larry Griffin, Jr. stated that he appeared before the Board in September of 2000 for an extension of The Gates. He read Section 203 of the Subdivision Ordinance which states that no building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been recorded and where applicable any improvement permits have been issued by the Lincoln County Health Department. In August, there was an amendment to the Ordinance, which required \$850 registration tap meter fee up front to receive the building permit and charge a \$2150 availability fee for the tap before the final inspection. Mr. Griffin stated that he is not complaining about the fees, but is complaining about a letter Steve Gilbert sent out with a 17 step process required to get building permits. He stated that Lincoln County is the only area where they do this.

Mr. Griffin stated that they have 2 builders and a recorded plat, so they can sell lots but cannot pull building permits on them. These builders have 10 pre-sells. He stated that this has really put them in a bad predicament with their builders and their customers.

Mr. Griffin asked for relief from this requirement.

Stan Kiser stated that the rationale for doing this was to make sure that we owned the system and that it was functioning properly before anyone pulled building permits or started construction.

Mr. Griffin stated that if problems would arise, they couldn't get a CO anyway, so the burden is on them.

Steve Gilbert stated that part of the rationale for the 17-step procedure was to put the list of steps in place that everyone had to follow. He stated that they don't want to let someone put a tap into a water system that we don't own yet and hasn't been tested and certified. He stated that they felt the process should be tightened up a bit.

There was a discussion about illegal taps and water being stolen.

Steve McLeod and Larry Griffin, Jr. asked for relief so they can pull building permits even though their water line is not turned over to Lincoln County.

UPON MOTION by Commissioner Saine, the Board voted unanimously that the issuance of the permits would be subject to the receipt of an agreement exempting Phases 7 and 8 of the Gates at Waterside Crossing from the current building permit application process, as it relates to the requirement that they have a water and sewer tap, subject to a letter of credit in an amount satisfactory to staff and approved by the County Attorney.

Other Business: Commissioner Craig stated that there is a Celebration on June 8 and 9 at Ramsour's Mill. Darrell Harkey is requesting \$1180 to cover the expenses for the Celebration.

UPON MOTION by Commissioner Craig, the Board voted unanimously to allow \$1180 to be placed in Darrell Harkey's budget from the General Fund to cover the expense of putting on this production.

Chairman Cochrane reminded the Board of the RPO meeting on the second floor balcony at 2:00 p.m. tomorrow. The dinner at Howard's Creek will be tomorrow night.

Chairman Cochrane requested that the mission statement be put on website and be sent out to Department Heads.

Recess: **UPON MOTION** by Commissioner Choate, the Board voted unanimously to adjourn the meeting.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners