

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 9, 2001

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on July 9, 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
Gerald Johnson
Phil Hunt
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 July 9, 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

JULY 9, 2001

- 6:30 PM Call to Order
1. 6:31 PM Adoption of Agenda
2. 6:32 PM Approval of Minutes
- May 10, 2001
 - June 18, 2001
3. 6:35 PM New Business/Advertised Public Hearing

PCUR #80 Squires Homes, applicant *The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone approximately 245 acres from Residential Suburban (R-S), General Industrial (I-G), and Residential Transitional (R-T) to Conditional Use Planned Residential (CU-P-R) to accommodate a major subdivision with 550 single-family homes and 160 townhome units. The parcel is located off Optimist Club Road in the Catawba Springs Township.*

ZMA #381 David Dupree, applicant *The applicant is proposing to rezone a 7.26 acre parcel from Conditional Use Planned Mixed Use with a Designated Highway Overlay District (CU P-MU DH) to General Business with a Designated Highway Overlay District (B-G DH). The request is being made in order to accommodate office/retail uses. The parcel is located off Highway 73 in the Catawba Springs Township.*

ZMA #382 Lincoln County, applicant *Lincoln County is proposing to rezone a 2.56 acre parcel from Conditional Use Planned Mixed Use (CU P-MU) to Residential Single-Family (R-SF). The applicant mistakenly proposed this parcel for rezoning in 1997 for the Smithstone subdivision. Per section 6.4 of the zoning ordinance, if a Conditional Use Permit is issued in relation to the rezoning of a property to a Parallel Conditional Use District, the property may only be used for the development for the Conditional Use Permit as approved. The request is being made in order to allow the construction of a single-family home on a proposed subdivision of the 2.56 acres. The parcel is located off Bagwell Lane in the Catawba Springs Township.*

ZMA #383 David Rhinehart, applicant *The applicant is requesting to rezone two parcels totaling 2 acres from Residential Single-Family (R-SF) to Residential Transitional (R-T). The request is being made in order to subdivide the property*

accommodating a second single-wide mobile home on the property. The parcels are located off Wesleyan Church Road and Chinook Trail in the Lincoln Township.

4. 7:20 PM Owls Den Bid Award – John Avery
5. 7:25 PM Report from Lincoln Natural Resources Committee – Rick McSwain
6. 7:30 PM Public Hearing – Land Use Plan
7. 8:00 PM Forestry Report – Elizabeth Snyder
8. 8:10 PM Flexible Benefits Plan
9. 8:20 PM Refund Request – Variance for Larry Deal
10. 8:30 PM Lease Agreement for West Lincoln Library
11. 8:40 PM Budget Adjustment No. 198
12. 8:45 PM Other Business

Adjourn

Approval of Minutes – May 10, 2001, June 18, 2001: Chairman Cochrane presented the minutes of the May 10, 2001 and June 18, 2001 meetings for the Board's approval.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve the May 10, 2001 minutes as presented.

UPON MOTION by Commissioner Choate, the Board voted unanimously to approve the June 18, 2001 minutes with the following correction on page 18:

***A MOTION BY** Commissioner Craig to reorganize the Personnel Department, eliminating the Human Resource Officer – Grade 30 at \$44,005, upgrading the Personnel Assistant – Position 21 – to \$39,866, upgrading the Personnel Technician – Position 25 to \$28,920, and creating a Senior Secretary at \$20,979. The reorganization of this department will net a savings to the county of \$17,459.00*

*Vote: 4 – 1 AYES: Cochrane, Anderson Craig, Choate
NOES: Saine*

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, July 9, 2001 and the time, which was advertised in the *Lincoln Times-News* on June 26 and July 6, 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, July 9, 2001, to consider the following zoning related matters:

Adoption of the Lincoln County Land Use Plan, which will aid in the decision making process for the future of Lincoln County.

PCUR #80 Squires Homes, applicant (Parcel ID #s 53001, 53002, part 02349, 55478, 55480) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone approximately 245 acres from Residential Suburban (R-S), General Industrial (I-G), and Residential Transitional (R-T) to Conditional Use Planned Residential (CU-P-R) to accommodate a major subdivision with 550 single-family homes and 160 townhome units. The parcel is located off Optimist Club Road.

ZMA #381 David Dupree, applicant (Parcel ID #74803) The applicant is proposing to rezone a 7.26 acre parcel from Conditional Use Planned Mixed Use with a Designated Highway Overlay District (CU P-MU DH) to General Business with a Designated Highway Overlay District (B-G DH). The request is being made in order to accommodate office/retail uses. The parcel is located off Highway 73 in the Catawba Springs Township.

ZMA #382 Lincoln County, applicant (Parcel ID #30621) Lincoln County is proposing to rezone a 2.56 acre parcel from Conditional Use Planned Mixed Use (CU P-MU) to Residential Single-Family (R-SF). The applicant mistakenly proposed this parcel for rezoning in 1997 for the Smithstone subdivision. The request is being made in order to allow the construction of a single-family home on a proposed subdivision of the 2.56 acres. The parcel is located off Bagwell Lane in the Catawba Springs Township.

ZMA #383 David Rhinehart, applicant (Parcel ID #20182 & 59656) The applicant is requesting to rezone two parcels totaling 2 acres from Residential Single-Family (R-SF) to Residential Transitional (R-T). The request is being made in order to subdivide the property accommodating a second single-wide mobile home on the property. The parcels are located off Wesleyan Church Road and Chinook Trail.

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.

Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant: Having been sworn by the Clerk, Amy S. Long, the following individuals spoke on Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.

Shane Stewart, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone approximately 245 acres from Residential Suburban (R-S), General Industrial (I-G), and Residential Transitional (R-T) to Conditional Use Planned Residential (CU-P-R) to accommodate a major subdivision with 550 single-family homes and 160 townhome units.

The parcel is located off Optimist Club Road in the Catawba Springs Township and is joined on the east by R-T and I-G; to the north by Residential Single-Family (R-SF); to

the south by I-G and R-S; and to the east by I-G, R-T, and R-SF. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Chairman Cochrane opened the Public Hearing concerning Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant.

Commissioner Anderson asked Shane Stewart when this traffic impact analysis was received by their office and if they have had a chance to study and review this to the point that they understand the impact of this request.

Shane Stewart stated that they received this at about 10:30 this morning. He stated that they received a version of this on Friday via email. He reviewed with the board the recommendations in the study.

Commissioner Anderson asked if the numbers of children estimated in the document are figured with the same fractions that the Board of Education uses when they calculate for school aged children.

Kelly Atkins stated that he was unable to get in touch with Dr. Watson to verify the numbers.

Jim Hallman stated that he was on the board that rezoned quite a large amount of land from residential to industrial for Mr. Clark. He stated that at the time, he was opposed to this rezoning, but has now come to realize that we need more industrially zoned land with access to necessary infrastructures. Mr. Hallman stated that it estimated that the Village will have 382 school aged children. He stated the taxes for this development will be used for 8 years just to pay for the impact on the schools. Mr. Hallman questioned whether any deals had already been made with the developer and stated that if they had, they should be made part of the record.

Bill Rice, with Squires Enterprises, reviewed the plans for the development. He stated that the Villages would be developed between now and 2009 and reviewed each phase of the development. Mr. Rice stated that they are prepared to do what they can to help with the impact on schools. He stated that they are working with the School Board to identify a site for a new school, which they will purchase and donate the site to the county.

Tom Duggins commented on the master plan for the development. He stated that they have made this development relatively low density.

Don Spence from Kublins Transportation Group reported to the Board on the Traffic Impact Study.

Carol Clise reviewed developments already approved with the Board. She stated that the plans look beautiful. Ms. Clise asked the Board not to allow 710 more dwellings to crowd the schools with children and to crowd the roads.

Jimmy Isenhour stated that this land was just zoned industrial for Mr. Clark. He stated

that there will be at least 1500 people from this development and Optimist Park Road cannot handle it. He stated that his house is right on the corner of this development. Mr. Isenhour mentioned the little leaguers that play ball at the Optimist Park.

Chairman Cochrane stated that there have been no agreements reached with this developer, but he hopes in the future this Board will require all developers to contribute to the infrastructure in some form.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning No. 80 – Squires Homes, applicant, closed.

Zoning Map Amendment No. 381 – David Dupree, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 381 – David Dupree, applicant.

The applicant is proposing to rezone a 7.26 acre parcel from Conditional Use Planned Mixed use with a Designated Highway Overlay District (CU P-MU DH) to General Business with a Designated Highway Overlay District (B-G DH). The request is being made in order to accommodate office/retail uses.

The parcel is located off Highway 73 in the Catawba Springs Township and is joined on the north and east by properties zoned Residential Transitional (R-T); to the south by CU P-MU; and to the west by B-G.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 381 – David Dupree, applicant.

Henry Bratt, with the Providence Group of the Carolinas, stated that he is here representing the owners. He stated that the property was zoned as part of Waterside Crossing. Mr. Bratt stated that they are currently marketing the property and feel that in the future it will be an office and retail development.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 381 – David Dupree, applicant, closed.

Zoning Map Amendment No. 382 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 382 – Lincoln County, applicant.

Lincoln County is proposing to rezone a 2.56 acre parcel from Conditional Use Planned Mixed Use (CU P-MU) to Residential Single Family (R-SF). The applicant mistakenly proposed this parcel for rezoning in 1997 for the Smithstone subdivision. Per section 6.4 of the zoning ordinance, *if a Conditional Use Permit is issued in relation to the rezoning of a property to a Parallel Conditional Use District, the property may only be used for the development for the Conditional Use Permit as approved.* The request is being made in order to allow the construction of a single-family home on a proposed subdivision of the 2.56 acres.

The parcel is located off Bagwell Lane in the Catawba Springs Township and is joined on the north, east, and west by properties zoned R-SF and to the south by CU P-MU.

Chairman Cochran opened the Public Hearing on Zoning Map Amendment No. 382 – Lincoln County, applicant.

Jimmy Smith stated that the property was accidentally rezoned as Smithstone, but was not supposed to have been.

Being no additional speakers, Chairman Cochran declared the Public Hearing on Zoning Map Amendment No. 382 – Lincoln County, applicant, closed.

Zoning Map Amendment No. 383 – David Rhinehart: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 383 – David Rhinehart, applicant.

The applicant is requesting to rezone 2 parcels totaling 2 acres from Residential Single-Family (R-SF) to Residential Transitional (R-T). The request is being made in order to subdivide the property accommodating a second single-wide mobile home on the property.

The parcel is located off Wesleyan Church Road and Chinook Trail in the Lincolnton Township and is joined on the north and east by properties zoned R-SF and to the south and west by R-T.

Chairman Cochran opened the Public Hearing on Zoning Map Amendment No. 383 – David Rhinehart, applicant.

David Rhinehart stated that he and his wife Audrey would like to move their mobile home from Gaston County to this property. He stated that their mobile home is a 1996, which they brought new in 1996. He stated that it has a shingle roof and vinyl siding.

Being no additional speakers, Chairman Cochran declared the Public Hearing on Zoning Map Amendment No. 383 – David Rhinehart, applicant, closed.

Chairman Cochran called for a five minute recess.
Chairman Cochran called the meeting back to order.

Owls Den Bid Award: Dennis Williams stated that they received bids for the new solid waste convenience site to be located at Owls Den Road, at 10:00 a.m. on Wednesday, June 20. The bid opening occurred after the second advertisement, after receiving insufficient bids on the date of the first intended opening. The low bidder of the project was Howard Construction Company of Lincolnton, with a base bid of \$282,430.00 plus

an alternate bid for doing all of the clearing and grading for the area in the amount of \$30,000.00.

Dennis Williams recommended awarding the contract to Howard Construction Company of Lincoln in the full amount, including the alternate bid, bringing the total cost to \$312,430.00

John Avery stated that the financing for this project will come from fund 66 of the landfill budget.

UPON MOTION by Commissioner Saine, the Board voted unanimously to accept the low bid from Howard Construction for \$312,430.

Report from the Lincoln Natural Resources Committee: Rick McSwain presented the Board with a draft copy of the Bylaws of the Lincoln Natural Resources Committee.

Commissioner Anderson suggested taking out the section on Indemnity – Article XI.

Chairman Cochrane requested that the County Attorney look over the Bylaws and bring them back with a resolution to formally create the Lincoln Natural Resources Committee at the July 23 or August 6 meeting.

Land Use Plan Public Hearing: Chairman Cochrane opened the Public Hearing concerning the Land Use Plan.

Walter Fields of the Walter Fields Group stated that he was here to answer any questions.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on the Land Use Plan closed.

Forestry Report – Elizabeth Snyder: Elizabeth Snyder, Forest Ranger for Lincoln County, gave a report of accomplishments for a period of July 1, 2000 through June 30, 2001.

Flexible Benefits Plan: Stan Kiser, County Manager, stated that staff was not able to prepare the pros and cons for this meeting. He asked that this be deferred until the August 20 meeting.

Refund Request – Variance for Larry Deal: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the refund for Larry Deal.

Lease Agreement – West Lincoln Library: Stan Kiser stated that after talking with the Chairman, he has gone back with the landlord and asked for a five year lease.

There was discussion about changing paragraph 5 to say:

6. Options to Renew: Landlord hereby grants unto the Tenant an option to renew or extend the term of this lease, renewable with a rental subject to negotiation at that time.

There was also discussion about adding 5% at the end of the lease.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Lease Agreement changing the wording in paragraph 5 – renewable with a 5% increase over previous year's rent, starting after the 5th year.

Budget Adjustment No. 198: **UPON MOTION** by Commissioner Saine, the Board voted unanimously to confirm the budget adjustment.

Other Business: Chairman Cochrane presented the following Resolution for the Board's approval.

RESOLUTION SUPPORTING THE SECONDARY ROADS CONSTRUCTION PROGRAM

WHEREAS, at the May 21, 2001 Board of Commissioners meeting, Joe Lamb, Division Maintenance Engineer, with the North Carolina Department of Transportation presented the Secondary Roads Construction Program for Lincoln County for 2001 – 2002.

WHEREAS, in this program there are plans for three new rural roads to be paved for a total length of 1.66 miles and an additional cost of \$250,000.

WHEREAS, the total paving program for Lincoln County will be 3.5 miles with an estimated cost of \$720,000.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners supports and accepts the Lincoln County Paving Priority List for 2001 – 2002.

Approved this the 9th day of July, 2001.

Jerry W. Cochrane, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board
Board of Commissioners

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Resolution Supporting the Secondary Roads Construction Program.

UPON MOTION by Commissioner Craig, the Board voted unanimously to add 5 slots as ex-officio members to the Historic Properties Commission. These would be Kelly Atkins, County Zoning Administrator, Steve Gurley, City Zoning Administrator, and the Downtown Development Director.

UPON MOTION by Commissioner Craig, the Board voted unanimously to support the County Commissioner's Association to see that we get a supportive sales tax as a trade-off for future reimbursements to avoid anybody holding the Inventory and Intangibles Tax again.

It was the consensus of the Board to instruct the Clerk to draft a proclamation congratulating Miss Lincoln County for winning the Miss North Carolina pageant.

Chairman Cochrane called a work session for August 28 at 6:30 p.m. to look at a Capital Improvement Plan for the County.

Closed Session: **UPON MOTION** by Commissioner Choate, the Board voted unanimously to go into Closed Session to receive information concerning a potential liability claim against the county and for the County Attorney to receive instructions from the Board on some negotiations on a contract matter.

Nothing was reported from Closed Session.

UPON MOTION by Commissioner Craig, the Board voted unanimously to call a special meeting of the East Lincoln Water Sewer District for July 23 at 6:30 p.m.

Adjourn: **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