

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 7, 2000**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 7, 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  
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  
Phil Hunt  
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  
Barbara Carpenter, Code Enforcement Officer  
Candace Ramseur, Development Technician  
Leon Harmon, Finance Director

**Call to Order:** Chairman Hallman called the August 7, 2000 meeting to order.

**Adoption of Agenda:** UPON MOTION by Commissioner Brotherton, the Board voted unanimously to adopt the agenda as presented, with a Discussion Concerning the Hospital under Other Business.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARINGS**

## AUGUST 7, 2000

- 5:30 PM Call to Order
1. 5:30 PM Adoption of Agenda
  2. 5:30 PM Approval of Minutes  
- July 17, 2000
  3. **5:35 PM At this time, the Board of Commissioners will recess the August 7, 2000 meeting and open the August 7, 2000 Board of Variance and Appeals meeting.**
  4. 5:50 PM New Business / Advertised Public Hearing

Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC., applicant. Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 122.16 acres from Residential Transitional (R-T) to Conditional Use Planned Mixed Use (CU P-MU). The applicant wishes to rezone the properties to accommodate a major subdivision of 240 single family dwelling units. The parcels are located off of Sifford 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.

Conditional Use Permit No. 172 – James Martin, applicant. Request for a Conditional Use Permit in order to accommodate a Class B double wide mobile home in a Residential Suburban (R-S) zoning district. The 2.31 acres parcel is located on Salem Church Road in the Lincolnton township.

Zoning Map Amendment No. 343 – Bynum Caldwell, applicant. Request to rezone two (2) parcels from Residential Suburban (R-S) to General Business (B-G) to accommodate expansion of an existing business on an adjacent lot. Both parcels are located on N.C. Highway 150 in the Ironton Township.

Zoning Map Amendment No. 344 – Martin Mull, applicant. Request to rezone two parcels from Residential Single Family (R-SF) to General Industrial (I-G) with a designated Highway Overlay (D-H) district. Both parcels are located on Mundy Road in the Catawba Springs 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. 6:30 PM Schedule of BOVA Meetings & Planning Board Meetings
6. 6:40 PM FY 2000 – 2001 ROAP Application
7. 6:45 PM Apple Festival Proclamation
8. 6:50 PM Request to Advertise for Plant Expansion Report – Brad Jewell
9. 7:00 PM Solids Handling Facility – Change Order #1 – Brad Jewell
10. 7:10 PM Progress Report on East Lincoln Library – Harold Cadmus
11. 7:25 PM Set Public Hearing for Amendments to the Lincoln County Addressing Ordinance for August 21, 2000 at 6:30 PM
12. 7:30 PM Proposed Industrial Development Incentive Grant for General Shoelace
13. 7:40 PM Reimbursement Resolution
14. 7:50 PM Appointment Policy
15. 8:05 PM Vacancies/Appointments
16. 8:10 PM Recommendations from the Planning Board – August 7, 2000
  - Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC., applicant.
  - Conditional Use Permit No. 171 – Family Boat Centers, applicant.
  - Conditional Use Permit No. 172 – James Martin, applicant.
  - Zoning Map Amendment No. 343 – Bynum Caldwell, applicant.
  - Zoning Map Amendment No. 344 – Martin Mull, applicant.
  - Zoning Text Amendment No. 341

17. 8:35 PM Other Business

Adjourn

**Approval of Minutes:** Chairman Hallman presented the minutes of the July 17, 2000 meeting for approval.

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

**Recess:**

**UPON MOTION** by Commissioner Waters, the Board voted unanimously to recess the August 7, 2000 meeting to hold the August 7, 2000 Board of Variance and Appeals Meeting.

Chairman Hallman called the August 7, 2000 meeting back to order.

**New Business: Advertised Public Hearings:** Chairman Hallman announced that this was the date, Monday, August 7, 2000 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on July 28 and August 4, 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, August 7, 2000 to consider the following zoning related matters:

Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC, applicant: Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 122.16 acres from Residential Transitional (R-T) to Conditional Use Planned Mixed Use (CU P-MU). The applicant wishes to rezone the properties to accommodate a major subdivision of 240 single family dwelling units. The parcels are located off of Sifford 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.

Conditional Use Permit No. 172 – James Martin, applicant. Request for a Conditional Use Permit in order to accommodate a Class B double wide mobile home in a Residential Suburban (R-S) zoning district. The 2.31 acres parcel is located on Salem Church Road in the Lincolnton Township.

Zoning Map Amendment No. 343 – Bynum Caldwell, applicant. Request to rezone two (2) parcels from Residential Suburban (R-S) to General Business (B-G) to accommodate expansion of an existing business on an adjacent lot. Both parcels are located on N.C. Highway 150 in the Ironton Township.

Zoning Map Amendment No. 344 – Martin Mull, applicant. Request to rezone two parcels from Residential Single Family (R-SF) to General Industrial (I-G) with a designated Highway Overlay (D-H) district. Both parcels are located on Mundy Road in the Catawba Springs 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. 69 – Waterside Crossing, LLC., applicant:**

Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 122.16 acres to Conditional Use Planned Mixed-Use (CU P-MU) to accommodate a major subdivision with 240 Single Family Dwelling units. This parcel is presently zoned Residential Transitional (R-T).

The parcels are located on Sifford Road in the Catawba Springs Township. The properties are joined on the north, south, and the east sides by properties that are zoned R-T and to the northwest by P-MU. The Lincoln County Land Development Plan calls for lower residential density development in this area.

Gary Garlow asked how many lots would be allowed if this were developed under a straight subdivision, with single family zoning.

Lee Lawson stated that he would have to have a calculator, it's 122 acres zoned Residential Transitional, so each lot would have to be at least  $\frac{3}{4}$  of an acre.

Commissioner Waters stated that it is less than 150.

Mr. Garlow requested that the staff provide the Planning Board that information before the Hearing is over.

Chairman Hallman opened the Public Hearing for Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC., applicant.

Having been sworn by the Clerk, Amy S. Long, the following individuals spoke.

Larry Griffin, Jr. stated that he is with Griffin Brothers Acquisitions, a local family-owned development company. He stated that in January of 1998, they appeared before the Board for approval of the Waterside Crossing Development, at the intersection of Highways 16 and 73. This planned mixed-use development was approved and the project is now well underway. The original Waterside Crossing project consisted of a combined 154 acres of residential and commercial divisions. Mr. Griffin stated that they are here tonight because his company, along with their partner on the residential phase, Steve McCloud, are hoping to expand The Gates. The Gates is a 184-lot single-family subdivision. He stated that from its inception, they have planned this quality development with architectural controls for both the commercial and residential divisions. He stated that they have worked diligently to insure a development, of which they as developers and the county could be proud. Mr. Griffin stated that recently they have signed Harris Teeter to anchor Phase 1 of the 121,000 square foot retail center, which ground will be broken on in the next few weeks. He stated that they have also signed McDonalds and have two other outparcels under contract. First Citizens Bank will also be opening their newest branch at Waterside Crossing later next month. On the residential side, 63 families are now living in The Gates. Niblock Builders and Parker Lancaster Homes are the homebuilders. The average sales price to-date in The Gates has been just over \$200,000. This community includes such amenities as walking trails, sidewalks linking the residential area with the commercial, decorative street signs, street lights, a swim club, and later this year they will be building a soccer field. Mr. Griffin gave the following demographics about their typical homebuyer. Out of the 63 families that currently reside in The Gates, roughly half have children. To date, the average buyer has been either an empty nester, looking to live in an upscale development with amenities or young, professional, career-oriented couples. Mr. Griffin stated that what they are proposing to the Board is Phase 2 of The Gates, an extension of Phase 1. He stated that they are proposing the addition of 122 acres, which equates out to 240 single family units. The proposed Phase 2 will be connected to Phase 1, and also have access from Sifford Road. Because the area lies in the Critical Watershed District, they are only asking for a density of 2 units per acre. As the developer, they will install all infrastructure, such as roads, sidewalks, and utility lines, and then dedicate them to the appropriate authorities. He stated that their engineers have met with Brad Jewell and Jack Chandler to insure that adequate water and sewer services are available and to make sure the utility department is in agreement with their plans. The positive economic impact on the current and proposed Waterside Crossing Development on Lincoln County is quite impressive. The East Lincoln Water and Sewer District stands to collect over \$1.3 million in availability fees based on the current fee schedule at build-out. Mr. Griffin stated that this does not take into consideration any monthly reoccurring water or sewer bills. From a tax standpoint, the county also stands to collect a hefty sum. On the conservative side, at full development, the project will be in excess of \$138 million. Using the current tax rates, at 51 cents per 100 of value, the county would receive over \$700,000 annually, at 15 cents per 100 of value, over \$200,000 would go to the Water and Sewer District annually, and at 3 cents per 100 value, the East Lincoln Fire District would receive over \$40,000 annually. Because Waterside Crossing is a mixed use project, another source revenue for the county would be the sales tax collected. One percent of any sales tax collected goes directly to the county from which it was collected.

At build-out, Waterside Crossing would contribute in the neighborhood of \$342,000 annually to Lincoln County.

Mr. Griffin stated that they believe Waterside Crossing is a development that will more than pay for it's share of services. He stated that statistically speaking, a development of this caliber will not be a burden on county services, such as police, social services, or even schools. Mr. Griffin stated that they as developers are deeply committed to creating a quality development that will be beneficial to residents and the county alike. The high tax base and revenues only accentuate why approving this development would be good for Lincoln County, without being a drain on area resources. Mr. Griffin thanked the Board for it's consideration.

Gary Garlow asked the average sales price for the lots in this development.

Mr. Griffin stated that the lots in Phase 1 are around \$27,000 and Phase 2 will be more than that because property costs have gone up, cost of inflation, infrastructure and so forth will go up. He stated that they will be providing the same type of amenities, sidewalks connecting throughout, an amenity area, swim club, pool, decorative street lights, etc. Mr. Griffin stated that as it is shown on the handout he provided, on the market side, he has used a 3% inflation factor. He stated that they are starting at \$200,000 and going up 3% per year.

Gary Garlow asked what kind of demographics they are expecting for Phase 2.

Larry Griffin, Jr. stated that in Phase 1, roughly half have kids. He stated that obviously a lot of have had children, some are empty nesters, their children are gone. He stated that the ones who do have children, they have found they typically have one to two kids. He stated that he feels this will continue through Phase 2 as the price point continues to move up, and may even be less.

Commissioner Waters stated that he would like to be sure that the Board is not approving the commercial structures in this.

Mr. Griffin stated that the Board is not approving the commercial tonight.

Commissioner Waters asked if the Board has already approved the commercial structures.

Mr. Griffin stated that the commercial side was approved in January of 1998.

Gary Garlow stated that for the Commissioners' information, they have requested that staff advise the Planning Board, during their session, on any outstanding improvements that were part of the commercial development for Phase I in Waterside that have not been completed.

Commissioner Waters asked if there is a plan on what to do about the water problem there. Commissioner Waters stated that there has been one already, and he has not seen the plans and do not know what they are.

Mr. Griffin stated that the storm water they had originally was in the commercial side, which at that time was not stabilized and was a masqueraded area without vegetation there. What the engineers had put in as storm water controls just were not adequate. Mr. Griffin stated that since they have vegetation everywhere, they haven't had any problems, and that's probably been a couple years ago. He stated that what they are asking for tonight is on the other side of Pilot Knob. He stated that they have not had any problems in the last two years, all the infrastructure is in now, all the storm water is in, and it's vegetated.

Wade Malloy stated that he lives in the Gates and serves on the neighborhood board. He stated that several residents have questions about traffic flow from this new development. He stated that the current expansion that is going on, the traffic has to come back through the neighborhood to get out. He asked how much traffic is going to have to come back through from the extension that these gentlemen are proposing. Mr. Malloy stated that although he certainly trusts Mr. Griffin's demographics, he has no arguments with them and has not done the demographics himself, there is a flock of younguns in that neighborhood. He stated that increased traffic with little children is just not your best mix. He stated that he has a question, he is not offering testimony or speaking against. Mr. Malloy stated that he only got the letter because he backs up to the road they are putting through, most of the people who this will affect did not get the letter because they are not within 200 feet of the property. He stated that most of the neighborhood does not really know what's being talked about here.

Phillip Horton stated that he lives on a piece of property within 200 feet of the development. Mr. Horton looked over the plat, since he had not had a chance to see it before. He stated that he has a couple questions concerning the traffic flow. Mr. Horton stated that there was a ten acre piece of property purchased by the developer to join the two pieces of property. That piece of property, there is a street by the name of Easy Trail that runs straight into that, it is a gravel road. It actually parallels the top road, the brown-colored that goes in there on top of the development. He stated that he would like to make sure that there is not going to be development traffic coming through the gravel road area. The people that live back in that area have five to ten acres of property with horses and so forth and so on and use the gravel roads to ride and those kinds of things. He stated that he is wanting to make sure there is not going to be any development traffic going down Easy Trail. Mr. Horton stated that with the horses, safety is an issue. He stated that he is curious as to what kind of earth buffer, fencing, or those kinds of things that will be around the development to help kids from wandering over and possibly getting in trouble around animals that they are not used to being around. He stated that this is a safety issue as to what they will do to protect the neighborhood and keep the division there. Mr. Horton stated that this is not a matter of concern, but for the Board's information a little over a year ago he purchased the property and a house back in there, and at that time they came down a long gravel road by the name of Avonell. He stated that he purchased the property, came before this Board to get an allowance to have horses



and a 4H club on the property, and had no idea that this road was going to be taken out completely. He stated that now everybody who lives back on those large pieces of property now have to drive through the neighborhood and come out the back side on a road named Avonel, which is very short, to get to Easy Trail. He stated that now all their traffic has to go through the neighborhood to get out. Mr. Horton stated that he was surprised when that happened and he wasn't informed of that through the whole process of purchasing the property and coming before the Board.

Commissioner Brotherton asked if Easy Trail is a private street.

Mr. Horton stated that from the map, it looks like an easement.

Commissioner Brotherton stated that he thought from the Subdivision Ordinance any streets in it must be paved. He stated that he is curious how Easy Trail came to being and who controls it.

Mr. Horton stated that he is new to the area, but his understanding is that it is an easement on the property when this piece of property was cut up and divided. He pointed out on the map where Easy Trail is.

Commissioner Brotherton asked if Mr. Griffin has control of Easy Trail.

Mr. Griffin stated that any development will come in down Sedgebrook, which is the existing road to the rear of Phase I. He stated that Avonel was a dirt road, and when they got approval for the project, they realigned it, and paved it, so the folks back there now have a paved road to come down. He stated that there will be no construction traffic on Easy Trail. He stated that Easy Trail dead ends on his property.

Commissioner Brotherton asked if Easy Trail has a county sign on it.

Mr. Horton stated that it does.

Mr. Griffin stated that they will not be cutting off anyone's access.

Commissioner Waters stated that from what they are looking at, it appears that way. There are two things here that say Jeffrey Hunter and James Gantt, and from what the Board is looking at, there is no way to get to those.

Chairman Hallman stated that this should probably be discussed in the Planning Board's meeting.

Jeff Hunter stated that the road is paved all the way to Easy Trail, but the developers are wanting to buy the ten acres at the end of Easy Trail. He stated that is question is if they are going to put barriers up, take the road over, and how they are going to get access to the ten acres. He stated that right now they have a cul-de-sac at the end and he thinks when they bought the ten acres they are just going to stop the cul-de-sac and keep on going to the ten acres. He stated that his lot is the corner lot to their property now.

Commissioner Waters asked how he will get to his property if they do this.

Mr. Hunter stated that he came to the first meeting where they started all this, and they were told the road was going to be a straight line he thought, and they were not going to have to go through the neighborhood. He stated that now they have to go through two or three turns through the neighborhood, they come through the gates, make a left, go around and come to the end, all the way through to where they finished paving. He stated that when they get to the end of the pavement, they are back on Easy Trail. Mr. Hunter stated that it's a long, dirt road that that runs right beside their neighborhood and they've left a tree buffer and have dirt piled up at the end.

Mr. Griffin stated that Mr. Hunter will get to his property the same way he always has. He stated that they will not be changing anyone's property.

Phillip Horton stated that the development and extending the road through the development will have no effect on Easy Trail. He stated that his concern was whether any of the traffic could possibly use Easy Trail instead of the roads in the development. He stated that it won't have any effect on how they get into their property. The only effect it has had on them is that when they bought the property, they had a straight shot into their property, and now they have to come in through the neighborhood, and it's paved.

Chairman Hallman stated that Mr. Horton's concern was whether the future development will be using Easy Trail, and he feels this has been resolved.

Commissioner Waters stated that he understands his question now, apparently there is an easement going all the way down the back side of that little triangle. Apparently there is an easement there and there's an easement across his property to get to Mr. Gantt's property.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC, applicant, closed.

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

Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 171 – Family Boat Centers, 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.

**Conditional Use Permit No. 172 – James Martin, applicant:** Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 172 – James Martin, applicant.

The applicant is requesting a Conditional Use Permit for property located on Salem Church Road in Lincolnton, NC. The applicant is making this request in order to accommodate a mobile home. The property is located in the Residential Suburban (R-S) zoning district.

This parcel is 2.31 acres and is located in the Lincolnton Township. The property is joined on all sides by parcels that are zoned R-S. The Lincoln County Land Development Plan calls for higher density residential development in this area.

Chairman Hallman opened the Public Hearing for Conditional Use Permit No. 172 – James Martin, applicant.

James Martin stated that the place where his trailer is supposed to be going, they've been going through this for seven or eight months, the only thing that doesn't meet code is that it is a 3/12 pitch instead of a 4/12. Mr. Martin stated that the land surrounding the trailer belongs to his family. He stated that he wishes the Board would let him put the trailer in, his family with 3 children are living in a two bedroom house at this time. Mr. Martin stated that the trailer is at least three acres off the road.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Conditional Use Permit No. 172 – James Martin, applicant, closed.

Chairman Hallman left the meeting and turned the gavel over to Vice Chairman Brotherton.

**Zoning Map Amendment No. 343 – Bynum Caldwell, applicant:** Lee Lawson presented the following information concerning Zoning Map Amendment No. 343 – Bynum Caldwell, applicant.

The applicant is requesting to rezone two parcels from Residential Suburban (R-S) with a Designated Highway overlay district (D-H) to General Business (B-G.) with a D-H. The applicant wishes to rezone these properties in order to expand the existing business.

The .53 and .52 acre parcels are located on North Carolina Highway 150 in the Ironton Township. These parcels are joined to the south by properties that are zoned Residential Suburban (R-S) and to the east by General Business (B-G). The Lincoln County Land Development Plan calls for moderate residential density development in this area.

Vice-Chairman Brotherton opened the Public Hearing for Zoning Map Amendment No. 343 – Bynum Caldwell, applicant.

Sam Ballard stated that he owns the property to the east of said property, and if this is zoned business then his residential property will reduce in value because the business will be surrounding it on all sides except the road.

Bynum Caldwell stated that he is wanting to get the property rezoned for Lake Electric. He stated that the lots in question are the ones right up against Lake Electric Company. The land that adjoins it is either surrounded by two roads, Highway 150 or Ends Drive. The other land that adjoins that is either highway or he owns it. He stated that they are trying to increase the parking lot for the company. Mr. Caldwell stated that he signed an agreement with the developer of Troy Acres that he would put a fence, bushes, and landscaping up.

Being no additional speakers, Vice-Chairman Brotherton declared the Public Hearing for Zoning Map Amendment No. 343 – Bynum Caldwell, applicant, closed.

**Zoning Map Amendment No. 344 – Martin Mull, applicant:** Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Map Amendment No. 344 – Martin Mull, applicant.

The applicant is requesting to rezone two (2) parcels from Residential Single Family (R-SF) 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 sale.

The 5.64 acres parcel and the 5.35 acres parcel are both located on Mundy Road in the Catawba Springs Township. These properties are joined to the north by parcels that are zoned I-G, to the west and south there are R-SF zoned parcels, and located to the east B-N districts. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Vice-Chairman Brotherton opened the Public Hearing for Zoning Map Amendment No. 344 – Martin Mull, applicant.

Charles Adkins stated that he owns the property on the west side adjoining the Mull's property. He stated that that he owns ten-plus acres, has a home there, it is his residence, and is a residential area. He stated that he wishes to keep it residential.

John Jackson stated that he lives directly across the street from the property. He stated that he just bought into that area because it is a nice residential area. He stated that we

know 16 is booming and is going to keep going, but this is a highly residential area and he does not see the need for commercial.

John Giles stated that he would like to reiterate what the gentleman said about leaving it residential. He presented a petition with 18 signatures from people on Mundy Road requesting that it stay residential. He stated that he is currently in the process of purchasing property on this road to build a single-family residence.

Being no additional speakers, Vice-Chairman Brotherton declared the Public Hearing on Zoning Map Amendment No. 344 – Martin Mull, applicant.

**Zoning Text Amendment No. 341:** Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Text Amendment No. 341.

Mr. Lawson stated that the information with the line through it is the information they are wanting to take out, and replace with the sections that are not struck out.

Amend Section 4A.10 to state: ~~It is intended that property shall be reclassified to a parallel conditional use district and a conditional use permit issued only in light of firm plans to develop the property. Therefore, after the date of approval of the conditional use permit, the Zoning Administrator shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Zoning Administrator determines that a building permit has not been secured within one (1) year (unless a greater time period was listed as one of the conditions contained in the Board of Commissioners's approval) following the date of the approval of the conditional use permit or that a building permit had been secured but has since lapsed, the Zoning Administrator shall notify the applicant of such a finding, and within sixty (60) days of said notification, the Planning Board shall make a recommendation to the Board of Commissioners concerning the decision of the conditional use permit and rezoning of the property to a general zoning district classification. The Board of Commissioners, after having conducted a public hearing, may vote to extend the life of the conditional use permit or have it rescinded. If the conditional use permit is rescinded, the Board of Commissioners may then vote to rezone the property to a general zoning district. Notice of said public hearing shall be per Section 4.7 of this Ordinance.~~

Structures or Uses Requiring Building Permits. Unless the Board of Commissioners issues a Conditional Use Permit which is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant shall have a period of twenty-four (24) months from the date of issuance of the Conditional Use Permit to obtain a building permit for the project. If the applicant fails to obtain a building permit within the said 24-month period or if a building permit is secured but has lapsed before the end of the said 24-month period, the Conditional Use Permit shall automatically expire unless the applicant files a written request with the Zoning Administrator for a renewal of the Conditional Use Permit. Such application must be filed prior to the expiration of the 24-month period from the issuance of the original Conditional Use Permit. Upon receipt of such application for renewal, the Zoning

Administrator shall determine whether conditions in the area adjacent to the property in question have changed substantially since the issuance of the Conditional Use Permit and shall have the discretion to call for a review by the Planning Board and a new public hearing by the Board of Commissioners before a renewal permit may be issued by the Board of Commissioners.

If the Zoning Administrator in his discretion feels that conditions in the area in question have not substantially changed and that therefore Planning Board review and a new public hearing are unnecessary, the Zoning Administrator may renew the Conditional Use Permit on the same terms and conditions originally specified for an additional 24-month period. The applicant's failure to file a request for a renewal of the Conditional Use Permit before its expiration shall require the applicant to apply for a new conditional Use Permit and go through the process of Planning Board review and public hearing as specified herein for new Conditional Use Permits.

For phased projects which involve the need for multiple building permits, an applicant shall be deemed to have complied with this section for a particular phase if he has obtained at least one of the building permits applicable to that phase of the project within the 24-month period specified. Failure to seek renewal of the Conditional Use Permit as to phases for which no permits have been issued during the 24-month period will result in the expiration of the Conditional Use Permit as to such phase, and the applicant will be required to reapply for a new Conditional Use Permit for any such phases.

To the extent that it is reasonably possible to do so, the Zoning Administrator shall note on each Conditional Use permit the date upon which such permit expires, but the failure of the Zoning Administrator to make such notation shall not limit the authority of Lincoln County to enforce the provisions of this section.

Vice-Chairman Brotherton opened the Public Hearing for Zoning Text Amendment No. 341.

Being no one wishing to speak, Vice-Chairman Brotherton declared the Public Hearing on Zoning Text Amendment No. 341 closed.

**Schedule of BOVA Meetings & Planning Board Meetings:** Vice-Chairman Brotherton stated that in the Board Packets there is a letter where Mr. Garlow is requesting that the Board of Commissioners schedule the Planning Board meetings on a different regular Board of Commissioners meeting than the Board of Variance and Appeals.

Mr. Garlow stated that this occurred one night when there was a very long Board of Adjustment meeting, was that the Planning Board have a hearing on the opposite Monday, or opposite meeting date each month from when the Board sets as Board of Appeals, since the Planning Board does not need to be here for Board of Appeals.

**UPON MOTION** by Commissioner Waters, the Board voted unanimously to put the Planning Board on the 1<sup>st</sup> meeting of the month and the Board of Variance on the second meeting of the month, starting after the September meeting.

The Planning Board reconvened to the second floor balcony.

**FY 2000 – 2001 ROAP Application:** Erma Deen Hoyle stated that Lincoln County is eligible for a total of \$55,059, which includes \$47,120 for EDTAP (Elderly and Disabled Transportation Assistance Program) and \$7,939 for the Work First Program. Work First is entirely handled through the Department of Social Services. The EDTAP money is allocated as follows:

|  |           |
|--|-----------|
| Salem Industries<br>(Provides transportation for clients to job sites)   | \$ 8,000  |
| A Place to Grow<br>(Provides transportation for clients to adult day care centers)   | \$ 8,000  |
| Services for the Blind<br>(Provides transportation for clients for medical, educational, and rehabilitation services)  | \$ 1,500  |
| Senior Services Transportation<br>(Funds salary of a driver and expenses for vans for transportation for medical and daily living needs for clients over age 60 and for those under 60 with disability.) | \$ 27,620 |
| Reserve Allocation<br>(Funds will be held for special contract services or new programs as needs are identified. Any funds remaining in March of 2001 will be distributed to current providers.)         | \$ 2,000  |

The Transportation Committee met and agreed with this allocation. This application is due in to DOT and she is presenting this to the Board for information and approval.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the 2000-2001 ROAP Application.

**Apple Festival Proclamation:** Vice-Chairman Brotherton presented the following Proclamation for the Board's approval, stating that everyone understands the importance of the Apple Festival, as well as the apple crop, the agricultural impact it has on Lincoln County, as well as the entertainment of the Apple Festival itself.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the Proclamation concerning the Year 2000 Apple Festival.

**PROCLAMATION  
CITY MAYOR AND CITY COUNCIL  
BOARD OF COUNTY COMMISSIONERS  
2000**

**WHEREAS**, the income from apple production is a significant part of the agricultural income of Lincoln County, and

**WHEREAS**, Lincoln County is a part of the South Mountain apple production region, a major apple production area in North Carolina, and

**WHEREAS**, the Lincoln County Apple Festival came into being in 1972 for the purpose of celebrating the apple harvest, and

**WHEREAS**, the 2000 Lincoln County Apple Festival marks the twenty-ninth year of this celebration, and

**WHEREAS**, the Lincoln County Apple Festival continues to expand and give opportunity to numerous civic and charitable organizations to finance their humanitarian projects through the year, and

**WHEREAS**, the Lincoln County Apple Festival affords "down-home" togetherness and a time of fellowship and family fun for thousands of people from near and far,

**WE, THEREFORE**, Bobby Huitt, Mayor of Lincolnton, and James A. Hallman, Chairman of the Lincoln County Board of Commissioners, do hereby proclaim the period of September 10 through September 16, 2000 as Apple Festival Week in Lincolnton and Lincoln County and do further call upon all its citizens to participate to the fullest in the week's activities.

Adopted at the County of Lincoln, this 7th day of August, 2000.

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Bobby Huitt  
Mayor of Lincolnton

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James A. Hallman  
Chairman, Board of Commissioners

**Request to Advertise for Plant Expansion Report – Brad Jewell:** Brad Jewell, County Engineer, stated that staff is requesting approval to advertise for Professional Services to expand the Lincoln County Water Treatment Plant. This summer the plant experienced a max day demand of 2.8 MGD (million gallons per day) and the capacity is 3.0 MGD. They are negotiating with the City of Lincolnton to purchase up to 0.75 MGD of water. By their estimates, this should take them for another year or two with the current rate of growth. Mr. Jewell stated that he would like to advertise for professional engineering services to evaluate the current plant and give a cost effective analysis for expansion.

**A MOTION** by Commissioner Gamble to allow staff to make such advertisement.

Vice-Chairman Brotherton stated that this report is estimated to cost \$45,000. He asked if this would be out of Mr. Jewell's budget.

Mr. Jewell stated that it would be out of the Water Department's budget.

**Vote:** Unanimously approved.



**Solids Handling Facility – Change Order Number 1:** Brad Jewell, County Engineer, stated that staff is requesting approval of the Water Treatment Plant Solids Handling Facility Change Order Number 1 for the addition of a twelve inch drain line, in the amount of \$49,000.00. He stated that this portion of the project was included in the original budgeting process for \$100,000, but was omitted from the bidding process because the necessary permits were not in hand at that time. The contractors have given a proposal of \$49,000 to do the project, so we're coming in \$51,000 under budget.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve Change Order Number 1 for the Water Treatment Plant Solids Handling Facility.

**Progress Report on East Lincoln Library – Harold Cadmus:** Harold Cadmus stated that he has two proposals to put before the Board that the East Lincoln Library Planning Committee asked be put before the Board. He stated that these are pretty substantial proposals and he has no problem putting them before the Board tonight, if the Board so desires, but his feeling is that he would much prefer to have a full Board present.

Vice-Chairman Brotherton advised Clerk Amy Long, to add this item to the next agenda.

**Set Public Hearing for Amendments to the Lincoln County Addressing Ordinance for August 21, 2000 at 6:30 PM:**

**A MOTION** by Commissioner Gamble to set a public hearing for Amendments to the Lincoln County Addressing Ordinance for August 21, 2000 at 6:30 PM.

Commissioner Waters asked what this means. He stated that there was nothing in his packet on this.

Stan Kiser, County Manager, stated that this is the updates to the Addressing Ordinance.

Jeff Taylor, County Attorney, stated that this agenda item is just to set the public hearing to be held on it at the next meeting.

Commissioner Waters asked if the Board could get a hint at what's coming. He asked if this came out of the Consulting Contract to try to correct the problems we have.

Mr. Kiser stated that this is just some changes in the Ordinance. He stated that in the previous Ordinance Mr. Atkins was designated as the Ordinance Administrator and Lew Hartford will be designated as the new Ordinance Administrator. He stated that this will also be moving Addressing from Building and Land to Mapping. He stated that it addresses some other problems they have found, as the County has grown, it has outgrown it's Ordinance.

Commissioner Waters asked if we'll really do this with listings like the Consultant told us. He stated that he hated to go through his 125 questions in the last meeting and expose his ignorance to the Consultant. He asked if we are really going to do this with listings and if that is really the answer. He stated that he would think the computer would do it

and the Consultant kept saying we're going to have a master listing and he could envision somebody taking new street names and manually going against the list.

Mr. Kiser stated that there's one computer that will be the master list or master database.

Commissioner Waters stated that the Consultant did not say database, he said listing, and it scares him a little bit.

Jeff Taylor stated that the condition that was designed to cover was that in the past what has happened is that the school system has had a list that they have maintained, the Elections has had a database they maintained, and the Addressing Office has had a database they maintained. He stated that this is what has caused some of the problems and so they are trying to get one central source of information.

Commissioner Waters stated that he had already rattled the Consultant asking how much the County would be charged. He stated that to him it seemed we weren't getting anything for the money, but he could live with a database that then kicks out when you put a duplicate in.

Jeff Taylor stated that in fairness to Commissioner Waters questions last time about the cost, he did not realize until he was looking at the minutes later, and this is not Amy's fault, because neither he or Ms. Long had it at the time the material was distributed to the Board, but there was an attachment that should have been with the contract that had the Schedule of Services with the amount being charged per hour on each of the items. He stated that the morning after Ms. Huffman presented this to the Board a month or so ago, he called and asked her where the Schedule of Services were. Ms. Huffman then faxed this to Mr. Taylor. Mr. Taylor stated that he does not think it ever made it to the Board, except for the total amount of \$25,000.

**Vote:** Unanimously approved.

**Reimbursement Resolution:** Leon Harmon stated that this is similar to the Reimbursement Resolutions done last spring when the Board was talking about borrowing funds for other projects. He stated that this is for the school financing, just more of a formality to give us the ability to reimburse ourselves from the proceeds of the bonds in the future if we need to. Mr. Harmon stated that this does not necessarily mean we will, it just gives us that ability.

Commissioner Gamble asked how long this will stay with us, until it's over with.

Mr. Harmon stated that this is for the 7 ½ million, and according to the school's cash flow, it will probably be used up in a little over a year.

Commissioner Gamble asked if it is announced to the Board that the time is out and they are not vulnerable for that. He asked how the Board is supposed to stay current. He stated that he usually depends on Mr. Waters to keep him current, but he's been reluctant

to tell him what's outstanding. He stated that he is kidding, but is truthful too. He stated that they don't ever hear the end of anything.

Leon Harmon asked if he is talking about when we finish something.

Commissioner Gamble stated that when we are just not vulnerable for that, when it's not outstanding anymore, when we don't need to have it outstanding.

Commissioner Waters asked if Commissioner Gamble is talking about the whole \$36 million.

Commissioner Gamble stated that he is talking about any millions.

Commissioner Waters stated that the whole amount in this case was \$36 million.

Commissioner Gamble stated that if the Board approves something, and time goes on, nobody ever stands up in our Administration and says "you know that money we voted to be available for such and such project, we're not responsible for that anymore, that project is over and gone." He stated that the Board is never told the end of anything.

Commissioner Waters asked if there is a time limit on the \$36 million. Commissioner Waters asked if we didn't borrow the money, if ten years from now we would still have that open credit.

Mr. Harmon stated that there is a seven year limit, but you have the ability to extend it for an additional three years at the end.

Commissioner Gamble stated that they are never told anything and it's poor protocol.

Jeff Taylor stated that a good example of that would be with the Sewer District a few months ago, there was a request to extend the bonds by three years and the Board voted not to do that.

Commissioner Waters stated that it's his impression that the Board will always be told that they have some credit available if they want to extend it. He stated that the Board has to vote to extend it, and the Board does not vote, they lose it.

Mr. Harmon stated that this is the beginning of the \$36 million that the voters approved in May. He stated that this is the first increment of it.

Commissioner Gamble stated that he is going to hold Mr. Harmon responsible as we move along, to say this is where we are on this big hunk of money.

Mr. Harmon stated that this is just a formality and gives us the ability to do something if we need to do it.

Jeff Taylor stated that somebody needs to introduce it by title and vote on it by title.

Commissioner Waters introduced the Reimbursement Resolution: Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, (The “Issuer”) Declaring Its Intention to Reimburse Itself From the Proceeds of One or More Tax-Exempt Financings for Certain Expenditures Made and/or to be Made in Connection With the Acquisition, Construction, and Equipping of Certain Capital Improvements.

**UPON MOTION** by Commissioner Waters, the Board voted unanimously to approve the Reimbursement Resolution as follows.

## **REIMBURSEMENT RESOLUTION**

### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE “ISSUER”) DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.**

WHEREAS, Lincoln County (the “Issuer”) is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer [has paid, beginning no earlier than June 7, 2000 and] will pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the construction of school facilities for Lincoln County (the “Project”), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the “Board”) has determined that those moneys [previously advanced no more than 60 days prior to the date hereof and] to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt bonds (the “Bonds”);

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares the Issuer’s intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after [June 7, 2000, which date is no more than 60 days prior to] the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure [was and] will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds,

(c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$7,500,000.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 7<sup>th</sup> day of August, 2000.

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James A. Hallman, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Long  
Clerk to the Board

### **Appointment Policy:**

Vice-Chairman Brotherton presented the following County Appointment Policy for Boards, Commissions, and Committees for the Board's discussion.

## **APPOINTMENT POLICY TO BOARDS, COMMISSIONS AND COMMITTEES**

### **PREAMBLE**

Over the last several years, the County Board of Commissioners has undertaken a number of activities to make Lincoln County Government more accessible to its citizens. The Board meetings are fully advertised and there is a formal agenda process which includes an opportunity for citizen participation. The Board has encouraged public dialogue on a number of issues of public concern. On behalf of the Board, the County Manager's office prepares a monthly calendar of meetings and events. Finally, the Board

has actively solicited broad-based citizen involvement on the various boards, commissions, committees and task forces that it appoints.

As each advisory organization has been established, reestablished or empowered, the mission statement and purposes have been clarified, operating and purposes have been clarified, operating procedures have been determined, terms of office have been established and the relationships to other functions of local government have been defined.

A number of advisory bodies have been reviewed or created recently. The Planning Board was reestablished, The Board of Adjustment has been defined. The number of the Hospital Board of Trustees has been expanded. The Council on Aging was established. The Emergency Services Advisory Council (ESAC) and the Local Emergency Planning Committee have been combined to form the Emergency Services Advisory and Planning Council.

The philosophy of access to local government has been inherent but not necessarily articulated. Perhaps it is now time to clearly establish the Board policy on appointments.

## **POLICY ON APPOINTMENTS**

### **The following policy guidelines are approved:**

- All appointed bodies should be broad based and represent the diversity of Lincoln County Citizens.

- All appointments should be timed to allow for an orderly transition and continuity.

- Terms of appointment should be staggered and fixed by beginning and ending dates.

- Successive terms would be allowed if service without interruption does not exceed six years (ie. two terms of 3 years or three terms of 2 years, etc.)

- Appointment to fill an unexpired term will be counted as a zero term of service.**

- Citizens who are willing and able to serve should express their interest to a County Commissioner or to the County Manager.

- Citizens may be reappointed after being off the Board, Commission, or Committee for a period of 1 year.

Note: This Appointment Policy incorporates the attached brief descriptions of the Boards, Commissions and Committees and application form, as amended the 5th day of August 1991, July 11, 1994, and January 16, 1995.

Commissioner Brotherton asked if these are changes at the bottom of the policy.

Clerk Amy S. Long stated that this is the policy as it is now. She stated that at the last meeting there was some discussion about changing the policy, because there was one appointment to the Nursing and Adult Care Home Community Advisory Committee, where the lady's term had expired and there was a discussion about either extending the term limits or doing away with the requirements. Ms. Long stated that the Board may want to wait until a full Board is present to discuss this policy.

Commissioner Waters stated that the policy says that there is an attachment that tells what all the Board are.

Ms. Long stated that she just didn't see that note on the policy.

Commissioner Waters stated that it wouldn't be a bad idea to stick that list with the policy.

Chairman Hallman returned to the meeting.

Chairman Hallman stated that the intent of adding this to the agenda was to bring it to the forefront. He stated that there have been a couple situations where our policy is contrary to the State's policy as far as length of stay and so forth. He stated that in a lot of cases, we have a hard time gathering enough to have a quorum for certain committees. He stated that he feels the Board needs to address it. He stated that changes may be appropriate to lengthen the number of times they can serve or eliminate the time limit if it is the pleasure of the Board.

Commissioner Brotherton stated that at the previous meeting, the only Board he was concerned about the Adult Care Home Committee, because it is so difficult to find people willing to serve on that Board and it takes a large number of people. He stated that if you get someone interested in doing a good job, why push them out just because the calendar year changes.

Commissioner Gamble stated that he goes with the flow.

Commissioner Waters stated that the only thing questioned is – Successive terms would be allowed if service without interruption does not exceed six years. He stated that maybe the Board could put something in there to say if 4/5 of the Board or 80% of the Board approves bypassing this 6 year limit, where the circumstances require it.

Jeff Taylor stated that some of the lengths of terms are set in the General Statutes. He stated that with the Planning Board or DSS Board, the Board does not have the discretion to say they'll allow someone serve for one more year even though the six years are up. He stated that it's either three years or not at all.

Chairman Hallman directed Mr. Taylor to take the Appointment Policy and put it into appropriate words to present at the next meeting.

### **Vacancies/Appointments:**

Chairman Hallman presented the following vacancies and appointments.

### **VACANCIES**

Lincoln County Child Protection Team        1  
Nursing and Adult Care Home Community Advisory Committee    4  
Library Board – Ironton Township    1

### **APPOINTMENTS**

Nursing and Adult Care Home Community Advisory Committee  
- Rev. Judith Cole

Gaston Community Action  
- Rev. Pecolia Ervin

### **RE-APPOINTMENTS**

Recreation Commission  
- Wayne Bess  
- Jack O'Brien

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to appoint and reappoint the named people.

**Public Hearing for Proposed Industrial Development Incentive Grant for General Shoelace:** Jeff Taylor stated that Barry Matherly got a call from the General Shoelace people that their representative is sick tonight and was unable to be here. He suggested the Board convening the Public Hearing and immediately making a motion to postpone it.

Barry Matherly stated that the President of General Shoelace is ill, and has asked that it be delayed two weeks until he can be here.

Jeff Taylor presented the Board with copies of the proposed agreement.

Chairman Hallman opened the Public Hearing for the Proposed Industrial Development Incentive Grant for General Shoelace.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to recess the Public Hearing until the August 21, 2000 meeting when the President of the company will be here to share his comments regarding new development.

**Recess:** Chairman Hallman called for a brief recess.  
Chairman Hallman called the meeting back to order.



**Other Business:** Stan Kiser, County Manager, stated that he would like to talk a little about the sewer spill that occurred last night.

Jack Chandler stated that last night there was what he would classify as a small spill at one of the sewage lift stations. He stated that the cause for the spill is a power failure at the lift station. One of the three transformers that serves that station blew apart and because of that the pumps were unable to operate, and the pump station was overloaded, which resulted in a spill. The spill did follow the natural flow in the area, and made it into a creek, which feeds directly into Lake Norman. He stated that he received the first call at about 8:15, which was when he spoke to the person on site. He stated that he got on site by about 9:00. Mr. Chandler stated that by the time he got there, they had already alleviated the spill from going into the lake anymore at that time. He stated that from everything they can put together, they think the spill was probably going into the lake for about 2 ½ hours.

Commissioner Gamble asked how high the concentration was in the spill.

Jack Chandler stated that the test results are not back yet, and should be back tonight.

Commissioner Gamble asked if the water will take care of the spill on it's own, or if more will have to be done.

Brad Jewell stated that the water will take care of the spill on it's own. He stated that any spill into the lake is significant for us, but compared to recent spills it is minor. He stated that they estimate the spill to be 750 gallons.

Henry Fogle, a Lake Norman Riverkeeper, stated that last night at approximately 8:15 he received a call from a friend that we had a raw sewage spill occurring at a Lincoln County lift station on Blades Trail in the Westport Community on Lake Norman. He stated that he arrived at the location at 8:30 and found that raw sewage was spilling out of a manhole at approximately five to ten gallons per minute. At ten gallons per minute, it would be about a 1400 gallon spill, at 5 gallons per minute it would be seven hundred and some. The spill flowed away from Blades Trail into a small creek, which flowed back under the street into a small cove bordered by Fox Run and Burton Lane. At the location, he found a County Technician by the name of Chris Leatherman, who had called Duke Power, the Director of Public Services, Jack Chandler, and the County Engineer, Brad Jewell. Chris had also called for a pump truck to stop the overflow. Channel 3 tv news was just leaving the location. Two of the residents Marty Crabbs and Gary Eudy said that they smelled sewage at approximately 6:30 PM. Marty notified the county and channel 3 of the spill. Chris, the Technician, arrived at approximately 8:00 to 8:15 PM. He found that a transformer was blown causing the failure. The county had received no alarm, nor was the alarm light on at the station. Mr. Fogle stated that he called his fellow Riverkeepers in the area, and asked them to notify his boss Donna Lisenby, the Catawba Riverkeeper. The pump truck arrived at 8:44 PM and started pumping at 8:49 PM. Immediately the spill stopped. When Channel 3 was on the scene, they interviewed the two neighbors, and Chris, the Technician. Mr. Fogle stated that at 9:01 PM he called a friend on Fox Run and another on Burton Lane and ask that they call their respective

neighbors to let them know that there had been a sewage spill and they should stay out of the water until the county gave an all clear. He stated that at 9:08 PM Mike Jones, a fellow Riverkeeper called to let him know that he had notified Donna and was on his way to the location. At 9:22 PM, Pam, Donna's assistant called to let him know that they had received the message and that Channel 18 would like for him to call them, thank goodness his battery on his cell phone was almost dead, so he declined the opportunity. The County Engineer, Brad and Director of Public Services, Jack arrived. Also, the County Manager Stan Kiser and his father, who is a State Representative arrived as well. Riverkeepers Mike and Cynthia Jones, Sylvia Holmes, Carol Clise, and Jay Bunsy also arrived. He stated that they almost outnumbered the workers there. In the meantime, the pump truck left with a full load to dump it at another station on Blades Trail. While it was gone, at 9:49 PM, the spill started again. A futile effort was made to dam it up and keep it out of the creek. That didn't work too well, but luckily in about 10 minutes the truck came back and stopped the spill again. Channel 18 news arrived and Stan Kiser gave a brief report. Mr. Fogle stated that the reporter asked him to call the station later to report on how things turned out. He stated that Brad and Jack asked if he knew of a way they could get into the cove to test the water and he offered to take them in his pontoon boat, and as soon as the County Wastewater Lab Analyst, Carol Shidal, arrived, Jay Bunsey and he took Mr. Shidal out on the pontoon. Mr. Shidal tested the water back in the cove and then in four other locations. He was checking for fecal coliform, which takes 24 hours to get the report back. Mr. Fogle stated that at midnight he and Jay Bunsey returned to the site. Duke Power was replacing the transformer, the sewage level was pumped to a very low level and was not rising anymore. He stated that they discussed with Jack and Brad backup power possibilities and asked if they would be posting signage that you shouldn't swim or fish in the area. He stated that their answer at that time was that everybody would hear about it in the news. He stated that Jay and he left at 12:15. Mr. Fogle stated that today at 1:00, he took the Lab Analyst, Carol Shidal, back out on the pontoon boat along with Channel 3 news. They are scheduled to test it again at 2:00 tomorrow. Some of the questions the Riverkeepers have are 1 – Why was the response time so slow, 2 – What happened to the alarm, 3 – What is going to be done to correct it, 4 – Should we have some backup power at these lift stations, 5 – How best could we/should we notify lake residents and users of the lake, like fishermen, 6 – Shouldn't an emergency contact number be posted at the lift station so when people smell or see something they'll have a number to call. 7 – Should some of the other residents and neighbors be notified and if so by whom. He stated that each of the stations should be looked at, they don't want another spill and don't want to pollute the lake anymore. Each of these stations have a possibility of overflowing. This particular station, something as simple as 14 or 15 sandbags at the location, the culvert could have been blocked and the street itself would have made a natural dam. He requested that they look at these locations with the idea that one of these days they are going to overflow and maybe there's something as simple as a few sandbags that would stop it.

Brad Jewell stated that Chris Henderson, the Technician at the site, went through all the shop drawings for the pump stations, and was able to determine that since they only lost one leg of the three phase power there, the dialer still was receiving power, even though it was minor power, it still was receiving some voltage, so it didn't acknowledge that there was not voltage at the site. The float switch is a normally open switch, so as long as there

is no power going through that float switch it's not going to send an alarm signal to the automatic dialer. He stated that to remedy that, they are going to install some three phase power monitors, which is a small piece of equipment that will be put inside the panel to monitor each leg of the power. If leg is within a certain percentage of the other two, it will automatically send a failure to the automatic dialer. This way if this ever happens again, they would get a phase monitor failure.

Chairman Hallman asked how soon this could be done.

Brad Jewell stated that there are 16 stations. He stated that they could start working immediately and get it done within two to three months. He and Chris Henderson are estimating the cost will be around \$200 each pump station.

Commissioner Gamble asked if there is too much danger of contamination from E coli. He asked if that can be handled with disinfectants in the water directly.

Mr. Jewell stated that the State prefers that they not apply any disinfectants into the water.

Commissioner Brotherton stated that the gentleman's suggestion about posting numbers on the stations would be an easy solution.

Jack Chandler stated that it would be appropriate for people to call the non-emergency number for the Comm Center.

Commissioner Waters stated that this number does work. He stated that he had a water leak at his house, called that number, and somebody from the Water Department called him within ten minutes.

Jack Chandler stated that when they page the on-call people out, they put that number in and the on-call people call back into that neighbor.

Brad Jewell stated that they are checking into the response time, because it appears to be a pager problem.

Sylvia Holmes stated that she lives in the neighborhood and is also undergoing the Covekeeper training with the Catawba River Foundation, so she was out there last night. She stated that it was very dark out there and she would like to commend the county staff for doing what they did in the dark, that was a real problem for them. She stated that the big problem is the people who live in that particular cove are very concerned because they really don't know who to call to find out when it's going to be safe to swim. She stated that school started today, so most of the kids who would normally be swimming were in the classroom today. Ms. Holmes stated that the fact that it occurred late in the evening meant that most people were already coming off the lake. The Covekeepers have been chatting amongst themselves and wondering if there is anyway they can notify neighbors, because they have all been having phone calls. She stated that they had a very irate neighbor that demanded that the Sheriff send a Deputy out to tell the residents about

the spill. She stated that these are some of the things we need to think about. She stated that one of the other things that has concerned her is the whole situation around Lake Norman. She read the following, which she wrote on December 22, 1999.

Lincoln County has benefited immensely since Duke Power created Lake Norman on the Catawba River over thirty years ago. The current growth in residences and businesses can be attributed to the attraction of the area. This growth, which has greatly enhanced the tax base of Catawba Springs Township, is not without problems – notably the cost to provide the infrastructure needed by an enlarged population. However the clock cannot be turned back and the County needs to take a pro-active position in monitoring all situations as they occur along the shoreline of the Catawba River Basin.

That the County organize a subcommittee of the Recreation Commission to be responsible for monitoring the shoreline in relation to recreational, environmental and developmental issues as they arise and to be given the task of reviewing all documentation as it is received from the Shoreline Management division of Duke Power. Concerns from this committee would be directed to the Recreation Commission or other appropriate official body.

The committee would include at least the following:

- 1) Chair – to be an ad hoc member of the Rec. Comm. if not currently serving
- 2) Sitting Lake Norman Marine Commissioner from Lincoln County (but not the chair in the year that Lincoln has two members).
- 3) Sitting Mountain Island Lake Marine Commissioner .
- 4) A Lowesville area resident who supports the Mountain Island State Nature Preserve.
- 5) A Township resident involved in the Beatty Ford Access Area Park (& Little Creek).
- 6) A trained cove-keeper from the Township who is a member of the Catawba River Foundation.
- 7) A representative of the Wildlife Association.
- 8) A law enforcement official.

The committee would meet four times yearly about two weeks Prior to the scheduled Recreation Commission meeting.

Responsibilities to include but not limited to

Annual “Clean Sweep” program.

Reading and commenting on changes to the Shoreline Management Plan.

Monitoring Duke Power’s FERC application (license expires in 2008).

Assessing the “health” of the shoreline and communicating with the “Riverkeeper”.

Providing county citizens with appropriate recreational opportunities at suitable sites.

Paying attention to law enforcement problems

Educational programs for all county elementary schools regarding water safety (swimming, boating, fishing, and other water-related activities)

Stanley Roseboro spoke on behalf of the Mountain Island Lake Marine Commission, stating that two weeks ago they had a training session with joint marine commissioners. He stated that somewhere in the near future they will be having work sessions on spills that have happened and trying to clean up things going on in the lakes.

Jack Chandler stated that they applied for grant money to install standby generators at all the pump station sites, and also at the Wastewater Treatment Plant. The applications for those grants did not rank high enough to get enough priority points to have grant money awarded to the project. He stated that the wording that got back to him was that the grant application did not contain a critical health need.

Commissioner Brotherton stated that he believes commenting on that grant, that all the money went east, our good Governor looks after his political base down east, it was a simple political decision.

Chairman Hallman stated that people's health in the east end of the state is just as important as in the west end.

Stan Kiser, County Manager, presented the following changes for the Board's approval

- Place MIS directly under the County Manager instead of the Tax Administrator as it is now.
- Reclassify Senior Data Processing Technician as Assistant MIS Director
- Reclassify Senior Office Assistant as MIS Technician
- Moving Communications (telephones, pagers, etc.) from Emergency Services to MIS.
- EMS is currently under the Director of Emergency Services. I propose to place EMS directly under the County Manager.
- Change the title of EMS Manager to Director of Emergency Medical Services.
- Change the title of Director of Emergency Services to Director of Emergency Management.
- Change the 2 new EMT Paramedic positions to 1 EMT – Basic and 1 EMT – Intermediate

Mr. Kiser also presented requests from Maggie Dollar the first one being:

Our original plans were to move an employee into the Budget/Records Supervisor position. After considering this employee for that classification, I feel that the Accounting Specialist would better fit the employee and the duties. I am requesting that a new position be created, Accounting Specialist, in lieu of filling the Budget Records Supervisor position. I am also requesting to delete the Senior Medical Data Entry Operator position. This does not create any budgetary changes.

Ms. Dollar also requested approval for out-of-state travel. She is requesting that the two maternity nurses, Beth Clark and Sharon Cox, be authorized to attend a conference in

Myrtle Beach, South Carolina. The two-state conference alternates between being held in North Carolina and South Carolina.

**A MOTION** by Commissioner Brotherton to approve the recommendations of the County Manager.

**Vote: 3 – 1 AYES: Hallman, Brotherton, Waters**  
**NOES: Gamble**

Mr. Kiser asked if the Board was ready to pay the bill for the sound system.

**A MOTION** by Commissioner Gamble to wait 30 more days to pay them for the sound system, to make sure there are not any more problems.

**Vote: 2 – 2 AYES: Waters, Gamble**  
**NOES: Brotherton, Hallman**

Barry Matherly brought the following documents before the Board for approval concerning the RSI deal.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to approve the following agreements.

August 7, 2000

Lincoln Economic Development Association  
127 E. Congress Street  
Lincolnton, NC 28092

TKC XXXV, LLC  
c/o The Keith Corporation  
5935 Carnegie Boulevard, Suite 200  
Charlotte, North Carolina 28209

RE: Lincoln County Industrial Park, Lincoln County, North Carolina

To All Concerned,

In order to encourage development of the Lincoln County Industrial Park located in Lincoln County, North Carolina and described on Exhibit A attached hereto (the

“Park”), Lincoln County has agreed to fund \$963,585 (the “Commitment”) to the Lincoln Economic Development Association (the “LEDA”) for certain improvements to the Park, including road improvements, utility improvements, signage and landscaping (collectively the “Improvements”) which will enhance and improve the Park and encourage development of the Park. In consideration of the agreement of Lincoln County to fund the Commitment for the Improvements, the LEDA has entered into a Reimbursement Agreement with TKC Land Development, LLC (an affiliate of TKC XXXV, LLC) which obligates the LEDA to fund to TKC Land Development, LLC an amount up to the Commitment for the Improvements. Furthermore, in consideration of the agreement of the LEDA and Lincoln County to fund the Improvements, TKC XXXV, LLC has agreed to (i) purchase that certain parcel located in the Park and described on Exhibit B attached hereto (the “Developer Parcel”) and (ii) has entered into an agreement with a third party which obligates TKC XXXV, LLC to construct certain improvements on the Developer Parcel.

The obligation of Lincoln County to fund the Commitment to the LEDA was approved by a vote of the Commissioners of Lincoln County on June 5, 2000, is irrevocable and unconditional and Lincoln County shall fund the Commitment in monthly installments to be completed not later than December 24, 2000.

Yours Truly,

Lincoln County

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NORTH CAROLINA

DEED AND AGREEMENT  
OF EASEMENTS

COUNTY OF LINCOLN

THIS DEED AND AGREEMENT OF EASEMENTS (the “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2000 by and between LINCOLN COUNTY, a municipal corporation (“Grantor”) and TKC XXXV, LLC, a North Carolina limited liability company (“Grantee”)

**RECITALS:**

A. Grantor is the fee simple owner of that certain parcel of land located in Lincoln County, North Carolina and described on Exhibit A attached hereto and incorporated herein by reference (the “Grantor Property”)

B. Grantee is the fee simple owner of that certain tract of land in Lincoln County, North Carolina and more particularly described on Exhibit B attached hereto and incorporated herein by reference (the “Grantee Property”)

C. Grantor has agreed to grant and convey to Grantee the easements described in Section 1 (a) upon, across and under the Grantor Property.

### **AGREEMENT:**

**NOW, THEREFORE**, in consideration of the recitals, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

Section 1. Sewer Easements. (a) Grantor does hereby grant, bargain, sell and convey to Grantee and its successors in title (i) a permanent, nonexclusive subterranean easement (the “Sewer Easement”), from, under across and through the portion of the Grantor Property crosshatched on Exhibit C attached hereto and made a part hereof (the “Sewer Line Easement Area”) for the installation, attachment, repair, use, replacement, relocation, removal and maintenance of one or more sanitary sewer lines (the “Sewer Lines”); (ii) a permanent, nonexclusive easement for effluent discharge in and through the Sewer Lines; and (iii) a temporary construction easement over, upon and across the Grantor Property for the installation and construction of the Sewer Lines (the “Construction Easement”), TO HAVE AND TO HOLD, the foregoing easements and rights and all rights and privileges thereto appertaining, unto Grantee, and its successors in title, forever. The Sewer Easement Line Easement Area shall be 25 feet in width.

(c) Grantee agrees to bear and pay all costs and expenses with respect to the construction, installation and maintenance of the Sewer Lines and shall cause all work performed in connection therewith (including general clean-up and proper surface and subsurface restoration) to be completed with reasonable diligence and in a good and workmanlike manner.

(d) Grantor agrees to use all reasonable efforts to assure that any entry upon the Grantee Property necessary in connection with the installation, repair, maintenance and relocation of the Sewer Lines shall be performed in such a manner so as to limit and minimize interference with the Grantee’s use of the Grantee Property and damage to any of the improvements located thereon.

Section 2. Binding Effect. The easements granted herein shall be appurtenant to, and shall run with, the Grantee Property, and shall be binding upon and run with the Grantor Property and their respective successors and assigns. The easements and rights



granted herein are not personal or easements in gross, but rather are binding upon and appurtenant to the property described herein and are fully assignable.

Section 3. Dedication. As soon as reasonably possible after the Sewer Line is complete, Grantor and Grantee intend to dedicate to the applicable governmental entity or body the Sewer Easement and each of Grantor and Grantee agree to take all action reasonably necessary and execute any and all documents or instruments reasonably required to effectuate such dedication. Upon such dedication, the Sewer Easement shall automatically cease and terminate and the parties hereto agree to execute any and all documents reasonably requested, if any, to confirm and acknowledge such termination.

Section 4. Private Agreement. This Agreement does not and shall not be construed to grant any rights to the public.

Section 5. Counterparts. This Agreement may be executed in multiple separate counterparts.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by authority duly given, as of the date first written above.

Grantor:

LINCOLN COUNTY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Grantee:

TKC XXXV, LLC, a North Carolina limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NORTH CAROLINA

APPROVAL OF DEVELOPMENT PLANS,  
WAIVER OF OPTION TO PURCHASE AND  
PARTIAL RELEASE FROM RESTRICTIVE COVENANTS  
[SEE BOOK 922, PAGE 292]

COUNTY OF LINCOLN

THIS APPROVAL OF DEVELOPMENT PLANS, WAIVER OF OPTION TO PURCHASE AND PARTIAL RELEASE FROM RESTRICTIVE COVENANTS (this "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2000, by LINCOLN COUNTY, a body corporate and politic (the "County"), and the LINCOLN ECONOMIC DEVELOPMENT ASSOCIATION, a 501(c)(3) North Carolina non-profit corporation (the "LEDA"), in favor of TKC XXXV, LLC, a North Carolina limited liability company (the "Buyer").

**WITNESSETH:**

**WHEREAS**, the County, together with Neil Finger and wife, Mary Ann Finger, Doris Laney and Husband, Rowe Lamar Laney, and Carrie H. Finger, widow recorded those certain Restrictive Covenants Lincoln County Industrial Park (the "Restrictive Covenants") on November 17, 1995, to govern the development of the Lincoln County Industrial Park (the "Park"), as the Park is more particularly described in the Restrictive Covenants;

**WHEREAS**, M. Neil Finger and wife Mary Ann B. Finger, and Buyer entered into that certain Contract for Purchase of Property dated as of June 9, 2000 (the "Contract"), for the purchase and sale of approximately 29.3325 acres located within the Park (the "Property"), as the Property is more particularly described on Exhibit A attached hereto and incorporated herein by reference;

**WHEREAS**, Buyer is required by applicable subdivision ordinances to record a subdivision map for the Property prior to taking title to the Property;

**WHEREAS**, Buyer intends to construct certain improvements on the Property and to lease the Property to RSI Holding Corporation ("RSI");

**WHEREAS**, pursuant to section II, paragraph 2 of the Restrictive Covenants, Buyer must submit its Development Plans (as defined in the Restrictive Covenants) to the LEDA for review prior to constructing its intended improvements on the Property;

**WHEREAS**, pursuant to section II, paragraph 9 of the Restrictive Covenants, the County and the LEDA have the first right and option to purchase the Property;

**WHEREAS**, pursuant to section II, paragraph 12 of the Restrictive Covenants, the Buyer must obtain the written consent of the LEDA and record a partial release from the Restrictive Covenants prior to subdividing or leasing the Property; and

**WHEREAS**, the LEDA and the County have (i) approved Buyer's Development Plans, (ii) consented to Buyer's subdivision of the Property, (iii) consented to Buyer's lease of the Property to RSI and (iv) agreed to waive their first right and option to purchase the Property and the LEDA;

**NOW, THEREFORE**, for and in consideration of \$10.00, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the LEDA hereby agree as follows:

1. The recitals set forth above are incorporated herein by this reference. The use of a defined term not otherwise defined herein shall have the meaning ascribed thereto in the Contract or the Restrictive Covenants.

2. The County and the LEDA hereby (i) approve Buyer's Development Plans, which Development Plans include plans and specifications for the construction, installation and illumination of all outdoor signs for the Property, copies of which Development Plans were submitted to the LEDA and the County Manager on \_\_\_\_\_, 2000, (ii) acknowledge and agree that Buyer's Development Plans satisfy all requirements for Development Plans set forth in the Restrictive Covenants, including, but not limited to, the requirements set forth in section II, paragraphs 4 and 5, and (iii) acknowledge and agree that Buyer's Development Plans comply with all of the development standards set forth in section II, paragraph 6.

3. The County and the LEDA hereby waive their first right and option to purchase the Property set forth in section II, paragraph 9 of the Restrictive Covenants.

4. The LEDA and the County hereby consent to the subdivision of the Property substantially as shown on the subdivision map for the Property prepared by R.B. Pharr & Associates, Inc., dated \_\_\_\_\_, 2000. As required by Section II, paragraph 12 of the Restrictive Covenants, this Agreement shall evidence a partial release of the Property from the consent requirements regarding subdivision set forth in section II, paragraph 12 of the Restrictive Covenants.

5. The LEDA and the County hereby consent to the lease of the Property to RSI and, notwithstanding anything to the contrary set forth in section II, paragraph 12 of the Restrictive Covenants, the LEDA and the County hereby consent to any and all future leases, subleases, assignments and other hypothecations of interest in the Property by Buyer. As required by section II, paragraph 12 of the Restrictive Covenants, this Agreement shall evidence a partial release of the Property from the consent requirements regarding leases of the Property set forth in section II, paragraph 12 of the Restrictive Covenants.

6. Any amendment or modification of the Restrictive Covenants which restricts permitted uses shall not apply to the Property if the Property has previously been occupied for such restricted use. Any amendment or modification of the Restrictive Covenants which imposes more restrictive setbacks, building requirements or the like within the Park shall not apply to improvements which were constructed in reasonable conformity with Development Plans approved by the LEDA and which conformed to the Restrictive Covenants at the time the Development Plans were approved. No amendment or modification of the Restrictive Covenants shall be made which would require Buyer to make material modifications to existing improvements on the Property without the written consent of Buyer.

7. Nothing contained in this Agreement shall be construed as a waiver by Buyer of any of its enforcement rights against other owners of property located within the Park.

8. Invalidation of any one provision contained in this Agreement by judgement, court order, operation o flaw or otherwise, shall in no way affect the other provisions contained herein which shall continue in full force and effect.

9. This Agreement shall be binding on the LEDA and the County and their successors and assigns and shall be appurtenant to run with the Property and shall insure to the benefit of Buyer and Buyer's heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned has duly executed these presents as of the day and year first above written.

**LINCOLN COUNTY:**

Duly adopted by the Board of  
Commissioners of the County of Lincoln,  
North Carolina, this the \_\_\_\_ day of \_\_\_\_,  
2000.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chairperson

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Clerk

Barry Matherly stated that in front of the EDA Building, the bridgework is almost finished, and they are doing the final paving. He stated that LEDA has asked about having the parking lot paved while the pavers are there. Mr. Matherly presented an estimate of \$7,500 to pave the entire parking lot. He stated that this estimate is only good while the pavers are working on the bridge project.

**A MOTION** by Commissioner Brotherton to fund \$7,500 for EDA to pave the parking lot while the contractors are there.

**Vote: 3 – 1** AYES: Hallman, Brotherton, Waters  
NOES: Gamble

Commissioner Gamble presented the following in writing.

I. Make hospital report a permanent agenda item

- II. Go over June statement of hospital and note huge losses in one month
- III. Get a place on agenda for motions re hospital
- IV. Motions:
  - 1- Require a pro forma report done by a firm such as Ernst & Young, which would show in black and white what any proposed hospital affiliation would do for us in 1 year, 2 years, 5 years before any consideration of an affiliation agreement and by us.
  - 2- Request of the State Auditor a complete audit of Lincoln Medical Center from 1995 – 1999.
- V. Report on Onslow County  
Report on possibility of a Citizen's Review Committee of the Lincoln Medical Center and its performance as a 501(c)3 corporation.

CEO in Onslow did a lot of things wrong – one of which was to hire a man to do a specific job for \$90,000, the man didn't do the job but got paid anyway.

Like these doctors whose practices were bought by Acker but ended up with Carolina Phy Net.

Commissioner Gamble stated that he would like to keep these motions open until the next meeting.

Commissioner Waters stated that there has to be a way to go in with a Citizen's Review Committee. Commissioner Waters stated that it is not possible to lose \$2.5 million in one month if you're doing your job.

#### **Recommendations from the Planning Board – August 7, 2000:**

##### **Parallel Conditional Use Rezoning No. 69 – Waterside Crossing, LLC, applicant:**

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended deferring until next month's meeting. The reasons given were that they wanted more information on the drainage problems, wanted to make sure the improvements for Phase I were completed, and wanted the easement for Easy Trail researched.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to defer until the next month's meeting based on the recommendation from the Planning Board.

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

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

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

**A MOTION** by Chairman Hallman to excuse Commissioner Brotherton from voting on this matter due to ownership of adjacent property.

**Vote: 2 – 1** AYES: Hallman, Waters  
NOES: Gamble

Chairman Hallman presented the findings of fact for Conditional Use Permit No. 171 – Family Boat Centers, applicant.

RECOMMENDATION ON FINDINGS OF FACT  
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #171

Date: August 7, 2000

Applicant's Name: Family Boat Centers  
Address: 3840 Hwy 16 N  
Denver, NC 28037

Property Owner's Name: Robert Bohannon  
Address:

Property Location: Highway 16, Denver

Existing Zoning: B-N, D-H

Proposed Conditional Use: Retail marine supply and sales, trailers less than 4000 lbs, boat restorations

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, Gamble.
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, Gamble.

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, Gamble.
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: Hallman, Waters, Gamble.

After having held a public hearing on August 7, 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 Conditional Use Permit No. 171 without conditions.

**Vote: 3 – 0** AYES: Hallman, Waters, Gamble

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Chairman  
Lincoln County Board of Commissioners

Date

**Conditional Use Permit No. 172 – James Martin, applicant:**

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approval with the condition that only one (1) mobile home may be placed on lot.

Chairman Hallman presented the findings of fact for Conditional Use Permit No. 172 – James Martin, applicant.

**RECOMMENDATION ON FINDINGS OF FACT  
FOR A CONDITIONAL USE PERMIT**

**LINCOLN COUNTY, NORTH CAROLINA**

Application Number: CUP #172

Date: August 7, 2000

Applicant's Name: Michele Robinson & James Martin  
Address: 1098 Pointview Lane  
Lincolnton, NC 28092

Property Owner's Name: James C. Martin  
Address: (Same as above)

Property Location: Salem Church Road

Existing Zoning: R-S

Proposed Conditional Use: Doublewide mobile home without a 4:12 pitched roof.

### 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 Brotherton. Vote: 4 – 0 AYES: Brotherton, Hallman, Waters, Gamble.
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 Brotherton. Vote: 4 – 0 AYES: Brotherton, Hallman, Waters, Gamble.
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 Brotherton. Vote: 4 – 0 AYES: Brotherton, Hallman, Waters, Gamble.
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 Brotherton. Vote: 4 - 0. AYES: Brotherton, Waters, Hallman, Gamble.



After having held a public hearing on August 7, 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 Brotherton to approve Conditional Use Permit No. 172 – James Martin, applicant, with the condition set forth by the Planning Board of only one (1) mobile home on the lot.

**Vote: 4 – 0** AYES: Brotherton, Hallman, Waters, Gamble.

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Chairman  
Lincoln County Board of Commissioners

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Date

**Zoning Map Amendment No. 343 – Bynum Caldwell, applicant:**

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended approval of this request.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to approve Zoning Map Amendment No. 343 – Bynum Caldwell, applicant based on the recommendation of the Planning Board.

**Zoning Map Amendment No. 344 – Martin Mull, applicant:**

Lee Lawson, Land Use Coordinator, stated that the Planning Board voted 6-1 to deny the request.

**UPON MOTION** by Commissioner Waters, the Board voted unanimously to deny Zoning Map Amendment No. 344 – Martin Mull, applicant.

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

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Amy S. Long, Clerk  
Board of Commissioners

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James A. Hallman, Chairman  
Board of Commissioners