

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on July 12, 1999 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. for the purpose of conducting public hearings on zoning issues. The following were present:

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

Jeffrey Taylor, County Attorney
Stan Kiser, County Manager

Planning Board Members present were: Mike Baker, Gary Garlow, Ron Smith, Buddy Funderburk, Jerry Geymont, Stanley Roseboro, and Dean Lutz.

Also present were Candace Ramseur, Development Technician, Tina Jenkins, Development Technician, Richard Smith, Land Use Coordinator, and Amy S. Long, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman Hallman called the July 12, 1999 public hearing meeting of the Lincoln County Board of Commissioners to order.

ADOPTION OF THE AGENDA

Chairman Hallman presented the Agenda for the July 12, 1999 Board of Commissioners meeting for adoption.

AGENDA**LINCOLN COUNTY BOARD OF COMMISSIONERS****PUBLIC HEARINGS****JULY 12, 1999**

6:30 PM Call to Order

1. 6:30 PM Adoption of Agenda
2. 6:30 PM Approval of Minutes
 - May 10, 1999
 - May 13, 1999
 - May 20, 1999
 - May 26, 1999
 - May 27, 1999
3. 6:30 PM Consent Agenda
 - Tax Requests for Releases
 - Less than \$100 – May 16 – June 15, 1999
 - More than \$100 – May 16 – June 15, 1999
 - Tax Requests for Refunds
 - Less than \$100 – May 16 – June 15, 1999
 - More than \$100 – May 16 – June 15, 1999
 - Sponsored Group Status
 - Carolina Cross Connection
4. 6:30 PM New Business / Advertised Public Hearings

Conditional Use Permit No. 157 – American Tower, applicant, Request for a Conditional Use Permit to allow a telecommunication/transmission tower in excess of sixty (60) feet in height in the General Industrial (I-G) district at 3520 Saint James Church Road in the Catawba Springs Township.

Conditional Use Permit No. 158 – Talal H. Borno, applicant, Request for a Conditional Use Permit in order to accommodate a motor vehicle sales lot in the Neighborhood Business (B-N) district on NC Highway #16 in the Catawba Springs Township.

Zoning Map Amendment No. 306 – Tom Howard, applicant, Request to rezone a portion of 6.455 acres from General Business (B-G) with a Designated Highway (D-H) overlay to General Industrial (I-G) with a D-H overlay to accommodate an industrial usage. The property is located near 2499 North Carolina Highway #16 in the Catawba Springs Township.

Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicants, Request to rezone 2.831 acres from Residential Single-Family (R-SF) with a Designated

Highway (D-H) overlay to Neighborhood Business (B-N) with a D-H overlay to accommodate a retail sales business. The property is located at 2544 North Carolina # 16 in the Catawba Springs Township.

Zoning Map Amendment No. 308 – Jennifer Cook Wise, applicant, Request to rezone 1.276 acres from Residential Single-Family (R-SF) to Rural Residential (R-R). Property is located on Norman Parker Road in the North Brook Township.

Zoning Map Amendment No. 309 – Lincoln County, applicant, Request to rezone 2.646 acres from Rural Residential (R-R) to General Industrial (I-G). Property is located on Hatchett Road in the Lincolnton Township.

Parallel Conditional Use Permit No. 62 – Randy F. Howell, applicant, Request to rezone 0.484 acres from Residential Single-Family (R-SF) with a Designated Highway (D-H) overlay to Neighborhood Business (B-N) with a D-H overlay. Request is also being made for the issuance of a Conditional Use Permit in order to allow for a motor vehicle sales lot. Property is located at 980 North Carolina Highway #16 in the Catawba Springs Township.

5. 7:30 PM Alexis Acres Public Hearing
6. 7:45 PM Recommendation for Tax Adminstrator – Jason Saine and Hayley Modlin
7. **8:00 PM At this time, the Board of Commissioners will recess the July 12, 1999 meeting and open the July 12, 1999 Board of Variance and Appeals Meeting.**
8. 8:30 PM Recommendations from the Planning Board – July 12, 1999
 - Conditional Use Permit No. 157—American Tower, applicant.
 - Conditional Use Permit No. 158 – Talal H. Borno, applicant.
 - Zoning Map Amendment No. 306 – Tom Howard, applicant.
 - Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicant.
 - Zoning Map Amendment No. 308 – Jennifer Cook Wise, applicant.

- Zoning Map Amendment No. 309 – Lincoln County, applicant.
- Parallel Conditional Use Rezoning No. 62 – Randy F. Howell, applicant.

10. 9:00 PM Approval of Lease for Forestry Service

11. 9:05 PM Set Public Hearing for Denver Farms Subdivision Leash Law for August 16, 1999 at 7:00 PM

12. 9:10 PM Appointments

12. 9:20 PM Other Business

13. 9:30 PM Closed Session – Personnel and Contractual
Adjourn

Commissioner Brotherton requested that the Contract for Completion of Improvements for Smithstone be added to the agenda under the Consent Agenda.

A motion by Chairman Hallman to approve the agenda with the addition of Contract for Completion of Improvements for Smithstone under the Consent Agenda.

Unanimously approved.

APPROVAL OF MINUTES – MAY 10, 1999, MAY 13, 1999, MAY 20, 1999, MAY 26, 1999, MAY 27, 1999

Chairman Hallman presented the minutes of the May 10, 1999, May 13, 1999, May 20, 1999, May 26, 1999 and May 27, 1999 Board of Commissioners meetings for approval.

Commissioner Gamble asked about the Closed Session minutes.

A motion by Commissioner Brotherton to approve the minutes of the May 10, 1999, May 13, 1999, May 20, 1999, May 26, 1999 and May 27, 1999 Board of Commissioners meetings.

Unanimously approved.

CONSENT AGENDA

Chairman Hallman presented the Consent Agenda as follows:

RELEASES FOR MAY 16TH THRU JUNE 15TH, 1999

LESS THAN \$100 – MOTOR VEHICLES

Aguilar, Emilio Romero	1997	0065809	\$ 11.52
Ammons, Willie Ray	1998	0071652	\$ 65.37
Ayers, Virginia Mooreland	1998	0091147	\$ 20.81
Baker, Kenneth D.	1998	0135787	\$ 7.93
Bassett, Deborah Hoyle	1998	0066305	\$ 11.20
Beard, Gene Ransom & Sarah	1998	18313	\$ 78.27
Beaver, John Andrew	1998	0100337	\$ 14.81
Benfield, George Lee	1998	0136202	\$ 70.71
Blackburn, Brenda Williams	1998	0105509	\$ 8.81
Blackwell, Sandra Marsh	1998	0136095	\$ 39.37
Bowen, James T. III	1998	06637	\$ 43.34
Boyles, Stuart Micah	1998	0085779	\$ 29.75
Brittain, Tamme W.	1998	0076816	\$ 21.83
Browning, Eric Craig	1998	007962	\$.94
Bullock, Gerald Kelly	1998	0122039	\$ 81.01
Bynum, Charles A. & Gail B.	1999	13187	\$ 26.04
Campbell, Terry Gene & Elaine	1998	28019	\$ 25.16
Carpenter, Barry David	1999	0121809	\$ 32.45
Carter, James Clyde II	1998	0121434	\$ 14.67
Clubb, Sandra Toney	1998	0135708	\$ 64.40
Cody, Jerry Don	1998	0113353	\$ 2.43
Cole, Betty Jo	1998	0087729	\$ 7.78
Comb, Gary Wayne	1998	0135581	\$ 71.08
Conley, William Ray	1998	0089464	\$ 24.54
Cook, Mitchell Gregory	1997/98	0100293	\$ 24.40
Cox, Robert M. Jr.	1998	0120456	\$ 73.36
Cox, Willard H.	1998	0136136	\$ 1.22
Davis, Rachel Goins	1998	0092785	\$ 12.88
Dellinger, Teddy Charles	1998	0092010	\$ 15.47
Dellinger, Thomas Eli Jr.	1998	0083509	\$ 26.07
Earley, Robert J.	1998	0130213	\$ 49.81
Eldridge, Tahnee Sue	1998	0119007	\$ 2.85
Ellis, Patricia Russell	1998	0135654	\$ 36.00
Elmore, Danielle Rebecca	1997	0104988	\$ 23.21
Elmore, Jonathan Brent	1998	0102596	\$ 49.84
Elmore, Tracy Ellis	1998	0104567	\$ 23.72
Farnsworth, Ann & Roland	1998	0115647	\$ 46.28
Freeman, Frankie Dale	1998	0134922	\$ 6.08
Fulbright, Robert Lee Jr.	1997	0123469	\$ 4.55
Gates, Robert Harvey	1998	0068402	\$ 6.21
Gay, John J.	1998	0116139	\$ 68.64
Grant, Lee Ann	1998	0135578	\$ 19.32
Gregory, Kenneth M. & Sheila	1998	07955	\$ 26.55
Grant, Teddy Lee	1998	0104312	\$ 83.06
Gurganious, Melissa Ann	1998	0126331	\$ 55.74

Hallman, Carolyn Farmer	1998	0106994	\$ 5.35
Hallman, Paul D. Jr.	1998	01993	\$.07
Harmon, Robert Ray	1998	0123821	\$ 3.28
Harrell, Robert J.	1998	0110371	\$ 72.96
Harris, George Wakefield	1998	0066633	\$ 58.64
Harris, Teresa Mayer	1998	0070771	\$ 45.52
Harvey, Mack Wayne	1998	0111180	\$ 83.94
Henley, Charles J. & Sonya W.	1998	17883	\$ 42.12
Herring, John Thomas Jr.	1998	0111862	\$ 43.78
Hester, Lewis K. & Nancy P.	1998	06713	\$ 27.74
Hicks, Deborah Auton	1995	0112615	\$ 3.14
Hight, Brenda Hallman	1997/98	0091535	\$ 30.62
Hoover, Dennie Ray	1998	0108928	\$ 14.19
Houser, James Dean	1998	07274	\$ 36.34
Hoyle, Arthur Steve & Nancy	1998	07489	\$ 18.24
Huddleston, Victor Warner	1997	0072731	\$ 12.01
Hurt, Larry Franklin	1998	0083664	\$ 14.36
Hutchinson, Joanna Lynn	1998	0131963	\$ 54.91
Jenks, Zachery Daniel	1998	0131043	\$ 7.54
Jeranek, Edward A.	1998	0069859	\$ 12.35
Jiminez, Esperanza Mayela	1998	0107893	\$ 21.97
Johnson, Benita Carolyn	1998	0128602	\$ 31.45
Jones, Charles David	1998	0134508	\$ 80.80
Kensinger, Darryl Eugene	1998	0105484	\$ 88.78
King, Wanda Sue	1998	18477	\$ 58.03
Kistler, William Yates	1998	0086073	\$ 9.55
Kochnny, Zoraida Ugalde	1997	0128100	\$ 26.86
Laney, Nellie Reese	1998	0122847	\$ 13.13
Lapointe, Matthew J.	1997	0126535	\$ 12.65
Laurenson, Jay Craig	1998	0108271	\$ 37.46
Lemmons, Jackie Edward	1998	0074572	\$ 5.08
Lockman, John T. & Rebecca	1998	10728	\$ 76.07
Loria, Ray Eduardo	1998	0127890	\$ 25.25
Lowery, Charles & Mabel	1998	10943	\$ 8.26
Luna, Gustavo Adolfo	1996	0122280	\$ 7.09
Lynch, Boyce Albert	1998	0094984	\$ 31.95
Mayfield, Ilene Odom	1998	0092188	\$ 18.45
McCorkle, Gary & Jean	1999	17042	\$ 4.49
McCullough, Letitia Ann	1997	0123006	\$ 44.47
McGee, Cathy Oneal	1998	0131574	\$ 89.44
McGinnis, Brian James	1998	0085712	\$ 6.81
McIntosh, William Guy	1998	0121100	\$ 21.47
McNamara, Irene Marion	1998	0081966	\$ 31.14
Meadows, William C.	1998	0135050	\$ 11.04
Mejias, Oscar Mario	1998	0087097	\$ 20.03
Meredith, Karen Lynn	1998	0136148	\$ 30.38
Merriam, Leo Norman	1998	0089038	\$ 4.52
Miller, James David Jr.	1998	0097817	\$ 6.48
Mitchell, Larry	1999	16537	\$ 25.56
Mongold, Brenda Joyce	1998	0103351	\$ 13.16
Moore, Larry Edgar	1998	0136233	\$ 15.08

Morgan, Lindsay Dean	1998	0097640	\$ 9.93
Mullen, Marcus Lester	1998	0096916	\$ 1.82
National Fruit Product Co.	1998	25660	\$ 29.82
Parker, Patsy Harris	1998	0135595	\$ 5.28
Parker, William L.	1998	0130924	\$ 10.65
Patterson, Stanley Wallace	1998	0089976	\$ 8.79
Phillips, William Mark	1997	0111222	\$ 86.75
Poole, Ronald G. & Cynthia	1998	13938	\$ 3.32
Potter, Charlesie Crouse	1998	0122697	\$ 18.89
Powell, Johnny Mark	1998	0070999	\$ 22.09
Powers, Elizabeth Joyce	1998	0099402	\$ 20.90
Prime Time Imports	1998	0136175	\$ 47.25
Reep, Shelley Marie (Mellon)	1998	0094263	\$ 19.55
Reynolds, Percy L. (Heirs of)	1998	08955	\$ 2.86
Richard, Sharrian Scronce	1998	0095575	\$ 59.02
Rosales, Alexis	1996	0077446	\$ 4.82
Rudisill, Shawn Anthony	1998	0106088	\$ 41.54
Sain, Ronald Frank	1998	0089664	\$ 13.65
Sanders, Ronnie Lee Jr.	1996	0094046	\$ 4.96
Santos, Lance W.	1998	0134425	\$ 7.45
Sellers, Jery B. & Susanne	1998	28742	\$ 49.35
Shidal, Carol David	1998	0116676	\$ 6.43
Shives, E. R. Jr. & Teresa	1998	09107	\$ 33.51
Shults, Jenson Carroll II	1998	0110302	\$ 25.42
Shupe, Franklin Howard	1998	0095902	\$ 19.34
Shuter, Robert E.	1999	0113444	\$ 45.65
Sisk, Phillip D.	1998	0107444	\$ 4.57
Smith, Carroll Thomas	1997	0081282	\$ 5.23
Smith, Jerry Paul Sr.	1998	16732	\$.97
Smith, Louie	1998	0130211	\$ 14.28
Stalvey, Deborah Lynch	1998	0122259	\$ 65.99
Stilltner, Tonya Michelle	1998	0135694	\$ 31.08
Swain, William Colin	1999	0104300	\$ 72.49
Thompson, Haywood Wardell	1998	0135108	\$ 75.33
Traver, John Phillip	1998	0086654	\$ 6.00
Tropical Tanning Center	1998	0123688	\$ 30.08
Trust Moe	1998	0125948	\$ 8.64
Wachovia Auto Leasing Co.	1999	0116532	\$ 60.57
Whitesides, Samuel W.	1998	10150	\$ 10.72
Whitworth, Tammy Cogdill	1998	0107076	\$ 20.17
Wiilliams, Milton Luther	1998	0066100	\$ 40.63
Wilson, Jeffery Scott	1999	0081558	\$ 3.78
Wiseman, Elizabeth Ewing	1998	0103114	\$ 8.45
Withers, Franklin M. & Linda	1998	15599	\$ 14.08
Womeldorf, Debra Guy	1998	0136121	\$ 3.26
Woody, Chris Allan	1998	0086752	\$ 39.55
Wright, Bradley J.	1998	0114143	\$ 4.52
Wright, Grace Elizabeth	1998	0129020	\$ 7.78
Wright, Jerry Edward Edward Sr	1998	0089489	\$ 13.15
Young, Ernest Dale	1999	01217122	\$ 29.09
Zeledon, Geovannia Carillo	1998	0109979	\$ 32.64

RELEASES MORE THAN \$100 – MOTOR VEHICLES

Abernathy, David Blaine Jr.	1998	0135553	\$ 225.87
Aguero, Dustin	1998	0125309	\$ 185.90
Bowden, Michael Reid	1998	0097072	\$ 142.70
Carolina Comfort Systems	1998/99	0070074	\$ 122.25
Case, Clyde Walter III	1998	0130608	\$ 140.89
Catawba Rental Co. Inc.	1999	0065446	\$ 442.38
Caughey, Donald Howard	1998	0119651	\$ 130.49
Concrete Supply Co.	1999	0065333	\$ 51,006.33
Cowden, Tracy James	1998	0129302	\$ 199.62
Farley, Steven Scott	1995	0115225	\$ 153.04
Geouge, Wanda Johnson	1998	0136310	\$ 155.64
Hester, Bobby Eugene	1997	0079213	\$ 147.50
Hidden Utilities	1998/99	0121709	\$ 104.00
Jarrett, Howard Franklin	1998	0133966	\$ 106.19
Jenks, Chuck Arnold	1999	0072978	\$ 114.33
Jones Lake & Fish Camp Inc.	1999	0112658	\$ 294.52
Kennedy, John Lewis Jr.	1998	0114282	\$ 344.17
Knopp, Gregory Thomas	1998	0128084	\$ 159.52
Lineberger, Susan C.	1998	0121958	\$ 119.07
McCullough, Letitia Ann	1998	0123006	\$ 151.88
Miranda, Raul	1998	0122352	\$ 126.28
Mobilife Inc. DBA/Hotsy Carol.	1999	0065414	\$ 171.41
Motz, Troy Allen	1999	0064931	\$ 129.26
Nelson, Kenneth Lloy	1999	0078940	\$ 146.42
Newton, Howard Gene	1998	0113369	\$ 183.22
Paz, Lopez Ruperto Felipe	1999	0136410	\$ 293.82
Rhoney, Christie Leigh	1998	0134432	\$ 262.84
Smith, Michael George	1998	0125014	\$ 130.86
Snyder, Donald Ray	1998	0098894	\$ 160.06
Stacy, Betty King	1998	0134512	\$ 200.35
Whisnant, Rannie Pinkney	1998	0127958	\$ 189.30
White, Ava Hubbard	1998	0072102	\$ 111.05
Burke, Connie	1994-98	0096810	\$ 216.12
Eagle, Donna	1996-98	0115889	\$ 216.15
Keener, Jeff P.	1997/98	08558	\$ 327.40
Keever, Jimmy James	1998	0122359	\$ 391.86
Merritt, Tracy Michelle	1997/98	0096327	\$ 241.08
Mullins, Richard Lenn	1997/98	0111686	\$ 293.88
Sadler, Rachel	1998	39112	\$ 164.92
Trent, Jim	1998	0125602	\$ 436.11

RELEASES LESS THAN \$100

Hurt, Michael T.	1993/94	07985	\$ 3.54
Link, Carolyn E.	1998	0119799	\$ 69.00
Linker, Steve Van	1998	0112377	\$ 28.49
Parrish, William Douglas Jr.	1998	0116728	\$ 91.67
Towery, Brenda	1991/92	31324	\$ 71.37

Woody, Thomas	1997	0107289	\$ 12.30
---------------	------	---------	----------

RELEASES MORE THAN \$100

Burke, Connie	1994-98	0096810	\$ 216.12
Eagle, Donna	1996-98	0115889	\$ 216.15
Keener, Jeff P.	1997/98	08558	\$ 327.40
Keever, Jimmy James	1998	0122359	\$ 391.86
Merritt, Tracy Michellle	1997/98	0096327	\$ 241.08
Mullins, Richard Lenn	1997/98	0111686	\$ 293.88
Sadler, Rachel	1998	39112	\$ 164.92
Trent, Jim	1998	0125602	\$ 436.11

ALL REFUNDS LESS THAN \$100.00

NAME	YEAR	DIST	A/C#	AMOUNT
Batson, Stacey D.	1998	ELFD/ELSD	12092	\$27.83
Caldwell, Anthony Bryan	1998	PCFD	0078732	9.91
Polson, Vernon	1998	UNFD	0121199	15.00
Smith, Patricia A.	1998	ELFD	20434	56.33
Truett, Ronnie	1998	N321	0111017	46.37

ALL REFUNDS MORE THAN \$100.00

NAME	YEAR	DIST	A/C#	AMOUNT
Bradley, Cheryl	1998	ALFD	14745	\$168.25

ALL REFUNDS LESS THAN \$100.00

NAME	YEAR	DIST	A/C#	AMOUNT
Asplundh Tree Expert Co.	1999	ALFD	0066576	\$87.78
Bartley, Barbara	1998	N321	44849	50.13
Beam, David Conrad	1998	ELFD/ELSD	0105157	7.81
Beard, Gene & Sarah	1998	DFD/ELSD	18313	7.40
Boston, Charlie B.	1998	NBFD	01035	21.55
Bradshaw, Mrs. A.A. Jr.	1998	ALFD	12792	4.52
Braswell, Kenneth George	1998	DFD	0066083	20.59
Carter, Betty Laney	1998	BCFD	0080341	11.13
Claflin, Lyle C. II & Joanna G.	1998	DFD	0121397	1.01
Crowder Construction	1999	CITY	0114466	1.14
Crump, Freda K.	1998	BCFD	0089778	1.95
Doug T. Motorsports	1998	PCFD	0105603	9.92
Edwards, Donald G.	1998	ELFD/ELSD	00805	27.96
Elmore, Jonathan B.	1998	CRFD	0102596	44.76
First General Leasing	1998	BCFD	0117047	37.96
Franklin, Deborah Aleene	1998	CRFD	0081955	11.99
Gantt, Mary Carolyn	1998	UNFD	0121251	85.45
Greene, Jeremy A.	1998	NBFD	0134967	1.81
Habashi, Nader M.	1998	ELFD/ELSD	0089399	42.12
Hamilton, Clyde Dale	1998	UNFD	40349	3.99

Hartsell, Michelle B.	1998	ALFD	0134964	64.42
Harwood, Sylvia M.	1998	NBFD	0118220	18.26
Helms, Albert C.	1998	BCFD	0116693	24.18
Hoyle, George W.	1998	HCFD	0065209	4.39
Hudson, Beatrice	1998	CITY	07653	38.50
Hurt, Michael T.	1998	SFFD	0073397	9.10
Keener, Jeff & Gina	1997	CITY	08558	33.37
Kiser, Sally M.	1997	ELFD/ELSD	0074615	11.91
Lail Electric	1998	CITY	0079650	54.27
Lane, Tracey Lynn	1998	UNFD	0091240	4.22
Laughery, Randal Shawn	1998	DFD	0089519	37.14
Lineberger, Marcus A.	1998	HCFD	0094505	4.47
Malcolm, Mark D.	1998	ELFD/ELSD	0109065	24.30
Millilen, William & Michelle	1998	ELFD/ELSD	0131641	8.48
Miner, Carol K.	1998	CRFD	0123885	1.29
Molpus, Frank & Susan	1998	ELFD/ELSD	43370	50.07
Moonly, William J.	1998	ELFD/ELSD	0115210	6.17
Moonly, John Lloyd	1998	ELFD/ELSD	0118980	76.04
Nantz, William David	1998	ELFD	0115995	14.84
Nielson, John Scott & Deborah	1998	N321	0113784	2.87
Oschman, David Jr.	1998	DFD	0120191	26.01
Owens, Clarence B.	1998	CITY	0112153	14.26
Perez, Sarah Jean P.	1998	HCFD	0121378	8.88
Phifer, Robert H.	1998	ELFD/ELSD	0117181	12.47
Preslar, Larry John	1998	DFD	0077439	1.53
Remines, Fred C.	1999	ELFD	0075200	2.00
Scronce, Fred Thomas Jr.	1999	UNFD	03015	7.99
Self, Carolyn L.	1998	BCFD	0074964	7.61
Shepherd, Lisa & Ernest	1998	SFFD	0118229	5.11
Simons, Terry R.	1998	SFFD	0109732	43.64
Suarez, Alexis	1998	BCFD	0082477	5.55
Taylor, Douglas Lee	1998	PCFD	0073617	35.60
White, Roy F. & Pansy	1998	DFD	21951	5.68
Wilkie, Barbara W.	1998	NBFD	0132703	20.02

ALL REFUNDS MORE THAN \$100.00

Asplundh Tree Expert Co.	1999	CITY	0066576	\$159.53
Asplundh Tree Expert Co.	1999	CITY	0066576	309.58
Bentley, Fred Lenard	1999	DFD	0086736	100.02
Doug T. Motorsports	1998	PCFD	0105603	110.34
Kiser, Dorothy, Estate of	1998	BCFD	0093723	540.00
Kizer, Robert E. Jr.	1998	ELFD/ELSD	0099050	132.47
McCullough, Lititia A.	1998	CITY	0123006	217.00

SPONSORED GROUP STATUS - Carolina Cross Connection

Contract for Completion of Improvements for Smithstone Properties

A motion by Commissioner Brotherton to approve the consent agenda.

Unanimously approved.

PUBLIC HEARINGS – ZONING ISSUES

Chairman Hallman announced that this was the date, Monday, July 12, 1999 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on July 9, 1999 and July 2, 1999 for a Public Hearing on zoning requests.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 6:30 P.M. on Monday, July 12, 1999 to consider the following zoning related matters:

Conditional Use Permit No. 157 – American Tower, applicant A request for a Conditional Use Permit to allow a telecommunication/transmission tower in excess of sixty (60) feet in height in the General Industrial (I-G) district at 3520 Saint James Church Road in the Catawba Springs Township.

Conditional Use Permit No. 158 – Talal H. Borno, applicant A request for a Conditional Use Permit in order to accommodate a motor vehicle sales lot in the Neighborhood Business (B-N) district on NC Highway #16 in the Catawba Springs Township.

Zoning Map Amendment No. 306 – Tom Howard, applicant A request to rezone a portion of 6.455 acres from General Business (B-G) with a Designated Highway (D-H) overlay to General Industrial (I-G) with a D-H overlay to accommodate an industrial usage. The property is located near 2499 North Carolina Highway #16 in the Catawba Springs Township.

Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicant A Request to rezone 2.831 acres from Residential Single-Family (R-SF) with a Designated Highway (D-H) overlay to Neighborhood Business (B-N) with a D-H overlay to accommodate a retail sales business. The property is located at 2544 North Carolina #16 in the Catawba Springs Township.

Zoning Map Amendment No. 308 – Jennifer Cook Wise, applicant A request to rezone 1.276 acres from Residential Single-Family (R-SF) to Rural Residential (R-R). Property is located on Norman Parker Road in the North Brook Township.

Zoning Map Amendment No. 309 – Lincoln County, applicant A request to rezone 2.646 acres from Rural Residential (R-R) to General Industrial (I-G). Property is located on Hatchett Road in the Lincolnton Township.

Parallel Conditional Use Rezoning No. 62 – Randy F. Howell, applicant A request to rezone 0.484 acres from Residential Single-Family (R-SF) with a Designated Highway (D-H) overlay to Neighborhood Business (B-N) with a D-H overlay. Request is also being made for the issuance of a Conditional Use Permit in order to allow for a motor vehicle sales lot. Property is located at 980 North Carolina Highway #16 in the Catawba Springs Township.

The public is invited to attend this meeting which will be held in the Commissioners' Board Room on the third floor of the Citizens Center, which is located at 115 W. Main Street in Lincolnton, NC. For more information, contact the Lincoln County Building and Land Development department at (704) 736-8440.

Conditional Use Permit No. 157 – American Tower, applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 157 – American Tower, applicant.

Richard Smith, Land Use Coordinator, presented Conditional Use Permit No. 157—American Tower, applicant.

The applicant is requesting a Conditional Use Permit for property owned by Dwight B. Callaway located at 3520 Saint James Church Road in Denver, NC. The applicant is making this request in order to accommodate a telecommunication/transmission tower in excess of sixty (60) feet in height. The property is located in the General Industrial (I-G) zoning district. The request is for a 250' lattice tower.

This parcel is 6.369 acres and is located in the Catawba Springs Township. The proposed lease area is 70' x 70' portion of this larger tract. The property is joined on the north, east and south by properties that are zoned Residential Single-Family (R-SF). The Lincoln County Land Development Plan calls for higher density development in this area. A telecommunication/transmission tower or antennae in excess of 60 feet in height requires the issuance of Conditional Use Permit in the I-G district.

Chairman Hallman asked if there was anyone wishing to speak regarding Conditional Use Permit No. 157 – American Tower, applicant.

George Carras stated that the lease is for an initial term of 5 years with four 5 year options.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Conditional Use Permit No. 157 – American Tower, applicant, closed.

Conditional Use Permit No. 158 – Talal H. Borno, applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 158—Talal H. Borno, applicant.

Richard Smith, Land Use Coordinator, presented Conditional Use Permit No. 158—Talal H. Borno, applicant.

The applicant is requesting a Conditional Use Permit for property owned by CICA, Inc. located on NC Highway #16 across from the Lincoln County Rescue Squad station. The applicant is making this request in order to accommodate a motor vehicle sales lot. The property is located in the Neighborhood Business (B-N) zoning district with a Designated Highway (D-H) overlay.

The applicant will be purchasing a 0.995-acre tract to be known as Tract #2 on a plat to be recorded for CICA, Inc. The property is joined on the north and northwest by parcels that are also zoned B-N with a D-H overlay. The property also abuts property that is zoned Planned Mixed Use (P-MU) with a D-H overlay on the south and east. The property is joined on the southwest by property that is zoned General Industrial (I-G) with a D-H overlay. The Lincoln County Land Development Plan calls for higher density development in this area. A motor vehicle sales lot requires a Conditional Use Permit in the B-N district.

Chairman Hallman asked if there was anyone wishing to speak regarding Conditional Use Permit No. 158—Talal H. Borno, applicant.

Dale Morrow stated that he is doing the Smithstone Development and this property adjoins his single-family section. He stated that he was not notified about this rezoning and asked that it be delayed until he and his partners can look into it.

Dean Nichols stated that he is one of the principles in CICA, Inc., and they would like to move forward tonight if possible.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Conditional Use Permit No. 158—Talal H. Borno, applicant, closed.

ZONING MAP AMENDMENT NO. 306 – TOM HOWARD, APPLICANT

Richard Smith, Land Use Coordinator, presented information on Zoning Map Amendment No. 306 – Tom Howard, applicant.

The applicant is requesting to rezone approximately 5.527 acres of a 9.477 acres tract owned by Alfred F. Denton from General Business (B-G) with a Designated Highway (D-H) overlay to General Industrial (I-G) with a D-H overlay. The applicant wishes to rezone this portion of the total tract to I-G in order to accommodate an industrial type usage.

The parcel is located at 2499 North Carolina Highway #16 in the Catawba Springs Township. The property is joined on the south, west, and northwest by property that is also zoned B-G with a D-H overlay. It is joined on the north by property that is zoned Residential Single-Family (R-SF) with a D-H overlay. It is joined on the east by property that is zoned Neighborhood Business (B-N) with a D-H overlay. The Lincoln County Land Use Plan calls for higher density development in this area.

Chairman Hallman asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 306 – Tom Howard, applicant.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 306 – Tom Howard, applicant, closed.

ZONING MAP AMENDMENT NO. 307 -- DEAN AND MELISSA FISHER, APPLICANTS

Richard Smith, Land Use Coordinator, presented information on Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicants.

The applicants are requesting to rezone a 2.251 portion of a 2.831 acres owned by the applicants from Residential Single-Family (R-SF) with a Designated Highway (D-H) overlay to Neighborhood Business (B-N) with a D-H overlay for the placement of a retail lawn and garden business.

The parcel is located at 2544 North Highway 16 in the Catawba Springs Township. It is currently zoned R-SF with a D-H overlay and has a single-family house on it. The property is joined on the north by property that is also zoned R-SF with a D-H overlay. It is joined on the east by property that is zoned General Business (B-G) with a D-H overlay and on the south by property that is zoned R-SF and B-N with a D-H overlay. The Lincoln County Land Use Plan calls for higher density development in this area.

Chairman Hallman asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicants.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 307— Dean and Melissa Fisher, applicants.

ZONING MAP AMENDMENT NO. 308 – JENNIFER C. WISE, APPLICANT.

Richard Smith, Land Use Coordinator, presented the following information on Zoning Map Amendment No. 308 – Jennifer C. Wise, applicant.

The applicant has withdrawn the request and will apply for a variance next month.

ZONING MAP AMENDMENT NO. 309 – LINCOLN COUNTY, APPLICANT.

Richard Smith, Land Use Coordinator, presented the following information on Zoning Map Amendment No. 309 – Lincoln County, applicant.

The applicant is requesting to rezone two (2) tracts totaling approximately 2.5171 acres owned by the applicant from Rural Residential (R-R) to General Industrial (I-G).

The parcel is located on Hatchett Road in the Lincolnton Township. It is currently zoned R-R and has a mobile home park on it. The property is joined on the north by property that is also zoned R-R and property that is zoned Residential Single-Family (R-SF). It is joined on the south, east, and west by property that is zoned I-G. The Lincoln County Land Use Plan calls for higher density development in this area.

Chairman Hallman asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 309 – Lincoln County, applicant.

Ester Bollinger owns the tract in the center of the two tracts. He asked if this property would be included in the rezoning.

Chairman Hallman stated that this property would be excluded in the rezoning.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 309 – Lincoln County, applicant, closed.

Parallel Conditional Use Permit No. 62 – Randy Howell, applicant

Richard Smith, Land Use Coordinator, presented information on Parallel Conditional Use Rezoning No. 62 – Randy Howell, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning for property owned by Royster Oil, Inc. located at 980 Highway #16 in Denver, NC. The applicant is making this request in order to accommodate a motor vehicle sales lot. The applicant is requesting to rezone this property to Neighborhood Business (B-N) with a Designated Highway (D-H) overlay. The property is

presently located in the Residential Single-Family (R-SF) zoning district with a D-H overlay.

The subject property is an 0.484-acre tract and is located in the Catawba Springs Township. The property is joined on the north, east, and south by parcels that are also zoned R-SF with a D-H overlay. The property is joined on the west by property that is zoned B-N with a D-H overlay. The Lincoln County Land Development Plan calls for higher density development in this area. A motor vehicle sales lot requires a Conditional Use Permit in the B-N district.

Chairman Hallman asked if there was anyone wishing to speak regarding Conditional Use Rezoning No. 62 —Randy F. Howell, applicant.

Randy Howell, stated that this piece of property has been used for a service station/auto repair for over 30 years. He stated that it was zoned Residential several years ago, and they just want to get it back to where it was. He stated that cars have been sold on that lot for 20 years. Mr. Howell stated that there will only be a few cars on the lot, maybe 3 or 4.

Gail Green stated that this is directly in front of her home. She stated that the service station has been there ever since she has been there. She stated that the operator of the service station has always been conscientious. She asked for confirmation for established guidelines regulating to businesses, in case a problem ever would occur.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Parallel Conditional Use Rezoning No. 62 – Randy F. Howell, applicant, closed.

The Planning Board reconvened to the balcony of the auditorium on the second floor of the Citizen Center for a Planning Board meeting and to deliberate on the above public hearing recommendations.

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

RECOMMENDATION FOR TAX ADMINISTRATOR – JASON SAIN AND HAYLEY MODLIN

Jason Saine stated that it is his and Mrs. Hayley Modlin's pleasure to report the findings of the special committee appointed to find a new Tax Administrator for the Tax Department. The committee consisted of Hayley Modlin, Guy McIntosh, Commissioner John Gamble, Commissioner Terry Brotherton, Steve McCurry, and myself. The committee met twice to discuss the possible ways of filling the position. The discussions were very productive with all members of the

committee participating. The discussions focused on legal obligations, required education, customer/taxpayer relations, and a desire to advance the Tax Department technologically in the years to come. The candidate the committee recommends is Madge Huffman, who has worked in the Tax Department for over 20 years, and is currently filling in as Interim Tax Administrator.

Commissioner Gamble made a motion that Madge Huffman be sworn in.

Commissioner Brotherton made a motion to accept the recommendation and offer the Tax Administrator position to Madge Huffman and she be sworn in, as a two year appointment, subject to be added to at a later date.

Seconded by Commissioner Gamble.
Unanimously approved.

APPROVAL OF LEASE FOR FORESTRY SERVICE

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF LINCOLN

THIS LEASE AGREEMENT, made and entered into this the _____ day of _____ 1999, by and between LINCOLN COUNTY, hereinafter designated as Lessor, and the STATE OF NORTH CAROLINA, hereinafter designated as Lessee,

WITNESSETH:

THAT WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 26th day of March, 1982; and

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes the leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in LINCOLN County, North Carolina, more particularly described as follows:

BEING approximately 1920 sq. ft. of office space for Lincoln County Staff located at 127 E. Congress Drive, Lincolnton, N.C. 28092.

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of 3 years; commencing on the 1st day of July, 1999 or as soon thereafter as the lease premises are ceded to the Lessee, and terminating on the 30th day of June, 2002.

2. The Lessee shall pay to the Lessor as rental for said premises the sum of \$2,100.00 dollars per annum, which sum shall be paid in equal monthly installments of \$175.00 dollars, said rental to be payable by the 5th working day of each month.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities:

A. Parking.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to, furnishing and replacing electrical light fixture ballast's, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee, in addition to any other remedy the Lessee may have, to make such repair at its own cost and to deduct the amount thereof from the rent that may then be or thereafter become due hereunder. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior leases of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty, without fault of the Lessee, this lease shall immediately terminate and the rent shall be apportioned to the time of the damage. In case of partial destruction or damage by fire or other casualty without fault of the lessee, so as to render the premises untenantable in whole or in part, there shall be an

apportionment of the rent until the damage has been repaired. During such periods of repair, Lessee shall have the right to obtain similar office space at the expense of Lessee or the Lessee may terminate the lease by giving fifteen (15) days written notice to the Lessor.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in a good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to the lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modifications of any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient for the continued operation of all its office space, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination; and this lease agreement shall terminate without any further liability to Lessee.

14. If lack of ADA compliance creates an operational problem for the Lessee, the Lessee reserves the right to terminate this lease upon ninety (90) days prior written notice to the Lessee of the intent to terminate, with no further liability to the Lessee.

15. All premises, including fixtures and appurtenances, provided under this lease shall function before, during and after the date change at January 1, 2000 at the same level for which the premises were originally leased without additional cost of the Lessee. This includes, but is not limited to, the functioning of mechanical or electrical systems, heating, ventilating, and air conditioning ("HVAC") systems, power supply, water supply, fire control, security, and facility use components such as elevators, timer automated doors, and signage.

16. All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, and addressed as follows: To the Lessor: - Richard L. French, County of Lincoln, Lincolnton, NC 28092 and Lessee: Laird A. Davison, Director, Division of Purchase

and Services, P.O. Box 27687, Raleigh, North Carolina 27611-7687. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as foreseen to either party may be changed by written notice.

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

WITNESS:

By: _____
Director, Division of Purchase and
Services

WITNESS:

LESSOR:

A motion by Commissioner Gamble to approve the lease agreement for the Forestry Service.

Unanimously approved.

**SET PUBLIC HEARING FOR DENVER FARMS SUBDIVISION LEASH LAW
FOR AUGUST 16, 1999 AT 7:00 PM**

A motion by Commissioner Saine to set a Public Hearing for August 16, 1999 at 7:00 PM.

Unanimously approved.

APPOINTMENTS

Recreation Commission

North Brook Township

- Delaine Davis
- Linny Anthony

Lincoln Health System Board of Directors

- Mr. D. Eddie Faulkner
- Mr. Arthur Wilson

Workforce Development Board

- Allen Mackie

Planning Board

- Phil Hunt

Economic Development Association

- Harold Howard, Jr.
- Betty Setzer

A motion by Commissioner Gamble that the whole list of Appointments be made.

Unanimously approved.

There was a written vote for the Recreation Commission for the Catawba Springs Township for Sylvia Holmes and Boyce Lynch.

The written vote came back 3 – 2 in favor of Boyce Lynch. The vote was as follows:

Boyce Lynch: 3 votes – Hallman, Brotherton, Saine
Sylvia Holmes: 2 votes – Waters, Gamble

OTHER BUSINESS

Commissioner Brotherton stated that last week, he read in the paper that Fred Houser made comments to the Council to pursue the possibility of an agreement for water production/water usage. Commissioner Brotherton stated that he talked to Fred Houser Friday and met with Councilman Houser and Mayor Huitt this afternoon. He stated that the City feels their improvements will serve the City 8 or 9 years. The County is looking at expanding in 3 or 4 years. He stated that it doesn't hurt to get together and talk about this. Commissioner Brotherton stated that Councilman Houser and Mayor Huitt felt that a committee should be formed with 2 Commissioners, 2 Council members, and the 2 engineers to have informal conversations.

Chairman Hallman stated that he believes that the Board needs to keep an open mind and discuss the possibilities that would benefit both sides.

Commissioner Gamble stated that it sounds good to him

Commissioner Saine stated that she feels it would be a good thing.

Commissioners Brotherton and Waters volunteered to be on the Committee.

Chairman Hallman appointed Commissioners Brotherton and Waters to the Committee, along with Jack Chandler to begin discussions.

Commissioner Brotherton stated that at the first meeting in May, he brought up the Sailview traffic situation. He stated at that time that if there was not a response by Crescent within 90 days, he would make a motion to withhold additional building permits in that subdivision. He stated that one newspaper article said that they had sent the State \$25,000 for the stop light. The stop light was not the total issue, there were other road improvements including three turn lanes. He stated that this is a major corporation that considers itself bigger than Lincoln County. He stated that they will do as little and get by with as little as possible for as long as they can. This Board has an obligation to the people that live in that area to make them do this. Commissioner Brotherton asked County Attorney, Jeff Taylor what type of response he had received concerning this.

Jeff Taylor stated that he had not received any response that amounts to a adequate explanation.

Commissioner Brotherton stated that if the Board votes to withhold building permits, there will be a lawsuit. He stated that he does not have a problem with that. He asked Jeff Taylor, County Attorney, to write a letter giving them until the first meeting in August to present an acceptable plan to this Board, for not only the erection of a stop light, but also their plans for turn lanes. If they don't respond by the first meeting in August, the Board has the obligation to do something.

Commissioner Waters stated that he feels that something will have to be done, and if that is what it takes, the Board should do it.

Freddy Denton stated that he is the president of West Bay Homeowners Association. He stated that Crescent is trying to sue one of the West Bay homeowners because of 4 three inch trees. He stated that Crescent will not do this until they are made to do it. He stated that they recently took their subdivision over from Crescent, because Crescent owes them money and improvements that were promised.

Commissioner Brotherton stated that he would like to ask for a Performance Bond if possible.

A motion by Commissioner Gamble to instruct the County Attorney to write a letter to Sailview, spelling out the conditions that have not been met at this time.

Unanimously approved.

ALEXIS ACRES PUBLIC HEARING

Jeff Taylor, County Attorney, distributed copies of the following Final Assessment Resolution and Confirmation of Assessment Roll for Road Improvements in Alexis Acres Subdivision.

FINAL ASSESSMENT RESOLUTION AND CONFIRMATION OF ASSESSMENT ROLL FOR ROAD IMPROVEMENTS IN ALEXIS ACRES SUBDIVISION

WHEREAS, Lincoln County has the authority, pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes and House Bill 804 adopted by the North Carolina General Assembly on June 10, 1997, to make improvements to subdivision roads and assess all or part of the costs of such improvements to be benefited property owners; and

WHEREAS, Alexis Acres subdivision met the requirements for road improvements under the aforesaid legislation and the Policy for Selection of Substandard Roads to be Improved and Making Assessments for Such Improvements adopted by this board on November 17, 1997; and

WHEREAS, the Board of Commissioners unanimously adopted a preliminary assessment resolution on August 24, 1998, and undertook to make the needed improvements in the roads of Alexis Acres; and

WHEREAS, Article 9 of Chapter 153A of the North Carolina General Statutes requires that this board adopt a final assessment resolution setting forth certain information with respect to projects undertaken;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT:

1. Lincoln County has undertaken improvements to the roads in the Alexis Acres subdivision, specifically, paving and improving such roads to make them eligible to be accepted into the road system of the State of North Carolina, and Lincoln County has received notification of the acceptance of such roads into the State road system.
2. The roads paved and improved are Little Mountain Road, Squirrel Hollow, Lands End Trail, and Big Creek Hollow, located in the Alexis Acres subdivision, Lincoln County, North Carolina.

3. The assessments for said improvements shall be made on a per-lot basis, with each lot benefited by the improvements to bear an equal share. The lots to be assessed are as designated on the document labeled as Exhibit A attached hereto and incorporated herein by reference.
4. The assessment to be made shall be for 100 percent of the cost of the improvements made hereunder.
5. No assessments shall be held in abeyance hereunder.
6. The assessments to be made hereunder shall be payable in annual installments over a period of five (5) years. With the first installment to be due on the next date when property taxes are due after notice of confirmation of the assessment roll is published, and further installments due annually on the same day in each successive year until fully paid. Unpaid assessments shall bear interest at the rate of four percent (4%) per annum with interest beginning to accrue 30 days after the notice of confirmation of the assessment roll is published.
7. Assessments may be paid in full as any time, and assessments paid in full on or before the 30th day after the notice of confirmation of the assessment roll is published shall not bear interest.
8. The County Manager and staff have determined the project's total cost is accordance with N.C.G.S. 153A-193 to be \$162,356.96 (\$3,529.50 per lot) and have thereupon prepared the preliminary assessment roll in accordance with N.C.G.S. 153A-194
9. The Preliminary assessment roll contains a brief description of each lot, parcel, or tract of land assessed, the basis for the assessment, the amount assessed against each, the terms of payment, and the name of the owner of each lot, parcel, or tract as far as can be ascertained from County tax records.
10. Pursuant to duly advertised notice, this board conducted a public hearing on the preliminary assessment roll at 8:00 p.m. on Monday, July 12, 1999, in the Commissioners Room, Third Floor, Citizens Center, 115 West Main Street, Lincolnton, North Carolina. At such hearing this board heard all interested persons with respect to any matter covered by this preliminary assessment resolution. The Clerk to the Board has mailed a notice of the public hearing via first-class mail to each property owner listed on the roll stating the time and place of the public hearing, that the roll has been available for inspection in the Clerk's office, and stating the amount as shown on the roll of the assessment against the property of the owner.

11. The attached assessment roll is hereby confirmed pursuant to N.C.G.S. 153A-195, and there is hereby levied upon the owner(s) of each lot listed on the attached Exhibit A an assessment of \$3,529.50 in order to pay for the improvements described herein, to be collected in accordance with the procedures provided for herein and in Article 9 of Chapter 153A of the North Carolina General Statutes.
12. The Clerk to the Board shall note in the Board's minutes the date, hour, and minute of confirmation of this assessment roll in accordance with N.C.G.S. 153A-195.

This 12th day of July , 1999.

LINCOLN COUNTY

By: _____
James A. Hallman, Chairman
Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the
Board of Commissioners

Chairman Hallman opened the Public Hearing for Alexis Acres.

Gary Martin stated that he lives in Alexis Acres. He stated that the last time he was up here before the Board, the final bill for the road was \$157,000. He received a letter in the mail with the figure of \$162,357. He stated that he would like to have an explanation on that. He stated that one lot had gone from \$5,000 to \$7,000

Stan Kiser, County Manager, stated that those are two separate lots, and have to be assessed equally.

Gary Martin stated that there are two lots that are not on the assessment.

A motion by Commissioner Gamble to defer the recessed Public Hearing to be taken up at the July 19, 1999 Board of Commissioners meeting at 7:30 PM.

Unanimously approved.

Jeff Taylor County Attorney, stated that \$157,000 was the cost of the paving. He added in the costs of the legal expenses, mailings, etc. Mr. Taylor stated that the Board has the flexibility to set the assessment at what they want.

RECESS

A motion by Commissioner Saine to recess the July 12, 1999 Board of Commissioners joint public hearing with the Planning Board to hold the July 12, 1999 Board of Variance and Appeals meeting.

Unanimously approved.

Chairman Hallman called the meeting back to order.

RECOMMENDATIONS FROM THE PLANNING BOARD – JULY 12, 1999

Richard Smith, Land Use Coordinator, presented the following Planning Board Recommendations.

CONDITIONAL USE PERMIT NO. 157 – AMERICAN TOWER, APPLICANT.

The Planning Board unanimously recommended approval as requested.

Chairman Hallman reviewed the Findings of Fact on the Conditional Use Permit.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP # 157

Date: July 12, 1999

Applicant's Name: Cindy Ballenger for Sprint PCS
Address: 908 S. Tryon Street, Suite 2200
Charlotte, NC 28202

Property Owner's Name: Dwight and Kay Calloway
Address: PO Box 448
Denver, NC 28037

Property Location: 3520 St. James Church Road

Existing Zoning: I-G

Proposed Conditional Use: 250 ft. telecommunications tower

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 No
Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
-- Vote: Unanimously approved.

2. The use meets all required conditions and specifications. Yes No
Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use does meet all required conditions and specifications.
-- Vote: Unanimously approved.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes No
Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
-- Vote: Unanimously approved.

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 concerned. Yes No
Motioned by Commissioner Brotherton.
Factual Reason 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 concerned.
-- Vote: Unanimously approved.

After having held a public hearing on July 12, 1999, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Brotherton motioned that Conditional Use Permit No. 157 be approved with no conditions.

Unanimously approved.

Chairman
Lincoln County Board of Commissioners

Date

Clerk to Board of Commissioners Date

Conditional Use Permit No. 158 – Talal H. Borno, applicant.

The Planning Board unanimously recommended approval with the following conditions: (1) Lighting on the project must be done internally, (2) a thirty foot (30') buffer/screening area must be maintained where the lot abuts property that is used for residential purposes, (3) No outside speakers will be allowed, and (4) Water runoff must be controlled by a berm or rip-rap at the rear of the paved area.

Commissioner Brotherton asked to be excused from voting on this matter, since he may have a financial interest in property that adjoins that property.

A motion by Commissioner Saine to excuse Commissioner Brotherton from voting on this matter, due to the fact that he may have a financial interest in it.

Unanimously approved.

Chairman Hallman presented the Findings of Fact for Conditional Use Permit No. 158 – Talal H. Borno, applicant.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP 158 Date: July 12, 1999

Applicant's Name: Talal H. Borno
Address: 9023 Hood Road
Charlotte, NC 28215

Property Owner's Name: CICA, Inc.
Address: PO Box 1157
Denver, NC 28037

Property Location: Highway 16 N

Existing Zoning: BN

Proposed Conditional Use: Motor vehicle, boat, farm equipment, mobile homes sales lot, and auto supplies

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 No
Motioned by Commissioner Waters
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
-- Vote: 4 – 0 (Commissioner Brotherton excused.)

2. The use meets all required conditions and specifications. Yes No
Motioned by Commissioner Waters.
Factual Reasons Cited: The use meets all required conditions and specifications.
-- Vote: 4 – 0 (Commissioner Brotherton excused.)

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes No
Motioned by Commissioner Waters.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
-- Vote: 4 – 0 (Commissioner Brotherton excused.)

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 concerned. Yes No
Motioned by Commissioner Waters.
Factual Reason 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 concerned.
-- Vote: 4 – 0 (Commissioner Brotherton excused.)

After having held a public hearing on July 12, 1999, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Gamble motioned that Conditional Use Permit No. 158 — Talal H. Borno, applicant, be approved with the following "fair and reasonable conditions" attached.

1. Lighting on the project must be focused internally
2. A thirty foot (30') buffer/screening area must be maintained where the lot abuts property that is used for residential purposes
3. No outside speakers will be allowed, and
4. Water runoff must be controlled by a berm or rip-rap at the rear of the paved area.

Vote: 4 – 0 (Commissioner Brotherton excused.)

Chairman
Lincoln County Board of Commissioners

Date

Clerk to Board of Commissioners

Date

Parallel Conditional Use Rezoning No. 62 – Randy F. Howell, applicant

The Planning Board unanimously recommended approval with the following conditions: (1) Hours of operation must be Monday through Friday 6:30 a.m. to 5:30 p.m. and Saturday 6:30 a.m. to 1:00 p.m., (2) lighting must remain in present condition, (3) Paving and screening must remain in present condition, (4) Future screening must be enhanced if ownership changes, and (5) there shall be no more than six (6) cars for sale on the lot at one time.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR 62 Date: July 12, 1999

Applicant's Name: Randy F. Howell
Address: 8074 Golf Course Dr.
Denver, NC 28037

Property Owner's Name: Royster Oil
Address: Gastonia NC

Property Location: 980 Hwy 16 N

Existing Zoning: RSF-DH

Proposed Conditional Use: Additional 10X10 office for auto sales office

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 No Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
-- Vote: Unanimously approved.

2. The use meets all required conditions and specifications. Yes No ____
Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use meets all required conditions and specifications.
-- Vote: Unanimously approved.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes No ____
Motioned by Commissioner Brotherton.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
-- Vote: Unanimously approved.

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 concerned. Yes No ____
Motioned by Commissioner Brotherton.
Factual Reason 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 concerned.
-- Vote: Unanimously approved.

After having held a public hearing on July 12, 1999, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Brotherton motioned that Parallel Conditional Use Rezoning No. 62 be approved, subject to the conditions recommended by the Planning Board and that the rezoning from R-SF to B-N be approved.

1. Hours of operation must be Monday through Friday 6:30 a.m. to 5:30 p.m. and Saturday 6:30 a.m. to 1:00 p.m.
2. Lighting must remain in present condition
3. Paving and screening must remain in present condition
4. Future screening must be enhanced if ownership changes
5. There shall be no more than six (6) cars for sale on the lot at one time.

Vote: Unanimously approved.

Chairman
Lincoln County Board of Commissioners

Date

Clerk to Board of Commissioners

Date

Zoning Map Amendment No. 306 – Tom Howard, applicant.

The Planning Board recommended unanimous approval as requested.

A motion by Commissioner Brotherton to approve Zoning Map Amendment No. 306.

Unanimously approved.

Zoning Map Amendment No. 307 – Dean and Melissa Fisher, applicant

The Planning Board unanimously recommended approval as requested.

A motion by Commissioner Waters to approve Zoning Map Amendment No. 307 as requested.

Unanimously approved.

Zoning Map Amendment No. 309 – Lincoln County, applicant.

The Planning Board unanimously recommended approval as requested.

A motion by Commissioner Brotherton to approve Zoning Map Amendment No. 309.

Unanimously approved.

CLOSED SESSION

A motion by Commissioner Waters to go into Closed Session for the following purposes pursuant to N. C. G. S. 143-318.11:

1. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

Unanimously approved.

No action was taken in Closed Session.

ADJOURN

A motion by Commissioner Gamble to adjourn the meeting at 10:30 PM.

Unanimously approved.