

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 3, 2000

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on July 3, 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:

Gary Garlow, Chairman
Ron Smith
James "Buddy" Funderburk
Dean Lutz
Stanley Roseboro
Eddie Sigmon

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 July 3, 2000 meeting to order.

Adoption of Agenda: UPON MOTION by Commissioner Waters, the Board voted unanimously to adopt the agenda with Zoning Text Amendment No. 341 deferred to August 7, 2000 at the request of staff.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
JULY 3, 2000

- | | | |
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| | 5:30 PM | Call to Order |
| 1. | 5:30 PM | Adoption of Agenda |
| 2. | 5:30 PM | Approval of Minutes
- May 30, 2000
- June 5, 2000
- |
| 3. | 5:30 PM | At this time, the Board of Commissioners will recess the July 3, 2000 meeting and open the July 3, 2000 Board of Variance and Appeals meeting. |
| 4. | 6:15 PM | New Business / Advertised Public Hearing |

Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant. Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 16 acres to Conditional Use Residential Suburban (CU R-S) to accommodate a doublewide mobile home. The request was approved by the Planning Board and the Board of Commissioners on February 1, 1999 with conditions. The conditions were: 1) only one (1) mobile home could be placed on the said parcel, 2)The front setback from the street right-of-way shall be 100 feet, and 3) If the use changed or if the property was ever subdivided the zoning would revert back to Residential Single Family (R-SF). The applicant has not applied for a building permit for this parcel. The Lincoln County Zoning Ordinance requires a building permit to be issued one (1) year after approval or the Planning Board shall make a recommendation to the County Commissioners to rescind the application and rezone the said parcel to a general zoning district. This parcel is located off of Dan Rhyne Road in the Howard’s Creek Township.

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant. Request for a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district. This .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township.

Conditional Use Permit No. 171 – Family Boat Centers, applicant. Request for a Conditional Use Permit in order to accommodate a boat trailer sales lot. The .6 acre parcel is zoned Neighborhood Business (B-N) and is located at 3840 N.C. Highway 16 North in the Catawba Springs Township.

Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant. Request to rezone a parcel from Residential Single Family (R-SF) to Residential Rural (R-R) to accommodate a mobile home. The 6.15 acres parcel is located on N.C. Highway 274 in the North Brook Township.

Zoning Map Amendment No. 339 – Judy Farmer Edwards, applicant. Request to rezone a parcel from Neighborhood Business (B-N) to Residential Single Family (R-SF) to use an existing structure as a single family dwelling unit. The .4 acre parcel is located at 1689 N.C. Highway 16 South in the Catawba Springs Township.

Zoning Map Amendment No. 340 – Bynum Caldwell, applicant. Request to rezone a parcel from General Industrial (I-G) to General Business (B-G) in order to expand an existing business without having to provide a Grade C screen with an opaque wall or fence. The 1.88 acres parcel is located at 6656 N.C. Highway 150 in the Ironton Township.

Zoning Text Amendment No. 341: Amend Section 4A.10 to the Lincoln County Zoning Ordinance, in Parallel Conditional Use District – Revocation of Approval of or Parallel Conditional Use District to extend the time limit from one (1) year after a PCUR is approved for the applicant to apply for a building permit to two (2) years.

5. 6:50 PM Budget Adjustment No. 133
6. 6:55 PM Guidelines for Money to Schools
7. 7:05 PM East Lincoln Recreation Center Bids – Erma Deen Hoyle
8. 7:15 PM Request for a Public Hearing on Monday, August 7, 2000 to Receive Public Comments on Proposed ROAP Funding from NCDOT -Erma Deen Hoyle
9. 7:25 PM Recommendations from the Planning Board – July 3, 2000
 - Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant
 - Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant.
 - Conditional Use Permit No. 171 – Family Boat Centers, applicant.
 - Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant.

- Zoning Map Amendment No. 339 – Judy Farmer Edwards, applicant.
- Zoning Map Amendment No. 340 – Bynum Caldwell, applicant.
- Zoning Text Amendment No. 337

10. 7:55 PM Phase 2 Approval for Verdict Ridge

11. 8:10 PM Appointments

12. 7:15 PM Other Business

Adjourn

Approval of Minutes: Chairman Hallman presented the minutes of the May 30, 2000 and June 5, 2000 meetings for approval.

Commissioner Gamble stated that he has read these minutes and has some questions concerning the Agreement with the Keith Corporation. He stated that there are some things in there that are not clear.

Chairman Hallman stated that on page 21 and 22, there is a Conditional Use Permit with the wrong applicant name and number.

Chairman Hallman stated the approval of the minutes will be deferred to the next meeting to allow Commissioner Gamble time to get with the Clerk for clarification.

Recess:

UPON MOTION by Commissioner Brotherton, the Board voted unanimously to recess the July 3, 2000 meeting to hold the July 3, 2000 Board of Variance and Appeals Meeting.

Chairman Hallman called the July 3, 2000 meeting back to order.

Budget Adjustment No. 133:

Stan Kiser stated we they booked \$2.3 million in water sales for this past year, and water sales exceed that by a few hundred thousand. He stated that we also booked \$164,000 for water taps, which was also exceeded. He stated that the revenues were greater than expected, around 103% and the expenses as a result were 102%.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve Budget Adjustment No. 133.

Appointments:

Commissioner Saine presented the following appointments.

Economic Development Board

John Black, Jr.

Gaston College Board of Trustees

Joyce Houser

7416 Hallman Mill Road

Vale, NC 28168

Lincoln Gaston Boundaries – Commissioner Appointee

W. J. Waters, Jr.

Nursing and Adult Care Home Advisory Committee

Lorinda M. Schwartz

REAPPOINT

Lincolnton Planning Board – ETJ

Freddie Carpenter

Commissioner Gamble stated that he does not know Joyce Houser, but he knows a good candidate for that opening on the Gaston College Board of Trustees, who is Wayne Lowe. He stated that he would like for Wayne Lowe to be considered for this vacancy.

Chairman Hallman stated that Joyce Houser has retired after teaching thirty or thirty-one years at West Lincoln Middle School, and she is very dedicated to education. He stated that she was very elated to even be approached about this

By written ballots, the Board voted 4 –1 to appoint Joyce Houser to the Gaston College Board of Trustees.

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the appointments.

Guidelines for Money to Schools – Erma Deen Hoyle: Erma Deen Hoyle presented the following Suggestions and Recommendations for Grant Funds to Schools.

**SUGGESTIONS AND RECOMMENDATIONS
FOR GRANT FUNDS TO SCHOOLS**

The following are suggestions for the grant funds proposed for the schools:

- Funds are matching funds
(To ease fundraising burden on the school, the money could be spread over two years and/or set a % that the school must raise. Perhaps evidence of such

improvements already on the school during the previous three years might also be pertinent; i.e. new playground equipment.)

- Funds must be used for community-based facilities or programs
(Priority should be for items such as playground equipment, walking tracks, benches, waste receptacles, gym improvements, field improvements, etc.
Questions concerning spending would be answered by a committee of the County Manager, a designated County Commissioner, and the Recreation Director; the school's Principal or designated representative should meet with the committee to answer questions.
- Requests for funds should be forwarded to the Recreation Department for reimbursement to the school or payment directly to the vendor.

(This is where the question of matching funds comes to play! How do we know that they have matched. Do we reimburse only ½ or whatever % was set?)

Ms. Hoyle stated that the requests she has received have included a walking track, bleachers for indoor and outdoor facilities, some playground equipment, and regular PE equipment. She stated that some of the schools have just recently replaced their playground equipment and it may be hard for them to come up with matching funds. She stated that there is also the decision if they need to submit invoices or if one check needs to be cut through the schools.

Chairman Hallman suggested that the money be dispersed without a match, but the bills be submitted to Erma Deen Hoyle for approval.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to take the Chairman's suggestion and not require a match, that the funds be paid out upon submission of appropriate invoices, up to the \$10,000

Commissioner Waters asked if anyone else has been approached by the Charter Schools. He stated that he got an email from the Charter School. He stated that the answer he gave them was that the property was not county owned, and did not want to put money into it.

Chairman Hallman stated that this is a requirement of the Recreation Department, that any money they spend has to be on county owned or leased property.

Commissioner Gamble asked Erma Deen Hoyle for a report on how the money is spent.

East Lincoln Recreation Center Bids – Erma Deen Hoyle: Erma Deen Hoyle stated that Metrolina Constriction was the low bidder for the multi-prime. She also presented a letter from the architect with numerous changes that could be made, reducing the cost without significantly affecting the building. She stated that she did not include the change to the roof system, because she did not know how it would affect the building.

Commissioner Gamble stated that he has read this over several times, and cannot see of anything that he would want to take out \$30,000 collectively on all those eight or nine categories, that he didn't think would add to the life or serviceability of the building.

Commissioner Brotherton stated that the thing that really got his attention was the lean-to shed would be completely distracting to the appearance.

Erma Deen Hoyle stated that this lean-to-shed would be on the side or the back.

Commissioner Brotherton stated that in Metrolina's bid, \$9,000 for the wood floor is a steal. He stated that these people say they can do it in 110 days, and if they do it people can be using this gym by fall.

A MOTION by Commissioner Brotherton to accept the bid of Metrolina Construction for the General Multi-Prime, Metrolina Plumbing for the plumbing, Huffman for the Mechanical, and Lake for the Electrical, proceeding with the original drawings and encourage the architect to give the Board information as soon as possible as to when they schedule a ground breaking.

Chairman Hallman stated that he thinks it's a wise choice to not have to skimp now and pay later.

Erma Deen Hoyle stated that in the second Addendum, which was \$64,742 for bleachers inside the gymnasium she thinks that they feel they can get a better deal dealing with private suppliers.

AN AMENDMENT TO THE MOTION by Commissioner Brotherton to amend the motion to exclude \$64,742 from the bid process and authorize Erma Deen Hoyle and the architect to work on that outside the contract to bring it in as inexpensive as possible.

VOTE: Unanimously approved.

Request for a Public Hearing on Monday, August 7, 2000 to Receive Public Comments on Proposed ROAP Funding from NCDOT – Erma Deen Hoyle: **UPON MOTION** by Commissioner Waters, the Board voted unanimously to set a public hearing for August 7, 2000 to receive public comments on the proposed ROAP funding from NCDOT.

Chairman Hallman stated that the people who installed the new sound system need to come back and look at. He stated that what we have is not acceptable yet. He requested that Mr. Kiser or Mr. Harmon write a letter to Hames Music listing the problems we are having with the sound system.

New Business: Advertised Public Hearings: Chairman Hallman announced that this was the date, Monday, July 3, 2000 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on June 23 and 30, 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, July 3, 2000 to consider the following zoning related matters:

Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant. Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 16 acres to Conditional Use Residential Suburban (CU R-S) to accommodate a doublewide mobile home. The request was approved by the Planning Board and the Board of Commissioners on February 1, 1999 with conditions. The conditions were: 1) only one (1) mobile home could be placed on the said parcel, 2) The front setback from the street right-of-way shall be 100 feet, and 3) If the use changed or if the property was ever subdivided the zoning would revert back to Residential Single Family (R-SF). The applicant has not applied for a building permit for this parcel. The Lincoln County Zoning Ordinance requires a building permit to be issued one (1) year after approval or the Planning Board shall make a recommendation to the County Commissioners to rescind the application and rezone the said parcel to a general zoning district. This parcel is located off of Dan Rhyne Road in the Howard's Creek Township.

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant. Request for a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district. This .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township.

Conditional Use Permit No. 171 – Family Boat Centers, applicant. Request for a Conditional Use Permit in order to accommodate a boat trailer sales lot. The .6 acre parcel is zoned Neighborhood Business (B-N) and is located at 3840 N.C. Highway 16 North in the Catawba Springs Township.

Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant. Request to rezone a parcel from Residential Single Family (R-SF) to Residential Rural (R-R) to accommodate a mobile home. The 6.15 acres parcel is located on N.C. Highway 274 in the North Brook Township.

Zoning Map Amendment No. 339 – Judy Farmer Edwards, applicant. Request to rezone a parcel from Neighborhood Business (B-N) to Residential Single Family (R-SF) to use an existing structure as a single family dwelling unit. The .4 acre parcel is located at 1689 N.C. Highway 16 South in the Catawba Springs Township.

Zoning Map Amendment No. 340 – Bynum Caldwell, applicant. Request to rezone a parcel from General Industrial (I-G) to General Business (B-G) in order to expand an existing business without having to provide a Grade C screen with an opaque wall or fence. The 1.88 acres parcel is located at 6656 N.C. Highway 150 in the Ironton Township.

Zoning Text Amendment No. 341: Amend Section 4A.10 to the Lincoln County Zoning Ordinance, in Parallel Conditional Use District – Revocation of Approval of or Parallel Conditional Use District to extend the time limit from one (1) year after a PCUR is approved for the applicant to apply for a building permit to two (2) years..

Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant.

The applicant requested a Parallel Conditional Use Rezoning (PCUR) to rezone 16 acres to Conditional Use Residential Suburban (CU R-S) to accommodate a doublewide mobile home. The request was approved by the Planning Board and the Board of Commissioners on February 1, 1999 with conditions. The conditions were: 1) Only one (1) mobile home could be placed on the said parcel, 2) The front setback from the street right-of-way shall be 100 feet, and 3) If the use changed or if the property was ever subdivided the zoning would revert back to Residential Single Family (R-SF). The applicant has not applied for a building permit for this parcel. The Lincoln County Zoning Ordinance requires a building permit to be issued one (1) year after approval or the Planning Board shall make a recommendation to the County Commissioners to rescind the application and rezone the said parcel to a general zoning district or continue the PCUR with conditions.

This parcel is located off of Dan Rhyne Road in the Howards Creek Township. The property is joined of the north, west, and east sides by parcels that are zoned R-SF and to the south by R-S. The Lincoln County Land Development Plan calls for moderate residential density development in this area.

Lee Lawson stated that a person representing the people who own property across the road from this parcel has kept track of this particular case after it was approved in 1999. He stated that as soon as February 1, 2000 was come and gone, this person called and informed him of the situation. He stated that he wrote Ms. Gantt a letter.

Chairman Hallman opened the Public Hearing for Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant.

Kathy Killian, formerly Gantt, stated that the reason she did not get to go through with getting her mobile home was that her sister got ill and has since passed on. She stated that she is now the only child of her parents and would still like to put a mobile home beside them.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant.

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant:

Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). 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 Parallel Conditional Use Rezoning No. 68 - Joseph Peterson, applicant.

Joseph Peterson stated that they were before the Commission in May asking for a zoning change. He stated that they plan to use this as an office with no change to the exterior. He stated that it will be Monday through Friday, with occasional work on Saturday.

Being additional speakers, Chairman Hallman declared the Public Hearing for Parallel Conditional Use Rezoning No. 68—Joseph Peterson, applicant, closed.

Conditional Use Permit No. 171 – Family Boat Center, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 171- Family Boat Center, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a boat trailer sales lot. The property is located in a Neighborhood Business (B-N) zoning district with a Designated Highway Overlay District (D-H).

The .6 acre parcel is located at 3840 North Carolina Highway 16 North in the Catawba Springs Township. The property is joined to the west, north, and south by parcels that are also zoned B-N and to the east by R-SF zoned parcels. The Lincoln County Land Development Plan calls for higher residential density development in this area. A sales lot requires the issuance of a Conditional Use Permit in the B-N district.

Chairman Hallman opened the Public Hearing for Conditional Use Permit No. 171 – Family Boat Center, applicant.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing for Conditional Use Permit No. 171 – Family Boat Center, applicant, closed.

Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant: Lee Lawson presented the following information concerning Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant.

The applicant is requesting to rezone the parcel from Residential Single Family (R-SF) to Residential Rural (R-R). The applicant wishes to rezone the property in order to accommodate a mobile home that is permitted in the R-R zoning district.

The 6.15 acres parcel is located on North Carolina Highway 274 in the North Brook Township. The property is joined to the north, east, and west by parcels that are zoned R-SF and to the south by R-R zoned parcels. The Lincoln County Land Development Plan calls for lower residential density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant.

Guy Beam, III, stated that he just wants one acre subdivided for a mobile home. He stated that the entire parcel is located in Lincoln County.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant, closed.

Zoning Map Amendment No. 339 – Judy Edwards, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 339 – Judy Edwards, applicant.

The applicant is requesting to rezone the parcel from Neighborhood Business (B-N) with a Designated Highway overlay district (D-H) to Residential Single Family (R-SF) with a D-H. The applicant wishes to rezone the property in order to use the present structure as a single family dwelling unit, which is a use by right in the R-SF zoning district.

The .4 acre parcel is located on North Carolina Highway 16 South in the Catawba Springs Township. The property is joined on all property lines by parcels that are zoned R-SF. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 339 – Judy Edwards, applicant.

Melanie Moran stated that she is working for Judy Edwards. She stated that the house has always been residential, and they had two contracts, which they had it rezoned business for. Ms. Moran stated that no changes were ever made to make this residence a business, and Ms. Edwards now has a contract in which the buyers would like it to be R-SF.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 339 – Judy Edwards, applicant.

Zoning Map Amendment No. 340 – Bynum Caldwell, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 340 – Bynum Caldwell, applicant.

The applicant is requesting to rezone the parcel from General Industrial (I-G) with a Designated Highway overlay district (D-H) to General Business (B-G) with a D-H. The applicant wishes to rezone the property in order to expand the existing business without having to provide a Grade C screen with an opaque wall of fence as required in an Industrial (I) zoning district.

The 1.88 acres parcel is located on North Caroling Highway 150 in the Ironton Township. The property is joined on all property lines by parcels that are zoned Residential Suburban (R-S). The Lincoln County Land Development Plan calls for higher residential density development in this area.

Chairman Hallman opened the Public Hearing for Zoning Map Amendment No. 340 – Bynum Caldwell, applicant.

Sam Ballard stated that he owns the property beside this and he feels like there should be screening because they are planning to build a home there.

Byrum Caldwell of Lake Electric stated that Mr. Ballard acquired that property after Lake Electric was already there. He stated that the permit they are trying to get is building an expansion inside the existing fence. He stated that the fence was there prior to the zoning of the county, and they won't be disturbing anything outside the fence.

Commissioner Waters asked what the fence looks like.

Mr. Caldwell stated that it is a steel-link fence.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 340 – Bynum Caldwell, applicant, closed.

The Planning Board reconvened to the 1st floor Cooperative Extension Kitchen.

Recess: Chairman Hallman recessed the meeting to 7:30 PM.
Chairman Hallman reconvened the July 3, 2000 meeting.

Recommendations from the Planning Board – July 3, 2000:

Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended (5 –0) to extend the PCUR Rezoning for one year.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR #60

Date: July 3, 2000

Applicant's Name: Kathy Gantt
Address: 7335 Dan Rhyne Road
Vale, NC 28168

Property Owner's Name: Kathy Rhyne Gantt
Address: (Same as above)

Property Location: Dan Rhyne Road

Existing Zoning: R-SF

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 ____
Factual Reason Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Motioned by Commissioner Saine. Vote: 4 – 0 AYES: Hallman, Waters, Saine, Brotherton.
2. The use meets all required conditions and specifications. Yes X No ____
Factual Reason Cited: The use meets all required conditions and specifications.
Motioned by Commissioner Saine. Vote: 4 – 0 AYES: Hallman, Waters, Brotherton, Saine.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No ____
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Motioned by Commissioner Saine. Vote: 4 – 0 AYES: Hallman, Waters, Brotherton, Saine.
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 ____
Factual Reasons Cited: 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.

Motioned by Commissioner Saine. Vote: 4 - 0. AYES: Waters, Hallman, Brotherton, Saine.

After having held a public hearing on July 3, 2000, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Saine to extend Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant, for one year with the three stipulations that were imposed previously: 1 – Limited to one Class A mobile home, 2 – No subdivision unless property returns to R-SF, and 3 – 100’ setback.

Vote: 4 – 0 AYES: Hallman, Brotherton, Saine, Waters

Chairman
Lincoln County Board of Commissioners

Date

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended (5 – 0) approval with the condition that the site plan must meet the Zoning Ordinance requirements.

Commissioner Brotherton stated that he would like to be excused from voting on this issue.

A MOTION by Commissioner Waters to excuse Commissioner Brotherton from voting on this issue.

Vote: 4 – 0 AYES: Hallman, Brotherton, Saine, Waters

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR #68

Date: July 3, 2000

Applicant's Name: Joseph Peterson
Address: 5149 Glenwood Street
Sherills Ford, NC 28673

Property Owner's Name: Same
Address: (Same as above)

Property Location: 6608 Campground Road

Existing Zoning: R-SF

Proposed Conditional Use: Office Building

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 _____
Factual Reason Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Motioned by Commissioner Waters. Vote: 3 – 0 AYES: Hallman, Waters, Saine.
2. The use meets all required conditions and specifications. Yes X No _____
Factual Reason Cited: The use meets all required conditions and specifications.
Motioned by Commissioner Waters. Vote: 3 – 0 AYES: Hallman, Waters, Saine.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No _____
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Motioned by Commissioner Waters. Vote: 3 – 0 AYES: Hallman, Waters, Saine.
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 _____
Factual Reasons Cited: 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.
Motioned by Commissioner Waters. Vote: 3 - 0. AYES: Waters, Hallman, Saine.

After having held a public hearing on July 3, 2000, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Waters to approve Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant, with the condition that the site plan must meet Zoning Ordinance requirements.

Vote: 3 – 0 AYES: Hallman, Saine, Waters

Conditional Use Permit No. 171 – Family Boat Center, applicant:

Commissioner Brotherton asked to be excused from voting on this issue due to the fact that he owns adjoining property.

A MOTION by Commissioner Waters to exclude Commissioner Brotherton from Conditional Use Permit No. 171, due to the fact that he owns adjoining property.

Vote: 4 – 0 AYES: Hallman, Brotherton, Saine, Waters

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended deferring the request until additional information is provided on the site plan.

UPON MOTION by Commissioner Saine, the Board voted unanimously to defer Conditional Use Permit No. 171 – Family Boat Center, applicant, based on the Planning Board’s recommendation to defer until additional information is provided on the site plan.

Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously (5 – 0) recommended approval.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously (4 – 0 AYES: Brotherton, Hallman, Saine, Waters) to approve Zoning Map Amendment No. 338 – Guy Beam, Jr., applicant.

Zoning Map Amendment No. 339 - Judy Edwards, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously (5 – 0) recommended approval.

UPON MOTION by Commissioner Saine, the Board voted unanimously (4 – 0 AYES: Brotherton, Hallman, Saine, Waters) to approve Zoning Map Amendment No. 339 – Judy Edwards, applicant.

Zoning Map Amendment No. 340 – Bynum Caldwell, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously (5 – 0) recommended approval.

UPON MOTION by Commissioner Brotherton, the Board voted unanimously (4 – 0 AYES: Brotherton, Hallman, Saine, Waters) to approve Zoning Map Amendment No. 340 – Bynum Caldwell, applicant.

Other Business: Commissioner Brotherton stated that he has run into a situation about enforcing Conditional Use Permits. He asked if some type of change was needed in the ordinance, where you mandate that the applicants get their CO before they have their electricity on.

Jeff Taylor stated that this would probably be a good idea.

A MOTION by Commissioner Brotherton for staff to put an amendment on paper for a future meeting.

Kelly Atkins stated that he has approached that situation this week, and is addressing how to handle these type cases. He stated that the problem is that a lot of commercial jobs get temporary power, which is in essence power. He stated that it's much tougher to get the power cut than to get it on. He stated that the Inspectors and Zoning Officials will have to be educated about this. He stated that he feels a text amendment is definitely in line here.

Phase 2 Approval – Verdict Ridge: Lee Lawson stated that they are proposing 55 multi-family dwelling units, on 10 acres of the Planned District, and 135 single-family dwelling units. The Planning Board recommended that it be approved with the condition that the density not go over what the agreed density level was with the original PCUR approval by the Board of Commissioners.

A MOTION by Commissioner Brotherton to approve Phase 2 of Verdict Ridge with the recommendation from the Planning Board not to exceed the agreed density level.

Vote: Unanimously approved. (4 – 0 AYES: Hallman, Brotherton, Saine, Waters)

Stan Kiser stated that there was a Senior Social Worker at DSS that was part-time, and because of additional funding through Medicaid-at-risk, we can now make that that full-time. He requested that the Board create an Accounting position in the Finance Department. He stated that this would not be for a new employee, but a chance to move someone who is an Accounting Specialist up to the position of an Accountant. Mr. Kiser requested that the Board create an Accounting position in the Health Department to move someone who is a Budget and Records Supervisor up to an Accountant.

UPON MOTION by Commissioner Saine, the Board voted unanimously (4 – 0 AYES: Hallman, Brotherton, Saine, Waters) to make these three personnel changes.

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