

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, NOVEMBER 5, 2001**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on November 5, 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  
David P. Choate

Commissioners Absent:

Larry Craig

Planning Board Members Present:

Jerry Geymont, Chairman  
Mike Baker, Vice Chairman  
Dean Lutz, Secretary  
Eddie Sigmon  
Stanley Roseboro  
Gerald Johnson  
Phil Hunt  
Terry Whitener

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Cheryl Baxter, Assistant Clerk to the Board  
Kelly Atkins, Director of BALD  
Randy Hawkins, Zoning Administrator  
Barry McKinnon, Land Use Coordinator  
Leon Harmon, Finance Director

**Call to Order:** Chairman Cochrane called the November 5, 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 Saine, the Board voted unanimously to adopt the agenda adding items 10 – American Legion and 11 – Appointment to Jury Commission.

## AGENDA

### LINCOLN COUNTY BOARD OF COMMISSIONERS

### PUBLIC HEARINGS

**NOVEMBER 5, 2001**

|    |         |  |
|----|---------|--|
|    | 6:30 PM | Call to Order  |
| 1. | 6:31 PM | Adoption of Agenda   |
| 2. | 6:32 PM | Approval of Minutes<br>- August 28, 2001<br>- October 15, 2001 |
| 3. | 6:35 PM | New Business/Advertised Public Hearings                        |

ZTA #389 Lincoln County, applicant. The applicant is requesting to amend Section 2.4 of the Lincoln County Zoning Ordinance to include definitions for “parapet” and “wall sign” and to stipulate that signs affixed to the vertical portion of a parapet shall be considered wall signs.

ZMA #390 Joseph Helenberger, applicant (Parcel ID #34848) The applicant is requesting to rezone a 0.84-acre parcel from Transitional Residential with a Designated Highway overlay (R-T DH) to Neighborhood Business with a Designated Highway overlay (B-N DH). The property is located at 1172 S. Hwy. 16, Stanley.

CUP #195 Lincoln County, applicant (Parcel ID #73199 through #73212 and #76167 through #76177) The applicant is requesting a conditional use permit to allow Class B mobile homes to be placed in the Southern Oaks subdivision, which is zoned Residential Suburban (R-S). The subdivision is located on McCorkle Road off N.C. 150 in Ironton Township.

ZTA #391 Lincoln County, applicant. The applicant is requesting to amend Section 10.9 of the Lincoln County Zoning Ordinance to change “zero lot line developments” from a conditional use in the RL-ZO zoning district to a permitted use subject to the same requirements.

CUP #196 Franklin Hendrick, applicant (Parcel ID #19407) The applicant is requesting a conditional use permit to allow a Class B mobile home to be placed on a lot in the Residential-Suburban (R-S) zoning district. The 0.77-acre lot is located at 415 Car Farm Road, Lincolnton.

ZMA #392 Ronny Carswell, applicant (Parcel ID #54418) The applicant is requesting to rezone a 2.4-acre parcel from Residential Suburban with a Designated Highway overlay (R-S DH) to Neighborhood Business with

a Designated Highway overlay (B-N DH). The property is located at the corner of Hwy. 27 West and Cat Square Road.

ZMA #393 William Caldwell, applicant (Parcel ID #32211) The applicant is requesting to rezone a 3.54-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Neighborhood Business with a Designated Highway overlay (B-N DH). The property is located on Hwy. 16 near Forney Hill Road in Denver.

ZMA #394 Southern Bell Telephone Co., applicant (Parcel ID#55965) The applicant is requesting to rezone a 0.31-acre tract from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 3549 St. James Church Road, Denver.

CUP #197 Dave Watner, applicant (Parcel ID #58218) The applicant is requesting a conditional use permit to operate a tattoo parlor specializing in cosmetic procedures, including permanent eyeliner. The 0.77-acre parcel is located at 2780 Highway 16 North, Denver, and is zoned Neighborhood Business (B-N).

ZMA #395 Frances Cloninger, applicant (Parcel ID #31575) The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Light Industrial with a Designated Highway overlay. (I-L DH). The property is located at 4264 Hwy. 16, Denver.

SOA #14 (Section 405.4 – Marginal Access Streets) This proposed change would implement the use of a formula involving the acreage of the property and linear feet of road frontage to provide reasonable access to commercial properties on marginal access streets and roads.

SOA #15 (Section 406 – Mandatory Connection to County-Maintained Water System) This proposed change would allow potable water options to developers and builders if the current county water system was not able to provide adequate service.

Airport Zoning Ordinance Amendment To consider proposed changes in the Lincolnton-Lincoln County Airport Zoning Ordinance, including lowering the height limitations on structures and trees in the established airport zones that extend beyond the airport.

4. 8:30 PM Discussion of RPO's – Rebecca Yarbrough
5. 8:45 PM Discussion of Sewage Dumping – Bud Chaney
6. 9:00 PM Cost Estimate for Highway 182 Waterline Construction – Jack Chandler
7. 9:10 PM Website Status Update – Dante' Patterson

8. 9:20 PM CIP Resolution for the New East Lincoln High School – Leon Harmon
9. 9:30 PM Other Business
10. 9:35 PM American Legion
11. 9:40 PM Jury Commission

Adjourn

**Approval of Minutes – August 28, 2001 and October 15, 2001:** Chairman Cochrane presented the minutes of the August 28, 2001 and October 15, 2001 meetings for the Board's approval.

**UPON MOTION** by Commissioner Choate, the Board voted unanimously to approve the minutes with the following changes:

Page 14 of October 15, 2001 minutes

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve Conditional Use Permit No. 194 – Crown Castle South, Inc., Applicant, based on the Planning Board's recommendation with the condition that a ~~restraint screen~~ be placed around ~~the tower~~ **the perimeter** in the event the trees were destroyed.

**New Business: Advertised Public Hearings:** Chairman Cochrane announced that this was the date, Monday, November 5, 2001 and the time, which was advertised in the *Lincoln Times-News* on Friday, October 26, 2001 and Friday, November 2, 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, November 5, 2001, to consider the following zoning related matters:

ZTA #389 Lincoln County, applicant. The applicant is requesting to amend Section 2.4 of the Lincoln County Zoning Ordinance to include definitions for "parapet" and "wall sign" and to stipulate that signs affixed to the vertical portion of a parapet shall be considered wall signs.

ZMA #390 Joseph Helenberger, applicant (Parcel ID #34848) The applicant is requesting to rezone a 0.84-acre parcel from Transitional Residential with a Designated Highway overlay (R-T DH) to Neighborhood Business with a Designated Highway overlay (B-N DH). The property is located at 1172 S. Hwy. 16, Stanley.

CUP #195 Lincoln County, applicant (Parcel ID #73199 through #73212 and #76167 through #76177) The applicant is requesting a conditional use permit to allow Class B mobile homes to be placed in the Southern Oaks subdivision, which is zoned Residential Suburban (R-S). The subdivision is located on McCorkle Road off N.C. 150 in Ironton Township.

ZTA #391 Lincoln County, applicant. The applicant is requesting to amend Section 10.9 of the Lincoln County Zoning Ordinance to change “zero lot line developments” from a conditional use in the RL-ZO zoning district to a permitted use subject to the same requirements.

CUP #196 Franklin Hendrick, applicant (Parcel ID #19407) The applicant is requesting a conditional use permit to allow a Class B mobile home to be placed on a lot in the Residential-Suburban (R-S) zoning district. The 0.77-acre lot is located at 415 Car Farm Road, Lincolnton.

ZMA #392 Ronny Carswell, applicant (Parcel ID #54418) The applicant is requesting to rezone a 2.4-acre parcel from Residential Suburban with a Designated Highway overlay (R-S DH) to Neighborhood Business with a Designated Highway overlay (B-N DH). The property is located at the corner of Hwy. 27 West and Cat Square Road.

ZMA #393 William Caldwell, applicant (Parcel ID #32211) The applicant is requesting to rezone a 3.54-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Neighborhood Business with a Designated Highway overlay (B-N DH). The property is located on Hwy. 16 near Forney Hill Road in Denver.

ZMA #394 Southern Bell Telephone Co., applicant (Parcel ID#55965) The applicant is requesting to rezone a 0.31-acre tract from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 3549 St. James Church Road, Denver.

CUP #197 Dave Watner, applicant (Parcel ID #58218) The applicant is requesting a conditional use permit to operate a tattoo parlor specializing in cosmetic procedures, including permanent eyeliner. The 0.77-acre parcel is located at 2780 Highway 16 North, Denver, and is zoned Neighborhood Business (B-N).

ZMA #395 Frances Cloninger, applicant (Parcel ID #31575) The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Light Industrial with a Designated Highway overlay. (I-L DH). The property is located at 4264 Hwy. 16, Denver.

SOA #14 (Section 405.4 – Marginal Access Streets) This proposed change would implement the use of a formula involving the acreage of the property and linear feet of road frontage to provide reasonable access to commercial properties on marginal access streets and roads.

**SOA #15 (Section 406 – Mandatory Connection to County-Maintained Water System)** This proposed change would allow potable water options to developers and builders if the current county water system was not able to provide adequate service.

**Airport Zoning Ordinance Amendment** To consider proposed changes in the Lincolnton-Lincoln County Airport Zoning Ordinance, including lowering the height limitations on structures and trees in the established airport zones that extend beyond the airport.

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.

**Zoning Text Amendment No. 389 – Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 389.

The following zoning text additions have been proposed to allow signs that are affixed to the vertical portion of a parapet.

Amend section 2.4 in the Lincoln County Zoning Ordinance to include these definitions:

Parapet: That portion of a building wall or false front that extends above the roof line.

Wall Sign: Any sign directly attached to an exterior wall of a building or depending upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs. Signs affixed to the vertical portion of a parapet shall be considered wall signs.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 389 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 389, closed.

**Zoning Map Amendment No. 390 – Joseph Helenberger, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 390 – Joseph Helenberger, applicant.

The applicant is requesting to rezone a 0.84-acre parcel from Transitional Residential with a Designated Highway overlay (R-T DH) to Neighborhood Business with a Designated Highway overlay (B-N DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 390 – Joseph Helenberger, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 390, closed.

**Conditional Use Permit No. 195 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 195 – Lincoln County, applicant.

The applicant is requesting a Conditional Use Permit to allow Class B mobile homes in the Southern Oaks Subdivision, which is zoned Residential Suburban (R-S). Several Class B mobile homes have already been placed there. A permit would bring them into compliance and allow others to be placed there.

Commissioner Anderson asked about the current Class B mobile homes and if they are in violation of the ordinance.

Randy Hawkins stated they are in violation of the ordinance.

Chairman Cochrane stated the county did allow that in error.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 195 – Lincoln County, applicant

**Clyde Bost** stated he was told that only Class A mobile homes would be allowed in this subdivision. They are now allowing Class B mobile homes which are a lesser quality and he feels the county should correct this.

**Robin Acox** asked how allowing Class B mobile homes into the subdivision would effect the value of her home?

**William Acox** stated that he was given specific recommendations by Piedmont Housing when they signed an agreement. He stated since that time frame, nothing has been implemented. He stated he doesn't want the neighborhood to go to lower standards. He expects it to be the way they were told when they moved in.

Commissioner Anderson asked what the current Class B mobile home owners would have to do if the Board does not approve this.

Randy Hawkins stated they would have to apply for a conditional use permit.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 195 - Lincoln County, applicant, closed.

**Zoning Text Amendment No. 391 - Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 391 - Lincoln County, applicant.

A zoning text amendment is proposed to clear up a situation on Governor's Island regarding setbacks in the RL-ZO Zero Lot Line District. Under the current text, special setbacks for a zero lot line development are allowed as a conditional use. Otherwise, the setbacks are the same as those in the RL-14 (30 feet on the front and rear, 10 feet on the side). A number of homes on Governor's Island, including one that's under construction, don't meet the RL-14 setbacks.

The proposed amendment would simply make "zero lot line developments" a permitted use in the RL-ZO district subject to the same requirements currently set out for a conditional use.

Amend Section 10.9 of the Lincoln County Zoning Ordinance to change "zero lot line developments" from a conditional use in the RL-ZO zoning district to a permitted use subject to the same requirements.

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 391 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No 391 - Lincoln County, applicant, closed.

**Conditional Use Permit No. 196 – Franklin Hendrick, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 196.

The applicant is requesting a Conditional Use Permit to allow a Class B mobile home to be placed on a lot in the Residential Suburban (R-S) zoning district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 196 – Franklin Hendrick, applicant.

**Judy Moxley** stated she has property across from the place where Mr. Hendricks wants to put his mobile home. She is concerned this will decrease the value of her property.

**Betty Colter** asked what are the specifications of a mobile home in a residential area and how will this affect the value of their property?

**Mildred Mathis** stated her sisters are cleaning off the land and they are planning on building homes their.

**Franklin Hendrick** stated he does not want to depreciate anyone's property. He stated other Class B mobile homes are located there.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 196 – Franklin Hendrick, applicant, closed.

**Zoning Map Amendment No. 392 – Ronny Carswell, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 392.

The applicant is requesting to rezone a 2.4-acre parcel from Residential Suburban with a Designated Highway overlay (R-S DH) to Neighborhood Business with a Designated Highway overlay (B-N DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 392.

**Nora Gilbert** stated the intersection is used by a number of schools and many inexperienced drivers. She said it is a very dangerous intersection.

Kelly Atkins stated he shares the same concern as Ms. Gilbert about the intersection. He stated placing some turning lanes wouldn't be out of the question.

**Jeffrey Wilson** asked what the applicant was rezoning the land for? He stated he doesn't want anymore traffic near his home.

**Ronald Burton** stated he wants to see this rezoned for business. He stated the area is growing and we do need more business in the area.

**Randy Carswell** stated he wants to rezone the property for a neighborhood business.

Being as no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 392 – Ronny Carswell, applicant, closed.

**Zoning Map Amendment No. 393 – William Caldwell, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 393.

The applicant is requesting to rezone a 3.54-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Neighborhood Business with a Designated Highway overlay (B-N DH).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 393.

**Parker Black** stated the property is surrounded by neighborhood business properties.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 393 – William Caldwell, applicant, closed.

**Zoning Map Amendment No. 394 – Southern Bell Telephone Co., applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 394.

The applicant is requesting to rezone a 0.31-acre parcel from Residential Single-Family (R-SF) to Neighborhood Business (B-N).

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 394.

Chairman Cochrane asked if any changes were going to be made to the building.

Randy Hawkins stated they are planning on expanding on to the building.

Being as no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Map Amendment No. 394 – Southern Bell Telephone Co., applicant, closed.

**Conditional Use Permit No. 197 – Dave Watner, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 197.

The applicant is requesting a conditional use permit to operate a tattoo parlor specializing in cosmetic procedures, including permanent eyeliner, as part of a salon providing professional skin care services and products.

Randy Hawkins stated he received a phone call from Tara Henley. She stated she is not in favor of this. She feels it will decrease the value of her property.

Commissioner Anderson asked Mr. Hawkins to define the difference in this tattoo parlor and the other tattoo parlors we typically think of.

Randy Hawkins stated the applicant isn't planning on applying any tattoos to the body which resemble designs, symbols, or words. He stated Mr. Watner's business will be cosmetic instead of "decorative."

Commissioner Anderson asked if the Board was to approve this application, what would prevent another business from coming in, if Mr. Watner left, and the new resident to start a "decorative" tattoo parlor.

Randy Hawkins stated the Mr. Watner is flexible and will comply with any conditions the Board wants to set. He stated the conditional use permit would go with the property.

Jeff Taylor stated the Board could set conditions that would rule out use by anyone wanting to use it as a "decorative" tattoo parlor.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 197.

**Dave Watner** stated the difference in the “decorative” and cosmetic tattoos. He stated he is planning on bringing skin care products and cosmetic make-up to the residence of Lincoln County. He stated he does not plan on using the word “tattoo” in any advertising. He is willing to comply with any restrictions the Board is ready to set.

**Carol Clise** stated her concern about allowing “decorative” tattoo parlors after this one is approved.

Being no additional speakers, Chairman Cochrane declared the Public Hearing for Conditional Use Permit No. 197 – Dave Watner, applicant, closed.

**Zoning Map Amendment No. 395 – Frances Cloninger, applicant:** Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 395.

The applicant is requesting to rezone a 0.66-acre parcel from Residential Single-Family with a Designated Highway overlay (R-SF DH) to Light Industrial with a Designated Highway overlay (I-L DH). Jack Funk has contracted to purchase the property to open a small business that includes the manufacture/assembly of rubber stamps.

Chairman Cochrane opened the Public Hearing on Zoning Map Amendment No. 395.

**Brenda Vincent** stated she doesn’t want a business of any kind right beside her home.

**Michael Vincent** stated he does not want a business built beside his home. Stated this business will cause more road traffic.

**Jack Funk** stated his business is growing to where he needs more space. The business would not bring any more traffic to the area.

Being no additional speakers, Chairman Cochrane declared the Public Hearing for Zoning Map Amendment No. 395 – Frances Cloninger, applicant, closed.

**Subdivision Ordinance Amendment No. 14:** Barry McKinnon, Land Use Coordinator, presented the following information concerning Subdivision Ordinance Amendment No. 14.

The following amendment to the Subdivision Ordinance will allow limited direct access from commercial property to marginal access roads. Currently these properties are often required to use reverse frontage just like residential subdivisions. This can place the owner and his/her tenants at a commercial disadvantage. By using the proposed formula we can maintain some control while allowing better access. All commercial subdivision plats requesting more than one cut must also go before the Subdivision Technical Review Committee. The STRC may reduce the number of entrances and exits when there are questions for safety. These plats must also be submitted to NCDOT with the site plan and traffic flow diagrams. They cannot be recorded without the approval of the STRC and NCDOT.

The following bolded and italicized text will be added to Section 405.4

#### **405.4 Marginal Access Street**

Where a tract of land to be subdivided adjoins a principal arterial, (US 321) or a minor arterial (NC 16, NC 73, NC 27, NC 150, or old US 321) as designated on the most up-to-date Thoroughfare Plan of Lincoln County, adopted 4-1-92, or thereafter revised, ***a residential subdivider*** shall be required to provide a major collector road parallel to the principal or minor arterial or utilize reverse frontage on a minor street for the lots to be developed adjacent to the principal or minor arterial. In addition, the Subdivision Administrator may recommend and the Planning Board may require ***any subdivider*** to provide such a major collector road or utilize such reverse frontage where a tract of land to be subdivided adjoins a road designated as a major collector on the most up-to-date version of the Thoroughfare Plan (NC 274, NC 182, NC 10, NC 18, SR 1002, SR 1005, SR 1008, SR 1351, or SR 1750). Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal or minor arterial road. In cases where it is not feasible or practical for the ***residential subdivider*** to provide a major collector street, or utilize reverse frontage, when the Planning Board determines that the installation of a major collector road or reverse frontage would result in a less desirable subdivision design, the Planning Board may grant an exception to the requirement for a major collector road or reverse frontage. In granting said exception the Planning Board shall find that the spirit and intent of this Ordinance are preserved and that circumstances particular to the subject property, such as topography or shape of the tract exist to warrant the exception.

***Subdivisions of Commercial Property, whose owner(s) feel that the commercial value of the property would be significantly decreased by this limited access or feel that it places them, the owners, and their tenants at a distinct commercial disadvantage to other establishments in the same business, may be allowed access to these roads by using the following formula:***

***One cut per 150 linear feet of highway access plus one additional cut per every three acres of land contained within the parcel.***

**1 X Linear Feet of access/150 + (Number of Acres X 3) = Number of Add. Cuts**

***The entrances and exits into this commercial property permitted by this formula may be reduced if there are questions regarding safety as determined by the STRC Committee. All plats with more than one highway cut must be submitted to the STRC for recommendations and approval before being approved.***

***The decision of decrease in value, commercial disadvantage and safety shall be the responsibility of the Subdivision Administrator and the STRC Committee. Appeals of the decision may be made to the Lincoln County Planning Board.***

*Prior to recording of the plat, NCDOT must also approve the plat after reviewing site plans along with traffic diagrams and issue all appropriate driveway permits. No commercial plat with more than one driveway may be recorded without NCDOT approval. Furthermore, any additional driveways and/or entrances beyond this formula must be approved by the STRC, NCDOT, and by the Planning Board.*

Commissioner Anderson asked if there would be any criteria that's going to guide these people in determining whether or not there is decrease in value or whether or not there is commercial disadvantage?

Barry McKinnon stated it's going to be subjective either way they do it.

Commissioner Anderson asked where the numbers ((1 X Linear Feet of Access) + (Number of Acres X 3) = Number of Add. Cuts) came from?

Barry McKinnon stated they looked over other cases in the past.

Kelly Atkins stated that Building and Land has met with NCDOT about this issue and driveway cuts in general and one of the goals for Lincoln County is to tighten up on how they look at driveways. He stated in other counties BALD signs and then NCDOT signs off. In Lincoln County that's not the case. NCDOT signs off and BALD never sees it.

Commissioner Anderson asked what kind of control is BALD going to have and how are they going to recognize the growth and know when to tighten up.

Barry McKinnon stated BALD feels this Amendment would give them a formula. With this, BALD feels they are giving people something instead of shutting them off.

Chairman Cochrane opened the Public Hearing on Subdivision Ordinance Amendment No. 14.

**Nora Gilbert** asked why Hwy 27 was not involved in this.

**Kelly Atkins** stated that Hwy 27 was involved.

Being no additional speakers, Chairman Cochrane declared the Public Hearing for Subdivision Ordinance Amendment No. 14, closed.

**Subdivision Ordinance Amendment No. 15:** Barry McKinnon presented the following information concerning Subdivision Ordinance Amendment No. 15.

The following amendment to the Subdivision Ordinance will allow potable water options to builders and developers when the county water system is not able to provide adequate service.

The following bolded and italicized text will be added to Section 406.

### Section 406. **Water and Sewer Systems**

All lots in subdivisions shall have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of all appropriate agencies.

Wherever it is legally possible and practical, as determined by the County after consideration of documented property ownership, topography and supporting cost and engineering data supplied by the subdivider, to connect a lot to a water and sewer system owned and operated by a governmental body, such connections shall be made at subdivider's expense.

If the tract in question is proposed to be subdivided with the number of dwelling units indicated in the left hand column of the following table or with a non-residential use that places a comparable demand on the water or sewer system, then the distance within which the tract must be connected is indicated in the right hand column of the table:

| DWELLING UNITS | DISTANCE  |
|----------------|-----------|
| 0-10           | 200 Feet  |
| 11-20          | 300 Feet  |
| 21-50          | 600 Feet  |
| 51-100         | 1000 Feet |
| 101+           | 1500 Feet |

In determining the number of dwelling units proposed for a tract, this relates to the number proposed for all phases of the subdivision.

Connection to such water and sewer line shall not be deemed legally possible if, after diligent effort by the subdivider:

- The easement necessary to run the connection line across property(ies) not owned by the subdivider, cannot be obtained.
- ***Or if the system maintained by the governmental body cannot provide adequate service at the present time according to state or federal standards.***

***If the system provided by the governmental body is not able to provide adequate service at the time the developer is ready for water service or if the system will not be able to provide adequate water service at the time, The subdivider has the following options:***

1. ***Provide private wells for the individual homes.***
2. ***Provide a private system that meets the standards of the governmental water system that can be used until the***

*governmental system is improved to the point of providing adequate service to the homes or buildings of the subdivision.*

3. *Provide improvements to the governmental system at their own expense to improve the water system to the point that it can provide adequate service to the development.*

Otherwise, where the subdivider intends to not install water and sewer lines and the distance considerations as herein indicated are met, he shall nonetheless provide the County with cost figures and supporting engineering data for such extensions.

Commissioner Anderson stated that this change in the ordinance needs to provide, at some point in the future, when that subdivision is through and the developer is gone, anyone who purchases in that subdivision does so in the understanding that if that subdivision ever decided that if they wanted to come into the County water and sewer system, they would be subject to any fees which might be in place at that time to connect to the county's system.

Chairman Cochrane opened the Public Hearing on Subdivision Ordinance Amendment No. 15 opened.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Subdivision Ordinance Amendment No. 15, closed.

**Airport Zoning Ordinance Amendment:** Jeff Lynn, Manager at Lincolnton-Lincoln County Airport, presented the Proposed Changes Airport Zoning Ordinance Amendment.

**Lincolnton-Lincoln County Regional Airport Zoning Ordinance  
Proposed Changes – October 3, 2001**

Main Cover: Insert the word “REGIONAL” between the words “COUNTY” and “AIRPORT”

Main Cover: Add the following:

“Amended November \_\_\_\_, 2001 (General Changes)

**Introduction**

Section: on page 1, insert the word “Regional” between the words “County” and “Airport” for all occurrences of “Lincolnton-Lincoln County Airport”.

Section I: Insert the word “Regional” between the words “County” and “Airport”

Section II: In definition number 2, change the numbers “868” to “867” and “875” to “878:

Section II: In definition number 9, change the number “150” to “100”

Section II: Insert new definition as follows:

“(15) PRECISION INSTRUMENT RUNWAY – A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.”

Section II: Insert new definition as follows:

“(21) UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.”

Section III,

Lines 5 and 6: Insert the word “Regional” between the words “County” and “Airport”

Section III,

Line 7: After the words, “consisting of one sheet,” delete the words

“prepared by the Centralina Council of Governments, dated August 1979,”

and insert the words

“representing the current version on the file in the Lincoln County Zoning Department,”

Section IV: In definition number 2, change the number “150” to “100” and change the number “875” to “878”

Section IV: In definition number 3, change the number “150” to “100” and change the number “1025” to “978”

Section IV: In definition number 4, change the number “150” to “100” and change the number “350” to “300”

Section VII: In paragraphs “(a)”, “(b)” and “(c), change the number “seventy-five” to seventy”

Section XV: Add reissue statement after the latest reissue dated November 19, 1990:

“Reissue of Ordinance adopted: amended November \_\_\_, 2001, General changes made throughout ordinance.”

Where items have been added, subsequent numbering shall be changed to reflect the addition. No text changes have been made except as noted.

**Jeff Lynn** stated these changes are to strengthen the ordinance in order to deter construction of tall structures near the runways and safety areas of the airport.

**Pat Turney** stated the surfaces are already in existence in the current ordinance, and all they want is to lower the oval shaped surfaces down 50 feet from their present definitions. He stated these changes are not retroactive.

**Randy Reynolds** asked if he has a tree that's 99 feet tall currently, whose going to trim the tree if it grows over 100 feet? He stated this tree trimming would be an extreme cost. He also stated the trees offer a good sound buffer.

**Pat Turney** stated primary intent is to prevent future construction of tall towers or water tanks. He stated the focus was on tall structures not so much as trees. He stated that if a tree is not presently penetrating one of the airport's surfaces and the airport is not aggressively trying to pursue acquiring property or an easement to cut that tree down, he wouldn't expect they would be coming to the tree owner anytime soon to do that.

Being no additional speaker, Chairman Cochrane declared the Public Hearing on the Airport Zoning Ordinance Amendment, closed.

Chairman Cochrane called for a recess.

Chairman Cochrane called the meeting back to order.

**Discussion of RPO's:** Rebecca Yarbrough from Centralina Council of Government presented the Board with information concerning RPOs. She stated that areas which are still rural in nature are adjacent to Metropolitan planning organizations, need a voice in transportation planning just as much as rural areas in larger cities. The counties would need to adopt a Memorandum of Understanding to get this group up and running. She stated membership in an RPO is optional but if you're not a member, you will have to take a backseat to the RPO members in transportation planning. Once the counties adopt the Memorandum of Understanding, they will have a governing board made up of one elected official from each of the member jurisdictions, a member from COGs executive committee, state DOT member, and the surrounding MPOs to sit at the TAC table but not have a vote. This will give the MPOs the opportunity to have some comments about the RPO and give us the opportunity to see what the MPOs are doing. Each Transportation Advisory Committee also has a Technical Coordinating Committee, and this organization parallels the way the Metropolitan organizations are set up. The Technical Committee will meet more frequently and they make recommendations to the Advisory Committee and then those recommendations go onto DOT or other groups for implementation. One of the advantages about the RPO process is there's nothing in it to keep you from looking for other money's to implement what you might want to do.

Matching funds are available to RPOs from NCDOT for planning. The maximum annual funding from NCDOT is \$100,000. To receive this, local governments in the RPO area must annually pledge \$25,000.

Stan Kiser asked if all the municipalities do not participate how would the cost then be apportion?

Rebecca Yarbrough stated she didn't expect all municipalities to participate. Centralina has already budgeted some regional planning money that would be able to be reallocated from regional planning to transportation planning to cover the match at least for the first year and possibly on down the road.

Chairman Cochrane asked about the population for RPOs, and what are those numbers?

Rebecca Yarbrough stated those numbers are from the 2000 census. The county numbers are from the 2000 census minus the city.

Commissioner Anderson stated he and Commissioner Choate attended a meeting with Frank Johnson and some of the other representatives. He stated there are going to be issues of mass transportation, and we are impacted greatly on what Charlotte does and this RPO will help us provide our citizens with direct access to Charlotte. As DOT puts their transportation improvement program together, if we do not have our desires and wishes in the proper form at the proper time, you simply do not get considered. He stated Lincoln County would find itself on the outside looking in if we are not a part of this RPO.

Commissioner Choate asked how would it effect us if another county went in with another RPO?

Rebecca Yarbrough explained that it would have an impact on the amount of funding you are eligible for. The more serious point to that would be if you would be able to continue on as an RPO with only three counties.

Commissioner Choate stated he feels strongly that Lincoln County would benefit from this.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to adopt the Memorandum of Understanding as presented to join the RPO.

**MEMORANDUM OF UNDERSTANDING  
FOR  
COOPERATIVE, COMPREHENSIVE AND CONTINUING  
TRANSPORTATION PLANNING  
AND THE ESTABLISHMENT  
OF A RURAL TRANSPORTATION PLANNING ORGANIZATION  
FOR**

The **County of Cleveland** and the following municipalities therein: Belwood, Boiling Springs, Casar, Earl, Fallston, Grover, Kings Mountain, Kingstown, Lattimore,

Lawndale, Mooresboro, Patterson Springs, Polkville, Shelby and Waco; the **County of Gaston** and the following municipalities therein: Cherryville and High Shoals; the **County of Iredell** and the following municipalities therein: Harmony, Love Valley, Mooresville, Statesville, and Troutman; the **County of Lincoln** and the following municipality therein: Lincolnton; and the North Carolina Department of Transportation.

WITNESSETH

**Whereas**, section 135 of Title 23, United States Code, declares that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively; and

**Whereas**, North Carolina General Statute 136-18 was amended by the North Carolina General Assembly by ratification of Senate Bill 1195 on July 6, 2000, and this same bill was signed by the Governor on July 14, 2000, and subsequently Chaptered, and which Chaptered statute provides for the establishment of Rural Transportation Planning Organizations (RPO's), similar in concept to Metropolitan Planning Organizations (MPO's) which provide transportation planning in North Carolina's urban areas; and

**Whereas**, the establishment of a Rural Transportation Planning Organization (RPO), similar in concept to the urban Metropolitan Transportation Planning Organizations (MPO's) would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward development of sound, short and long-range transportation planning for rural areas; and,

**Whereas**, the establishment of Rural Transportation Planning Organizations for the counties of this area would assist the North Carolina Department of Transportation in complying with the provisions of the Transportation Equity Act for the 21st Century (TEA 21), enacted June 9, 1998, relative to the participation of local officials and the public in the transportation planning process; and,

**Whereas**, it is the desire of these local governments and agencies to establish a continuing, comprehensive, cooperative Transportation planning process with the establishment of a Rural Transportation Planning Organization for the four counties (or portions thereof) and municipalities therein of this area, eligible to participate in a Rural Transportation Planning Organization;

**Now, therefore**, the following memorandum of understanding is made.

**Section 1.** It is hereby agreed, that the **County of Cleveland** and the Town of Belwood, the Town of Boiling Springs, the Town of Casar, the Town of Earl, the Town of Fallston, the City of Grover, the City of Kings Mountain, the Town of Kingstown, the Town of Lattimore, the Town of Lawndale, the Town of Mooresboro, the Town of Patterson

Springs, the City of Polkville, the City of Shelby, and the Town of Waco; the **County of Gaston** and the City of Cherryville and the City of High Shoals; the **County of Iredell** and the Town of Harmony, the Town of Love Valley, the Town of Mooresville, the City of Statesville, and the Town of Troutman; the **County of Lincoln** and the City of Lincolnton; and the North Carolina Department of Transportation intend to establish and participate in a Rural Transportation Planning Organization created for the general purposes and responsibilities outlined in the following:

1. To develop long-range local and regional multi-modal transportation plans in cooperation with the area MPOs and the North Carolina Department of Transportation.
2. To provide a forum for public participation in the rural transportation planning process.
3. To develop and prioritize suggestions for transportation projects which the Rural Transportation Planning Organization believes should be included in the State Transportation Improvement Program.
4. To provide transportation-related information to local governments and other interested organizations and persons.
5. To conduct transportation related studies and surveys for local governments and other interested entities/organizations.
6. To undertake mutually agreed upon transportation related tasks to enhance transportation system development, coordination and efficiency.

**Section 2.** It is hereby further agreed that transportation plans and programs and land use policies and programs for the Rural Transportation Planning Organization will be coordinated by the Centralina

Council of Governments, an agency selected on behalf of participating local governments and the North Carolina Department of Transportation, to be the administrative entity and to serve as the lead local planning agency for coordinating transportation planning in the four county planning area.

**Section 3.** Establishment of Rural Transportation Advisory Committee (RTAC). A Rural Transportation Advisory Committee (RTAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the Rural Transportation Planning Organization (RPO). The Rural Transportation Advisory Committee (RTAC) shall have the responsibility for keeping the local elected governing boards informed of the status and requirements of the transportation planning process; to assist in the dissemination and clarification of the decisions, inclinations, and policies of the local elected governing boards; and to help ensure meaningful public participation in the rural transportation planning process.

1. The Rural Transportation Advisory Committee will be responsible for carrying out the following:
  - A. Establishment of goals, priorities, and objectives for the rural transportation planning process.
  - B. Endorsement, review, and approval of changes to adopted Transportation Plans for the Rural Transportation Planning Organization (RPO).
  - C. Endorsement, review, and approval of a work program for transportation planning which defines work tasks and responsibilities for the various agencies participating in the Rural Transportation Planning Organization (RPO).
  - D. Endorsement, review, and approval of transportation improvement projects which support and enhance intra-county transportation within the four county Rural Transportation Planning Organization (RPO).
2. The membership of the Rural Transportation Advisory Committee shall consist of the following:
  - A. One County Commissioner representing the County of Cleveland and one elected official from each of the RPO member municipalities therein.
  - B. One County Commissioner representing the County of Gaston and one elected official from each of the RPO member municipalities therein.
  - C. One County Commissioner representing the County of Iredell. One elected official from each of the RPO member municipalities therein.
  - D. One County Commissioner representing the County of Lincoln. One elected official from each of the RPO member municipalities therein.
  - E. One member of the Centralina Council of Governments' Executive Board.
  - F. One member from the North Carolina Board of Transportation representing Division 12.
  - G. The Chairman of the Mecklenburg-Union MPO, or an elected official serving as his designee, who shall serve in an ex-officio (non-voting) capacity.
  - H. The Chairman of the Gaston Urban Area MPO, or an elected official serving as his designee, who shall serve in an ex-officio (non-voting) capacity.

I. The Chairman of the Hickory-Newton-Conover MPO, or an elected official serving as his designee, who shall serve in an ex-officio (non-voting) capacity.

**3. The County Commissioner representing each County on the RTAC shall be elected every two years by the Board of County Commissioners of each County in regular session. The municipal RTAC representatives shall be selected by the municipal elected board of each municipality in regular session every two years. A simple majority vote wins the seat. The term of office for all seats on the RTAC is two years. Re-appointment is possible.**

4. The Rural Transportation Advisory Committee (RTAC) will meet as often as it is deemed necessary, appropriate and advisable. One the basis of majority vote of its membership, the Rural Transportation Advisory Committee may elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.
5. The Executive Director of the Centralina Council of Governments will provide staff to the RTAC.

Section 4. Establishment of Rural Transportation Technical Coordinating Committee (RTTCC). A Rural Transportation Technical Coordinating Committee shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Rural Transportation Planning Organization (RPO) and the responsibility for making recommendations to the respective local, state, and federal governmental agencies and the Rural Transportation Advisory Committee (RTAC) regarding any necessary actions relating to the continuing transportation process.

- 1 The RTTCC shall be responsible for development, review, and recommendation for approval of the rural transportation planning work program for the RPO, the Transportation Improvement Program, and revisions to the Transportation Improvement Program.
2. Membership of the Rural Transportation Technical Coordinating Committee (RTTCC) shall include technical representatives from all local and state governmental agencies directly related to and concerned with the transportation planning process for the RPO planning area. Initially, the membership shall include, but may not be limited to, the following:
  - A. The County Manager (or his/her designee) from each of the four counties of the RPO planning area.
  - B. The Chief Administrative Official (or his/her designee) from each member municipality in the RPO planning area.

- C. Division Engineer serving the 12<sup>th</sup> Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
- E. Manager, Statewide Planning Branch, Planning and Environment, North Carolina Department of Transportation, or his/her designated representative.
- F. Area Traffic Engineer, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation.

G. A member of the Business Committee for Regional Transportation Solutions shall have ex-officio, non-voting membership.

3. The Rural Transportation Technical Coordinating Committee shall meet when it is deemed necessary, appropriate and advisable. The Rural Transportation Technical Coordinating Committee will be staffed by the Centralina Council of Governments Executive Director or his designee. The RTTCC shall by majority vote of the membership elect one member to serve as a Chairperson with the responsibility for coordinating the committee's activities. Membership of the Rural Transportation Technical Coordinating Committee may be altered on the basis of a majority vote of its membership and approval of the Rural Transportation Advisory Committee of the RPO.

Section 5. It is further agreed that all participating agencies will assist in the Rural Transportation planning process by providing planning assistance (where possible), data, and inventories in accordance with the approved work program.

Section 6. Each Municipality or County agrees that they will, as a part of their membership in the RPO, allocate the minimum sum of \$500 or \$1,000 respectively toward local match, with their remaining allocation of local match based upon the percentage of the total population of the RPO included in that jurisdiction. Members of Centralina Council of Governments may choose to use one (1) of their annual blocks of Centralina membership hours toward this requirement, and will allocate local funds for the remainder. Counties or municipalities which are not members of Centralina Council of Governments agree that they will provide cash match as calculated above.

Section 7: Except as provided in paragraph 1, A-E below, each member of the RPO shall be entitled to one vote on all matters coming before the RTAC or the RTTCC or before any committee to which such member unit is duly appointed. All votes shall be cast by the duly-appointed representative from the jurisdiction to the RPO, or in his absence, by an alternate representative.

1. Any RPO member shall be entitled to request that any matter requiring a vote of the RAC or RTTCC be considered by weighted voting in accordance with the following procedures:
  - A. A request for weighted voting must be made after the motion is made and before any vote on the motion is taken.
  - B. The vote on any matter appearing on the written agenda for the meeting, and upon which weighted voting has been requested, must be taken at that meeting unless the vote is postponed by a two-thirds non-weighted vote of the members.
  - C. Each RPO member shall be entitled to cast one vote for each 50,000 residents of its jurisdiction (or portion thereof) as determined by the

census used in assessing members' dues for the RPO. A simple majority of the votes cast shall be required for passage of any motion.

- D. Anything contained in these weighted voting procedures to the contrary notwithstanding, if on any motion utilizing weighted voting two (2) county governments shall cast negative votes, the motion shall fail unless the motion would have carried without the use of weighted voting.
- E. All votes on issues where weighted voting is requested shall be taken by a poll of the members.

Section 8. Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 90 days written notice to the other parties to the date of termination.

Section 9. In witness whereof, the parties of the Memorandum of Understanding have been authorized by appropriate and proper resolutions, and/or legislative authority to sign this Memorandum of Understanding, this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

BY:

## COUNTY OF CLEVELAND

## COUNTY OF GASTON

## COUNTY OF IREDELL

## COUNTY OF LINCOLN

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Chairman

Clerk to the Board

**TOWN OF BELWOOD**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF BOILING SPRINGS**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF CASAR**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CITY OF CHERRYVILLE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF EARL**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF FALLSTON**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF GROVER**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CITY OF HIGH SHOALS**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF HARMONY**

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Mayor

Clerk to the Board

**CITY OF KINGS MOUNTAIN**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF KINGSTOWN**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF LATTIMORE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF LAWNDALE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CITY OF LINCOLNTON**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF LOVE VALLEY**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF MOORESBORO**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF MOORESVILLE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

TOWN OF PATTERSON SPRINGS

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Mayor

Clerk to the Board

**CITY OF POLKVILLE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CITY OF SHELBY**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CITY OF STATESVILLE**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF TROUTMAN**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**TOWN OF WACO**

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Mayor \_\_\_\_\_ Clerk to the Board \_\_\_\_\_

**CENTRALINA COUNCIL OF GOVERNMENTS**

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Chairman \_\_\_\_\_ Executive Director \_\_\_\_\_

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

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Secretary \_\_\_\_\_ Witness \_\_\_\_\_

Rebecca Yarbrough asked the Board if they wanted to support funding for Regional Response Planning to Terrorism. The names would be submitted to the White House as a supporter. She explained there was no money or no commitment at this time.

**UPON MOTION** by Commissioner Choate, the Board voted unanimously to support the concept for funding for Regional Response Planning to Terrorism.

**Discussion of Sewage Dumping:** Being no one wishing to speak, Chairman Cochrane stated this would be deferred.

**Cost Estimate for Highway 182 Waterline Construction:** Chris Henderson stated a new subdivision, Westover Subdivision, has been proposed by Mr. Bobby E. Huss, Jr., on Highway 27 West. The subdivision construction plans, submitted to Lincoln County Public Works, call for constructing a six inch waterline interconnect between Highway 27 West and Highway 182 via a proposed new road named Westover Drive. The construction plans also propose constructing 794 feet of six-inch waterline along Highway 182 eastward toward the intersection of Highway 27 West.

Lincoln County Public Works has had numerous requests for a waterline extension from Highway 27 west along Highway 182. To accomplish this future goal a minimum of a twelve-inch waterline will need to be installed to support this growing area. I am proposing that Lincoln County pay the cost difference for increasing the waterline size from six inch to twelve inch for approximately 794 feet along Highway 182 only. I have received a quote from Mr. Harrill for the construction of 794 feet of twelve inch waterline at \$17,283.00 Mr. Huss' portion for the original six inch waterline is \$7,960.00. Lincoln County's portion for the increase to a twelve-inch waterline is \$9,323.00.

Jack Chandler stated they saw the opportunity to put in a section of line that would be in line with the Capital Improvement Plan and get it done at a fairly reasonable cost.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the payment of \$9323.00 to upsize the proposed 6-inch waterline to a 12-inch waterline.

**Website Status Update:** Chairman Cochrane stated that he has talked to Dante' Patterson and he walked him through the new Lincoln County Website. He stated this will be a tremendous asset to Lincoln County.

**CIP Resolution for the New East Lincoln High School:** Leon Harmon presented the Resolution to the Board.

**UPON MOTION** by Commissioner Choate, the Board voted unanimously to approve the CIP Resolution for the New East Lincoln High School.

Capital Project Ordinance  
New East High School

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is funding for the construction and furnishing of a new high school by the Lincoln County Board of Education to meet current and future space needs of the Lincoln County Schools.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution, and budget contained herein.

Section 3. The following amounts are appropriated for the project:

|                 |              |
|-----------------|--------------|
| Construction    | \$21,767,216 |
| Technical Costs | 2,036,853    |
| Contingency     | 300,000      |
| Total           | \$24,104,069 |

Section 4. The following revenues are anticipated to be available to complete this project:

|                      |              |
|----------------------|--------------|
| School Bond Proceeds | \$24,104,069 |
| Total                | \$24,104,069 |

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the terms of the bond resolution.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2001

**American Legion request for a County Flag:** Stan Kiser stated that J.C. Rudisill came to see him and requested the County donate a flag to the American Legion Post #30 to use in their parade and display at the American hall.

The Board granted the request.

**Appointment to Jury Commission:** Stan Kiser stated the Jury Commission is made up of an appointee from the Board of Commissioners, Clerk of Court, and Senior Resident Superior Court Judge. Trina M. Brown currently serves on the Board and she is available to serve another term.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to appoint Trina M. Brown for the Jury Commission.

**Other Business:** Commissioner Saine expressed concerns about the crosswalks in Lincolnton. She stated if the city does not carry out putting up some crosswalk signs, would the county consider doing this? She stated the parking lot is being used by employees of Lincoln Times and it makes it hard for the employees that do work in the Government Buildings to find parking spaces. She stated there is no handicap parking available for the CourtHouse and she wishes for this to be looked into.

Chairman Cochrane asked Stan Kiser to look into the parking lot situation.

Chairman Cochrane stated there was concerns about an updated Duke Power Emergency Evacuation Plan. Susan Ledford is currently working on the 2001 plan.

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

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Cheryl A. Baxter,  
Assistant Clerk to the Board

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Jerry Cochrane, Chair  
Board of Commissioners

