

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 1, 2000

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 1, 2000 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

James A. Hallman, Chairman
Terry L. Brotherton, Vice-Chairman
Beth H. Saine
John R. Gamble, Jr.
W. J. Waters, Jr.

Planning Board Members Present:

James Funderburk
Dean Lutz
Stanley Roseboro
Ron Smith
Gary Garlow
Phil Hunt
Eddie Sigmon
Jerry Geymont

Others Present:

Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Lee Lawson, Land Use Coordinator
Sherry Mobley, Development Technician
Sherry Seagle, Administrative Secretary
Leon Harmon, Finance Director

Call to Order: Chairman Hallman called the May 1, 2000 meeting to order.

Adoption of Agenda:

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

MAY 1, 2000

5:30 PM Call to Order

1. 5:30 PM Adoption of Agenda
2. 5:30 PM Approval of Minutes
- April 17, 2000
3. 5:30 PM Proclamation for West Lincoln Wrestling Team
4. 5:35 PM New Business / Advertised Public Hearing

Conditional Use Permit No. 169 – Robert Kelly, applicant. Request for a Conditional Use Permit in order to accommodate a Land Clearing and Inert Debris Landfill. The property is zoned Residential Single Family (R-SF) and is located at 1753 N.C Highway 16 North in Denver, NC.

Conditional Use Permit No. 170 – Bobby Wyatt, applicant. Request for a Conditional Use Permit in order to accommodate a single wide mobile home in a Residential Suburban (R-S) Zoning District that is located off Hummingbird Trail in Vale, NC.

Zoning Map Amendment No. 332 – Joseph Peterson, applicant. Request to rezone a .96 acre parcel from Residential Single Family (R-SF) to Neighborhood Business (B-N) in order to accommodate an office business. The property is located at 6608 Campground Road in Denver, NC.

Zoning Map Amendment No. 333 – Primestar Properties, Inc., applicant. Request to rezone a 7.621 acres portion of the 72.483 acres parcel from Residential Transitional (R-T) to General Business (B-G) in order to accommodate various businesses permitted in the B-G zoning district. The property is located off of Campground Road in Denver, NC.

Zoning Map Amendment No. 334 – Tony Carver, applicant. Request to rezone a 6.2 acres parcel and a 7.7 acres parcel from Neighborhood Business (B-N) to General Industrial (I-G) in order to accommodate a manufacturing/fabricating business. The properties are located off of Highway 16 North in Denver, NC.

Zoning Map Amendment No. 335 – David Farris, applicant. Request to rezone .880 acre parcel from Multiple Zoning (M-Z) to Residential Transitional (R-T) in order to accommodate a single wide mobile home. The property is located off of Mirror Lake Road in Lincolnton, NC.

Zoning Map Amendment No. 336 – Lincoln County, applicant. Request to rezone a 3.9 acres parcel, owned by Empire Gas, Inc.,

from Residential Single Family (R-SF) to Neighborhood Business (B-N) in order to create contiguous Business (B) and Industrial (I) lots along N.C. Highway 16 in the Catawba Springs Township. The property is located at 4411 Highway 16 North in Denver, NC.

5. 6:15 PM East Lincoln Library Update – Terry Brotherton
(At the Request of Harold Cadmus)
6. 6:30 PM County Funding Plan for Home & Community Block Grants
Senior Services and DSS -- Erma Deen Hoyle
7. 6:40 PM Nursing and Adult Care Home Community Advisory
Committee Annual Report – Debi Lee
8. 6:50 PM Sales Tax Resolution
9. 7:00 PM Subdivision Review Board – Commissioner Terry
Brotherton
10. 7:10 PM Other Business
11. 7:15 PM Recommendations from Planning Board – May 1, 2000
 - Conditional Use Permit No. 169 – Robert Kelly, applicant.
 - Conditional Use Permit No. 170 – Bobby Wyatt, applicant.
 - Zoning Map Amendment No. 332 – Joseph Peterson, applicant.
 - Zoning Map Amendment No. 333 – Primestar Properties, Inc.,
applicant.
 - Zoning Map Amendment No. 334 – Tony Carver, applicant.
 - Zoning Map Amendment No. 335 – David Farris, applicant.
 - Zoning Map Amendment No. 336 – Lincoln County, applicant.

Adjourn

Approval of Minutes: Chairman Hallman presented the minutes of the April 17, 2000 meeting.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to approve the minutes of the April 17, 2000 meeting.

Proclamation for West Lincoln Wrestling Team:

**PROCLAMATION HONORING
THE WEST LINCOLN HIGH SCHOOL WRESTLING TEAM**

WHEREAS, realizing that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our youth; and

WHEREAS, a striking example of this has been brought to our attention in the achievement of the *West Lincoln High School Wrestling Team*, who won the North Carolina High School 1A/2A State Championship on Saturday, February 12, 2000, and brought home the first state championship for the school; and

WHEREAS, under the direction of strategic coaching abilities of Coach Butch Ross, who was the winner of the Tournament's Coach's Award, and his staff, contributions were made by a number of different athletes to achieve a winning season in dramatic fashion, the well-played matches, the excellent wrestling, and the desire to be winners; and

THEREFORE BE IT PROCLAIMED, that the Lincoln County Board of Commissioners do hereby extend an expression of pride in the accomplishment of the *West Lincoln High School Wrestling Team*, and appreciate the fine recognition the team has brought to Lincoln County by an exceptional display of good sportsmanship, motivation, and inspired team play.

IN WITNESS WHEREOF, the official seal of the County of Lincoln, this the 1st day of May, 2000 is affixed to this Proclamation honoring the *West Lincoln High School Wrestling Team*.

James A. Hallman, Chairman

Terry L. Brotherton, Vice-Chairman

Beth H. Saine, Commissioner

Dr. John R. Gamble, Jr., Commissioner

W. J. Waters, Jr., Commissioner

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the Proclamation Honoring the West Lincoln High School Wrestling Team.

New Business: Advertised Public Hearings: Chairman Hallman announced that this was the date, Monday, May 1, 2000 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on April 21 and 28, 2000.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 5:30 P.M. on Monday, May 1, 2000 to consider the following zoning related matters:

CUP #169 – Robert Kelly, applicant: A request for a Conditional Use Permit in order to accommodate a Land Clearing and Inert Debris Landfill. The property is zoned Residential Single Family (R-SF) and is located at 1753 N.C. Highway 16 North in Denver, NC.

CUP # 170 – Bobby Wyatt, applicant: A request for a Conditional Use Permit in order to accommodate a single wide mobile home in a Residential Suburban (R-S) Zoning District that is located off of Hummingbird Trail in Vale, NC.

ZMA #332 – Joseph Peterson, applicant: A request to rezone a .96 acre parcel from Residential Single Family (R-SF) to Neighborhood Business (B-N) in order to accommodate an office business. The property is located at 6608 Campground Road in Denver, NC.

ZMA #333 – Primestar Properties, Inc., applicant: A request to rezone a 7.621 acres portion of the 72.483 acres parcel from Residential Transitional (R-T) to General Business (B-G) in order to accommodate various businesses permitted in the B-G zoning district.

ZMA #334 – Tony Carver, applicant: A request to rezone a 6.2 acres parcel and a 7.7 acres parcel from Neighborhood Business (B-N) to General Industrial (I-G) in order to accommodate a manufacturing/fabricating business. The properties are located off of Highway 16 North in Denver, NC.

ZMA #335 – David Farris, applicant: A request to rezone a .880 acre parcel from Multiple Zoning (M-Z) to Residential Transitional (R-T) in order to accommodate a mobile home. The property is located off of Mirror Lake Road in Lincolnton, NC.

ZMA #336 – Lincoln County, applicant: A request to rezone a 3.9 acres parcel, owned by Empire Gas, Inc., from Residential Single Family (R-SF) to Neighborhood Business (B-N) in order to create contiguous Business (B) and Industrial (I) lots along N.C. Highway 16 in the Catawba Springs Township. The property is located at 4411 Highway 16 in Denver, NC.

Conditional Use Permit No. 169 – Robert Kelly, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 169 – Robert Kelly, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a land clearing and inert debris landfill. The property is zoned Residential Single Family (R-SF).

The 1.14 acres parcel is located at 1753 Highway 16 North in the Catawba Springs Township. The property is joined to the north and west by properties that are also zoned R-SF and to the northwest by a parcel zoned R-T. The Lincoln County Land Development Plan calls for higher residential density development in this area. A land clearing and inert debris landfill requires the issuance of a Conditional Use Permit in the R-SF zoning district.

Chairman Hallman opened the Public Hearing for Conditional Use Permit No. 169 – Robert Kelly, applicant.

Gilbert List stated that he and his wife own the adjoining property. He presented pictures of the site. He stated that there has been stumps, asphalt, and trash put in the property. Mr. List stated that some of the neighbors have contacted the County concerning a rat problem. He stated that there is almost a pond there from all the rain. He commented the his understanding of inert is items that will not break down. Mr. List stated that he is on a well, and does not want to see any contamination. He stated that without some clarity, they have a real problem with the approval of this Conditional Use Permit. He stated that he does not want a dump beside his house.

Sylvia Holmes stated that she is the President of the East Lincoln Betterment Association. She stated that each month she watches in the newspaper for these public hearings and pay particular attention to those in the Catawba Springs Township. She stated that she was sort of alarmed when she saw this was a Conditional Use Permit for a landfill. Mrs. Holmes stated that there has been a tremendous problem in their township because of the landfill off the Mariposa Road near the speedway, with illegal materials being put into that. She stated that she is also concerned about trucks turning in there to do the dumping on a very busy section of 16. Mrs. Holmes stated that there is another landfill right up the road that is currently on fire, which was caused by some illegal materials being put into there. She stated that for the third day that is now burning, just off 16. She stated that the property owner also owns the next piece of land.

Jennie List stated that she owns the property next door and is concerned about the run-off. She asked some questions concerning some pictures she presented to the Board. She asked for the definition of inert.

Lee Lawson read from the Zoning Ordinance that a land clearing and inert debris landfill is defined as a facility for the land disposal of land clearing waste: concrete, brick, concrete blocks, uncontaminated soil, gravel and rock, untreated and unpainted wood, decomposable vegetative yard trash such as brush and stumps.

Ms. List stated that she is worried about her well being contaminated.

Commissioner Brotherton stated that with the construction there has got to be a way to dispose of the stumps. He stated that there is the stump-dump on Highway 16 that has been on fire for about three days. He stated that he learned today that the EPA can possibly fine a person with one of these things \$10,000 per day. He stated that he has

concerns as to whether Mr. Kelly actually understands the liability he might be undertaking with something like this.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Conditional Use Permit No. 169 – Robert Kelly, applicant, closed.

Conditional Use Permit No. 170 – Bobby Wyatt, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 170 – Bobby Wyatt, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a singlewide mobile home. The property is located in the Residential Suburban (R-S) zoning district.

The 13.27 acres parcel is located on Lot #30 of the Vernon Boyles Subdivision in the North Brook Township. The property is joined to the east, west, and north by parcels that are also zoned R-S and to the south by R-SF zoned parcels. The Lincoln County Land Use Development Plan calls for lower residential density development in this area. Singlewide mobile homes require the issuance of a Conditional Use Permit in the R-S district.

Chairman Hallman opened the Public Hearing for Conditional Use Permit No. 170 – Bobby Wyatt, applicant.

Chairman Hallman stated that this property is way back off the road, and you'd have to have an airplane to see it.

Commissioner Waters asked about the access to the property.

Lee Lawson stated that currently there is no access to it, but there is an easement that goes up to the edge of it.

Chairman Hallman advised that he understands that this mobile home is already on the adjoining piece of property and they are just going to move it across the line behind the setback and re-hook it up.

Bobby Wyatt stated that the property is 13 acres he purchased from his uncle Jess Hoover. He stated that at the time he purchased the land, there was a mobile home that sat on his uncle's property. He stated that his uncle is currently building a home. Mr. Wyatt stated that when he bought the property, it was to build a home. The trailer at that time was going to be let gone back to the owners, so he took the mobile home just to live in until he builds his home. He stated that he just wants to move the mobile home to his property so that he can build a home. Mr. Wyatt stated that he has been told that once his uncle's home is complete, it is his understanding that it has to be moved from where it is now before he can move in it. He stated that this is the only reason for moving the mobile home. Mr. Wyatt pointed out on the map where the mobile home is now, where it

will be, and a 45' right of way to his property. He stated that he will be building his home in September.

Being no additional speakers, Chairman Hallman declared the public hearing for Conditional Use Permit No. 170 – Bobby Wyatt, applicant, closed.

Zoning Map Amendment No. 332 – Joseph Peterson, applicant:

Chairman Hallman asked if the applicant was present tonight.

The applicant stated that he was present.

Chairman Hallman stated that since this is in a Residential area, he asked if the applicant had given any thought to a Parallel Use Rezoning, which would take it back to the original zoning in the event that he leaves the property.

Mr. Joseph Peterson, applicant, stated that they originally looked at that option, as well as another option that they found, and in discussing this they found that there is a furniture business 2 lots down and across the street from where this house is currently located. He stated that it was suggested that they zone the property the same as that business is. Mr. Peterson stated that there is only a house there, and they intend to keep the house for as long as they are alive. He stated that the house that is the furniture business is zoned the same way, which is the Business Neighborhood Zoning. He stated that they intend to keep the structure the same, the house was built in 1992, except to do some improvements. Mr. Peterson stated that the outward appearance of the building will remain the same, there will be no trucks or anything.

Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 332 – Joseph Peterson, applicant.

The applicant is requesting to rezone a parcel from Residential Single Family (R-SF) to Neighborhood Business (B-N). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district.

The .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township. The property is joined on all sides by parcels that are zoned R-SF. The Lincoln County Land Development Plan calls for higher density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 332 – Joseph Peterson, applicant.

Glen Cook stated that he opposes this rezoning. He stated that this Campground Street is one of the oldest streets in Lincoln County, if not the oldest. He stated that there are 12 old homes on it, the last one being built around 1922, probably 6 or 8 were built before the Civil War. He stated that they want to keep this street the way it is. Mr. Cook stated

that the house down the street is as beautiful as his house, you wouldn't think there was a business in it. He stated that he has no objection to anything like that.

Joe Peterson stated that they have no intention of changing the look of the house, other than improving it. He stated that prior to their occupation of the house, there was no one in the house for a year or two. He stated that they intend to make the house look better than it has been. Mr. Peterson stated that there will not be a big parking lot in front of the house.

Commissioner Waters asked if he is proposing to put any other structures there.

Joe Peterson stated that they are not. He stated that they will be removing the oil tank and putting in central heating and air conditioning.

Mr. Peterson stated that there will be a few people taking phone calls and working on computers, during normal business hours.

Commissioner Saine asked why he wants the rezoning rather than a Conditional Use Permit.

Mr. Peterson stated that he understands from his conversation with the Zoning people, and talking with Mr. Brotherton, who is his neighbor and the gentleman that sold them the property. It was suggested that they get their property rezoned the same as the furniture store. He stated that this is what was recommended to them.

The Planning Board explained the difference between a Parallel Conditional Use Rezoning and a straight rezoning.

The applicant agreed to reapply for a Parallel Conditional Use Rezoning.

Chairman Hallman stated that this would need to be readvertised, and taken up on June 5, 2000, as a Parallel Conditional Use Rezoning.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Zoning Map Amendment No. 332—Joseph Peterson, applicant, closed.

Zoning Map Amendment No. 333 – Primestar Properties, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 333 – Primestar Properties, applicant.

The applicant is requesting to rezone a 7.621 acres portion of their 72.48 acres from Residential Transitional (R-T) to General Business (B-G). The applicant wishes to rezone this property in order to accommodate future businesses that are permitted in the B-G zoning district.

This 7.621 acres portion of this parcel is located on Campground Road in the Catawba Springs Township. The property is joined to the north, south, and west by parcels that

are also zoned R-T and to the east by a parcel zoned B-G. The Lincoln County Land Development Plan calls for higher density residential development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 333 – Primestar Properties, Inc., applicant.

Richard Webb stated that he lives on Catawba Burris Road and is wanting to know how this will affect his property.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Zoning Map Amendment No. 333 – Primestar Properties, Inc., applicant, closed.

Zoning Map Amendment No. 334 – Tommy Carver, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 334 – Tommy Carver, applicant.

The applicant is requesting to rezone two (2) parcels from Neighborhood Business (B-N) with a Designated Highway Overlay (D-H) District to General Industrial (I-G) with a D-H overlay. The applicant wishes to rezone these parcels in order to accommodate a manufacturing/fabricating business that is permitted in the I-G zoning district.

The 6.25 acres parcel and the 7.776 acres parcel are both located on Highway 16 North in the Catawba Springs Township. These properties are joined to the north and east by parcels that are zoned B-N, to the west there are R-S zoned parcels, and located to the south I-G districts. The Lincoln County Land Development Plan calls for higher density residential development in this area.

There was a question about the property, since it has been subdivided since the applicant applied for the Zoning Map Amendment.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to defer Zoning Map Amendment No. 334 – Tommy Carver until June, in order to get the map to comply with current property boundaries.

Zoning Map Amendment No. 335 – David Farris, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 335 – David Farris, applicant.

The applicant is requesting to rezone the parcel from multiple zoning (M-Z) districts (R-SF & R-T) to Residential Transitional (R-T). The applicant wishes to rezone the property in order to accommodate a mobile home that is permitted in the R-T zoning district.

The .875 acre parcel is located on Mirror Lake Road in the Lincolnton Township. The property is joined to the north and south sides by parcels that are also zoned M-Z, to the west there are R-SF zoned parcels, and to the east R-T. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Lisa Reynolds stated that she is representing herself, her family, and her neighbors. She presented a petition with 48 names against the rezoning. She stated that presently it is zoned Residential Single-Family. She stated that there was a good reason for the zoning to start with, and they believe it is still a good enough reason. She asked her neighbors in the audience to stand up if they were against this. Ms. Reynolds stated that there is nothing wrong with mobile homes, she and a lot of her neighbors lived in mobile homes until they could build a house. She asked the Board not to change the zoning.

John Rollins stated that if the Board gives this permit, it will open the door for more mobile homes to come into the neighborhood.

Greg McCaslin stated that he recently spent \$40,000 to purchase land to keep a developer from putting singlewide mobiles in the neighborhood. He stated that they do not want this zoning changed.

George Bradley, Jr. stated that he is opposed due to the fact that this will devalue their property, and they are concerned about the long term disposition of this mobile home.

Joe Abernathy stated that if he was ever to sell his place, he wants to get top dollar for it. He stated that he cannot see this taking place.

Walter Martin stated that this lot is directly across from his property line. He stated that he owns 2.5 acres, has horses there, and has the place looking good. He stated that he does not think the property needs a single wide, but he has no problem with a double wide.

Sharon King stated that she and her daughter just bought the doublewide and land that will be directly next door to this property. She stated that when they bought the land they were told there would be nothing but houses and doublewides. She stated that they have only been there four months. She stated that if they wanted to live in a trailer park, they wouldn't have bought the land.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 335 – David Farris, applicant, closed.

Zoning Map Amendment No. 336 – Lincoln County, applicant: Lee Lawson, Land Use Coordinator presented the following information concerning Zoning Map Amendment No. 336 – Lincoln County, applicant.

The applicant is requesting to rezone a parcel, owned by Empire Gas Inc., from Residential Single Family (R-SF) to Neighborhood Business (B-N). The department wishes to rezone this parcel in order to create consistencies between zoning districts along the North Carolina Highway 16 corridor through Lincoln County.

The 3.9 acres parcel is located at 4411 Highway 16 in the Catawba Springs Township. The property is joined to the east and south sides by parcels that are zoned B-N, to the

west there are R-SF zoned parcels, and to the north I-G districts. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Chairman Hallman asked if the property owner is in agreement.

Lee Lawson stated that they had no problem with it.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 336 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing for Zoning Map Amendment No. 336 – Lincoln County, applicant, closed.

Jeff Taylor, County Attorney, stated that SBA Towers has sued for two claims for relief, and have not asked for any damages.

The Planning Board reconvened to the 2nd floor balcony.

Recess: Chairman Hallman called for a five minute recess
Chairman Hallman called the meeting back to order.

East Lincoln Library Update – Terry Brotherton: Commissioner Brotherton stated that he had a call late last week from Harold Cadmus, the Chairman of the Site Selection Committee for the East Lincoln Library, asking him to distribute some information to each member of the Board. He stated that they have had three or four meetings and have made a lot of progress. He stated that hopefully the media will get a copy of this and make it known that they are looking for property.

County Funding Plan for Home & Community Care Block Grants Senior Services and DSS – Erma Deen Hoyle: Erma Deen Hoyle presented the County Funding Plan for Home & Community Care Block Grants Senior Services and DSS. She stated that the County must provide a ten percent match, which is \$29,102.

Commissioner Gamble asked about congregate meals, stating that every other county in North Carolina has them. He stated that this is a very popular program.

Erma Deen Hoyle stated that they had considered the possibility of expanding into this budget year with congregate meals, but it was a recommendation that because of the limited funding for this year that they not start a new program. Also in Senior Services right now, they do not have the staff that could do that.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the Home and Community Care Block Grant.

Nursing and Adult Care Home Advisory Committee: Farrie Blackburn stated that she is the Co-Chairman of the Nursing and Adult Care Home Advisory Committee. She stated that they currently have 8 members, since they have had two to resign. She stated

that they can have up to 16 members. She stated that they will be participating in an annual training in Huntersville on May 26.

Lottie Massey thanked the Board for the quality volunteers they appoint. She also thanked the Board for the Lincoln County Nursing Home Ordinance. She stated that they would like to see the Board at full strength.

Chairman Hallman stated that Lincoln County is very fortunate to have such good volunteers. He stated that if anybody knows anyone else who may be interested in serving, they can present the names to Commissioner Beth Saine.

Sales Tax Resolution:

Chairman Hallman presented the following Resolution for the Board's consideration.

LINCOLN COUNTY, NORTH CAROLINA

**RESOLUTION ON DELAYING CONGRESSIONAL ACTION ON INTERNET
TAX MORATORIUM**

WHEREAS, out-of-state remote sellers who conduct sales via the Internet, mail order, and phone are not required by law to collect existing sales and use taxes imposed by state and local governments; and

WHEREAS, the primary barrier to collecting taxes on remote sales is the Supreme Court's ruling in *Quill V. North Dakota* which defers to Congress to authorize states to require remote sellers to collect taxes in a manner that does not unduly burden in a manner that does not unduly burden Interstate commerce; and

WHEREAS, state and local governments are working together to implement a streamlined sales tax system that would simplify definitions, tax rates, and tax bases and use 21st Century technology in the collection process; and

WHEREAS, current laws create a competitive disadvantage and great inequities between merchants who sell from traditional "brick-and-mortar" establishments and those who sell from electronic stores; and

WHEREAS, increasing sales on the Internet, and the resulting erosion of sales and use tax revenues, will limit the ability of states and governments and school districts to finance essential public services such as police, fire, emergency medical service, education, social services, infrastructure development, and healthcare; and

WHEREAS, a recent University of Tennessee study estimates that state sales tax revenue losses in 2003 will exceed \$10 billion; and

WHEREAS, the Advisory Commission on Electronic Commerce failed to reach a legally required consensus on fair and equitable treatment of both remote sellers and "Main Street" retailers and also proposed that Congress preempt state and local sovereignty guaranteed by the U. S. Constitution:

THEREFORE BE IT RESOLVED that Lincoln County supports a simplification of state and local sales taxes, and urges states to move expeditiously to develop and approve model simplification legislation; and

BE IT FURTHER RESOLVED that Congress should not extend or expand the current moratorium until its expiration in October 2001; and

BE IT FURTHER RESOLVED that if state and local governments choose to negotiate a brief extension of the existing moratorium as part of a broader bill, such an extension:

- Should only be effective for a short period of time (no more than two years); and
- Must be linked to states' successfully implementing sales tax simplification, which would trigger Congressional authorization of expanded duty to collect use taxes on remote sales.

APPROVED this the 1st day of May, 2000.

James A. Hallman, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve the Resolution.

Subdivision Review Committee – Commissioner Terry Brotherton: Commissioner Brotherton stated that he would like to add a representative from the School System to the Subdivision Review Board. He stated that Lincoln County currently has a Subdivision Review Committee, including the Fire Marshall, someone from Addressing, Jack Chandler from Public Works, Soil and Water, Mapping, DOT, Zoning, and Kelly Atkins from Land Use. He stated that presently their function is to look at a subdivision proposal to determine that it meets all the technical aspects. He stated that once the subdivision meets the technical requirements, there is not really a lot the Board can do. He stated that no consideration is given to the impact it would have on other government agencies, mainly the schools. He stated that he has talked to Dr. Eaddy and Betty Lawing about this. He stated that once this subdivision is reviewed, then they can look at it and

determine what schools will be impacted and perhaps they can recommend build-out or denial.

Commissioner Gamble stated that he feels this is a good idea. He asked if there is any good reason to turn down a housing development, except for the County's inability to pay.

Commissioner Waters stated that adding a representative does not do anything, since they do not give a recommendation. He stated that the Board would need to give them the ability to make a recommendation.

Chairman Hallman advised Commissioner Brotherton to work with the County Attorney to put together the wording for a Subdivision Text Ordinance Amendment.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to have a revision ready for the first meeting in June and to set a public hearing the first meeting in June at 7:00 PM.

Other Business: Stan Kiser, County Manager, stated that The Keith Corporation is in the business of managing property. He stated that they have approached him about the possibility of taking over the management of the maintenance of County buildings. He stated that they would manage all the buildings, and there would be no maintenance or grounds staff. Mr. Kiser stated that The Keith Corporation think they could do it at a cost savings to the county. He stated that the Board may want to look at it during the next budget.

Commissioner Gamble stated that he passed some information out to the Board concerning the hospital.

Recess: Chairman Hallman called for a recess, while waiting for the Planning Board's recommendations.

Chairman Hallman called the meeting back to order.

Recommendations of the Planning Board – May 1, 2000:

Conditional Use Permit No. 169 – Robert Kelly, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended deferring the case until the applicant submits a site plan.

UPON MOTION by Commissioner Waters, the Board voted unanimously to defer the case until a site plan is submitted to staff.

Conditional Use Permit No. 170 – Bobby Wyatt, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approval with no conditions stated.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #170

Date: May 1, 2000

Applicant's Name: Bobby Kyle Wyatt
Address: 5970 Hummingbird Trail
Vale, NC 28168

Property Owner's Name: Bobby & Kimberly Wyatt
Address: (Same as above)

Property Location: Hummingbird Trail, Vale

Existing Zoning: R-S

Proposed Conditional Use: Mobile Home

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No ____
Motioned by Commissioner Waters. Vote: Unanimous approval.
2. The use meets all required conditions and specifications. Yes X No ____
Motioned by Commissioner Waters. Vote: Unanimous approval.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No ____
Motioned by Commissioner Waters. Vote: Unanimous approval.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
Yes X No ____
Motioned by Commissioner Waters.
Vote: Unanimous approval.

After having held a public hearing on May 1, 2000, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve Conditional Use Permit No. 170 – Bobby Wyatt, applicant, with the condition that the home must be built within 2 years.

Chairman
Lincoln County Board of Commissioners

Date

Zoning Map Amendment No. 333 – Primestar Properties, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approving the request.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to approve Zoning Map Amendment No. 333 – Primestar Properties, applicant.

Zoning Map Amendment No. 335 – David Farris, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board voted unanimously to deny the request.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to deny Zoning Map Amendment No. 335, based on the Planning Board's recommendation.

Zoning Map Amendment No. 336 – Lincoln County, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board voted unanimously to approve the request.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to approve Zoning Map Amendment No. 336 – Lincoln County, applicant.

Adjournment: **UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to adjourn.

Amy S. Long, Clerk
Board of Commissioners

James A. Hallman, Chairman
Board of Commissioners