

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 4, 2001

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on June 4, 2001 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
James Funderburk
Stanley Roseboro
Gerald Johnson
Phil Hunt
Eddie Sigmon
Terry Whitener

Others Present:

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

Call to Order: Chairman Cochrane called the June 4, 2001 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

JUNE 4, 2001

- | | | |
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| | 6:30 PM | Call to Order |
| 1. | 6:31 PM | Adoption of Agenda |
| 2. | 6:32 PM | Approval of Minutes
- May 21, 2001 |
| 3. | 6:35 PM | New Business/Advertised Public Hearing |

CUP #188 American Tower, applicant (Parcel ID #02860) The applicant is requesting a Conditional Use Permit in order to accommodate a 275 foot telecommunication tower on a 49.85 acre parcel, which is zoned General Industrial (I-G). The parcel is located off Quarry Lane.

CUP #189 Crown Castle, applicant (Parcel ID #13449) The applicant is requesting a Conditional Use Permit in order to accommodate a 250 foot telecommunication tower on a 35.3 acre parcel, which is zoned Residential Transitional (R-T). The parcel is located off Leonard Road in the Howards Creek Township.

ZMA #378 Bobby Moore, applicant (Parcel ID #30902) The applicant is proposing to multi-zone a 1.2 acre parcel from Residential Single-Family (R-SF DH) to a .38 acre section of General Business (B-G DH) with the remaining .82 being left as R-SF. The request is being made in order to sale the property as business use. The parcel is located on the corner of Highway 16 and Triad Ln.

ZMA #379 David & Leesa Hilty, applicant (Parcel ID #51446) The applicants are requesting to rezone a 1.3 acre parcel from Residential Transitional (R-T DH) to General Business (B-G DH). The request is being made in order to accommodate a furniture consignment store and/or office building. The parcel is located off Highway 16 across from Sifford Rd.

ZMA #380 Tommy Carver, applicant (Parcel ID #31556) The applicant is proposing to rezone a 9 acre parcel from Neighborhood Business (B-N DH) to General Industrial (I-G DH). The request is being made in order to process building materials.

The parcel is located off Highway 16 between Grassy Creek Rd and Sugar Wood Ln.

4. 7:15 PM Update on Mountain Island Lake Marine Commission – Mike McLaurin
5. 7:30 PM Flexible Benefits Presentation – Mike Jackson
6. 7:45 PM Verizon Contract – Dante’ Patterson
7. 8:15 PM Bethel Church Road Pump Station – SCADA System Installation & Control Panel Upgrade
8. 8:30 PM Water Treatment Plant Filtration Expansion
9. 8:45 PM Pumpkin Center High School Wastewater Option
10. 9:00 PM Roseland Heights – Payment Plan & Options
11. 9:15 PM Hope Shores Release of Bond
12. 9:20 PM Other Business

Adjourn

Approval of Minutes – May 21, 2001: Chairman Cochrane presented the minutes of the May 21, 2001 meeting for the Board’s approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the May 21, 2001 minutes as presented.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, June 4, 2001 and the time, which was advertised in the *Lincoln Times-News* on May 25 and June 1, 2001.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 6:30 P.M. on Monday, June 4, 2001, to consider the following zoning related matters:

ZMA #378 Bobby Moore, applicant (Parcel ID #30902) The applicant is proposing to multi-zone a 1.2 acre parcel from Residential Single-Family (R-SF DH) to a .38 acre section of General Business (B-G DH) with the remaining .82 being left as R-SF. The

request is being made in order to sale the property as business use. The parcel is located on the corner of Highway 16 and Triad Ln.

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ZMA #380 Tommy Carver, applicant (Parcel ID #31556) The applicant is proposing to rezone a 9 acre parcel from Neighborhood Business (B-N DH) to General Industrial (I-G DH). The request is being made in order to process building materials. The parcel is located off Highway 16 between Grassy Creek Rd and Sugar Wood Ln.

CUP #188 American Tower, applicant (Parcel ID #02860) The applicant is requesting a Conditional Use Permit in order to accommodate a 275 foot telecommunication tower on a 49.85 acre parcel, which is zoned General Industrial (I-G). The parcel is located off Quarry Lane.

CUP #189 Crown Castle, applicant (Parcel ID #13449) The applicant is requesting a Conditional Use Permit in order to accommodate a 250 foot telecommunication tower on a 35.3 acre parcel, which is zoned Residential Transitional (R-T). The parcel is located off Leonard Road in the Howards Creek Township.

The public is invited to attend this meeting which will be held in the Commissioners' Board Room on the third floor of the Citizens Center, 115 W. Main Street in Lincolnton, NC. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Conditional Use Permit No. 188 – American Tower, applicant: Having been sworn by the Clerk, Amy S. Long, the following individuals spoke on Conditional Use Permit No. 188 – American Tower, applicant.

Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 188 – American Tower, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a 275 foot telecommunication tower on a 49.85 acre parcel, which is zoned General Industrial (I-G).

The parcel is located off Quarry Lane in the Catawba Springs Township and is joined on all lot lines by parcels also zoned General Industrial. A telecommunication tower over one hundred (100) feet requires the issuance of a Conditional Use Permit in the I-G zoning district.

Chairman Cochrane opened the Public Hearing concerning Conditional Use Permit No. 188 – American Tower, applicant.

William Howard stated that he is a Zoning Manager with American Tower Corporation. Mr. Howard stated that they are asking for a 275 foot self-support lattice tower to be surrounded by a 70 by 70 fenced compound which is capable of accommodating the equipment for AT&T Wireless Services and for additional co-locating wireless carriers.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 188 – American Tower, applicant, closed.

Conditional Use Permit No. 189 – Crown Castle, applicant: Having been sworn by the Clerk, Amy S. Long, the following individuals presented information concerning Conditional Use Permit No. 189 – Crown Castle, applicant.

Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 189 – Crown Castle, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a 250 foot telecommunication tower on a 35.3 acre parcel, which is zoned Residential Transitional (R-T).

The parcel is located off Leonard Road in the Howards Creek Township and is joined on the north and east by properties also zoned R-T and to the south and west by properties zoned Residential Single-Family (R-SF). A telecommunication tower over sixty (60) feet requires the issuance of a Conditional Use Permit in the R-T zoning district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 189 – Crown Castle, applicant.

John Hasty, an Attorney representing Crown Castle, called the following witnesses and questioned them.

Brian Pilkington stated that he is Project Manager with Crown Castle. He answered questions concerning the location of the tower with regards to existing towers in the area.

Michael Dennis stated that he is a Design Engineer for Cingular Wireless. He presented information concerning the design of the tower.

Ms. Leigh Black stated that she is a Site Acquisition Agent for Chase Real Estate Services. She spoke on the location of this site.

Robert Casegrande stated that his firm was hired to do the civil engineering for this project. He described the site and the improvements planned for it.

Jim Meyer stated that he has been a commercial Real Estate Appraiser in North Carolina for 14 years. He presented information concerning the value of the adjoining and abutting properties located next to a communication tower.

Bill Bess, property owner, stated that the adjoining land owners do not have a problem with it.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 189 – Crown Castle, applicant, closed.

Zoning Map Amendment No. 378 – Bobby Moore, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 378 – Bobby Moore, applicant.

The applicant is proposing to multi-zone a 1.2 acre parcel from Residential Single-Family with a Designated Highway Overlay District (R-SF DH) to a .38 acre section of General Business (B-G DH) with the remaining .82 being left as R0SF. Since there is currently a single-family home on the R-SF section, no additional principal use would be allowed in the B-G section. The request is being made in order to sale the property as business use.

The parcel is located off Highway 16 and Triad Lane in the Catawba Springs Township and is joined on the south and east sides by properties zoned R-SF and to the north and west by B-G.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 378 – Bobby Moore, applicant.

Debbie Carver stated that she lives behind Mr. Moore's house and is opposed to rezoning mainly because of traffic and safety reasons. She stated that they bought in the area because it was residential.

Loy Dellinger spoke representing Ms. Moore. He stated that the property is not part of the development. He stated that this is the highest and best use of the property, because it is surrounded by business.

Mike Bradshaw stated that he lives on Malibu Pointe Lane. He asked how far south this business will be allowed to be extended.

Debbie Carver stated that within the last 9 months, there have been 7 businesses that have opened within a 200 mile radius.

Alex Dellinger stated that a few years back, Highway 16 was designated as commercial or business use. He stated that the traffic on Highway 16 is caused by the residential developments, not the commercial traffic.

Loy Dellinger stated that this is a biased opinion, because these people opposing the rezoning do not live on 16.

Mike Gooch stated that he was here on April 2 to speak against the Clifford Brown rezoning. He stated that if Ms. Moore's property is rezoned it will open the door for the other properties to be rezoned.

Commissioner Anderson stated that of this lot, only .38 acres is up for rezoning and the remaining .82 acre is being left as residential single family. He asked what this would expose the Board to if they would approve the .38 acre for business, if the Board would eventually be asked to rezone the .82 acre.

Shane Stewart stated that someone is living in the home currently, and they can't rezone a piece of property from residential to business with someone living on the property. He stated that the applicant could get the .38 acre rezoned and when the people move out of the home, they could get the remaining .82 acre rezoned.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 378 – Bobby Moore, applicant, closed.

Zoning Map Amendment No. 379 – David and Leesa Hilty: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 379 – David and Leesa Hilty, applicants.

The applicants are requesting to rezone a 1.3 acre parcel from Residential Transitional with a Designated Highway Overlay District (R-T DH) to General Business with a Designated Highway Overlay District (B-G DH). The request is being made in order to accommodate a furniture consignment store and/or office building.

The parcel is located off Highway 16 in the Catawba Springs Township and is joined on the north and south by properties zoned R-T; to the east by Residential Single-Family (R-SF); and to the west by General Industrial (I-G).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 379 – David and Leesa Hilty, applicant.

Leesa Hilty stated that they have no plans to renovate the building. She stated that the building will be used for office space or a furniture consignment store.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 379 – David and Leesa Hilty, applicants, closed.

Zoning Map Amendment No. 380 – Tommy Carver, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 380 – Tommy Carver, applicant.

The applicant is proposing to rezone a 9 acre parcel from Neighborhood Business with a Designated Highway Overlay District (B-N DH) to General Industrial with a Designated Highway Overlay District (I-G DH). The request is being made in order to process building materials.

The parcel is located off Highway 16 in the Catawba Springs Township and is joined on the north and west by properties zoned B-N; to the west by Residential Suburban (R-S); and to the south by I-G.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 380 – Tommy Carver, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 380 – Tommy Carver, applicant, closed.

Chairman Cochrane announced that the Planning Board would retreat to the conference room at the end of the hall.

Chairman Cochrane called for a five minute recess.

Update on Mountain Island Lake Marine Commission: Mike McLaurin, Administrator for the Mountain Island Lake Marine Commission, gave an update on the Mountain Island Lake Marine Commission. He spoke on making consistent regulations for Mountain Island Lake, Lake Norman, and Lake Wylie. Mr. McLaurin also spoke concerning the Marine Commissions working together to better coordinate safety courses. He stated that the Mountain Island Lake Marine Commission has also discussed the possibilities of protecting Mountain Island Lake from the larger boats.

Flexible Benefits Presentation – Barry Russell: Mr. Barry Russell with Colonial Life Insurance Company presented the Board with information on the Flexible Benefits Plan. He stated that there is a \$5 per month, per person fee which is paid by the County.

Emily Robinson spoke on the Flexible Spending Plan that the county had previously.

Chairman Cochrane stated that he would like to defer this until the next meeting to give Board members time to talk to employees to get their feelings on this.

Verizon Contract – Dante' Patterson: Dante' Patterson presented the Verizon Cellular Contract, stating that the county will save \$14,000 the first year with this contract.

Chairman Cochrane requested that paragraph 10 be modified to have a backup besides Dante' Patterson, in case he is ever out of work.

It was suggested that paragraph 10 read – the County Manager or his designee.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the contract with Verizon with paragraph 10 modified by the County Attorney.

Mr. Patterson gave an update on the Microsoft software situation.

Bethel Church Road Pump Station – SCADA System Installation & Control Panel Upgrade: Mike Osborne, of WK Dickson presented a proposal for engineering services

and a construction cost estimate for improvements that need to be made to the Bethel Church Road Water Booster Pump Station. The improvements described are needed to facilitate the timely and accurate operation of the booster pump station. The booster pump station is needed when the system capacity needs to be supplemented. The system capacity can need supplementing during times of high demand on our system. The high demand can be the result of a watermain break, or periods of high customer usage.

Chairman Cochrane postponed this item until the Board can have some discussion with the City of Lincolnton.

Water Treatment Plant Filtration Expansion: Jack Chandler, Public Service Director, presented a letter from Mr. Britt L. Setzer, Regional Engineer, Public Water Supply Section, regarding an inspection that was performed at the water treatment plant. The purpose for bringing this before the Board is that the State sees a need for steps to be taken towards increasing the plant capacity. Mr. Chandler requested permission for WK Dickson to look at a master plan for the plant and determine the current and future needs. The cost of this study would be around \$18,000.

Chairman Cochrane requested that WK Dickson prepare a proposal for the next meeting.

Pumpkin Center High School Wastewater Option: Mike Wolfe, with WK Dickson, presented the Board with a proposal concerning the cost of pumping the new Pumpkin Center High School wastewater directly to the East Lincoln Water and Sewer District. The estimated cost to do this is \$795,100. This cost includes both construction cost and the cost of engineering.

Roseland Heights – Payment Plan and Options: Jack Chandler presented the Board with totals due from each of the Roseland Heights residents and payment options. These costs did not include the \$125 for meter installation.

The Board agreed that the \$125 for meter installation should be figured into the totals.

Commissioner Choate requested that Jack Chandler pursue grants and Social Services for hardship cases.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the plan as presented.

Commissioner Craig stated that he felt that Craig Gates or Mike Baker should be contacted to see if they are interested in putting water to their property. The cost for the Roseland Heights residents would be reduced if they would participate.

Jack Chandler stated that he would contact Centralina Council of Government and WK Dickson about grant funding and report back to the Board on June 18, 2001.

Hope Shores Release of Bond: Stan Kiser stated that they are asking that \$10,000 of the \$31,250 cash bond be released. According to Jack Chandler, he believes that at least \$10,000 of these improvements have already been completed.

Jack Chandler stated that he talked to the developer and asked that they send some invoices to back up the number.

Commissioner Anderson reviewed the situation with the Board.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the request contingent to Kelly Atkins receiving confirmation.

Other Business: Chairman Cochrane set a Public Hearing for the ROAP application for Monday, June 18, 2001 at 8:15 PM.

Brew Baron, President of the Governor's Island Homeowner's Association spoke with the Board concerning negotiations with Heater Utilities.

There was discussion concerning running the sewer lines to Governor's Island, paying sewer bills for Governor's Island if working toward buyout, and negotiations with Heater Utilities.

Chairman Cochrane requested that Jeff Taylor, County Attorney, and Commissioner Anderson meet with Heater Utilities and work out something to bring back to the Board.

Closed Session: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to go into Closed Session to discuss a real estate matter.

Nothing was reported from Closed Session.

Recess: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to recess the meeting until June 11 at 3:30 PM

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners