

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 2, 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. – Arrived at 6:40 PM
W. J. Waters, Jr.

Jeffrey Taylor, County Attorney
Stan Kiser, County Manager

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

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

CALL TO ORDER

Chairman Hallman called the August 2, 1999 public hearing meeting of the Lincoln County Board of Commissioners to order.

ADOPTION OF THE AGENDA

Chairman Hallman presented the Agenda for the August 2, 1999 Board of Commissioners meeting for adoption.

AGENDA**LINCOLN COUNTY BOARD OF COMMISSIONERS****PUBLIC HEARINGS****AUGUST 2, 1999**

	6:30 PM	Call to Order
1.	6:30 PM	Adoption of Agenda
2.	6:30 PM	Approval of Minutes <ul style="list-style-type: none">- July 19, 1999- July 20, 1999
3.	6:30 PM	New Business / Advertised Public Hearings

Conditional Use Permit No. 159 – Richard L. Carver, applicant, Request for a Conditional Use Permit in order to accommodate a singlewide mobile home on property owned by Keith and Dorothy Carver. This property is located in the Residential Suburban (R-S) zoning district at 6641 Highway 150 in the Ironton Township.

Conditional Use Permit No. 160 – SBA Towers, Inc., applicant, Request for a Conditional Use Permit to allow a telecommunication/transmission tower in excess of sixty (60) feet in height on property owned by Haywood and Gloria Easter. This property is located in the Transitional Residential (R-T) zoning district at 3476 Foxmeadow Lane in the Ironton Township.

Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant, Request to rezone 1.886 acres from Residential Single-Family (R-SF) to Transitional Residential (R-T). This property is owned by the applicant and is located on Hull McGinnis Road in the Lincolnton Township.

Zoning Map Amendment No. 311 – Lincoln County, applicant, Request to rezone a portion of a 0.897 acres tract owned by Jerry P. Lackey and a portion of a 1.39 acres tract owned by Thomas West from Transitional Residential with a Designated Highway (D-H) overlay to General Business (B-G) with a D-H overlay. These tracts are located at 3154 and 3130 Highway 16 North in the Catawba Springs Township.

Zoning Map Amendment No. 312 – Zoning Ordinance text Changes: Amend Section 10.10 B-N Neighborhood Business District so that a Public Safety Station is listed as permitted use by right under Section 10.10.1 Public Safety Station should be listed as item G. under the listed uses by right. Also, amend Section 10.11 B-G General Business District so that a Public Safety Station is listed as a

permitted use by right under Section 10.11.1. Public Safety Station should be listed as item H. under the listed uses by right.

Amend Section 4.2 Amendments so that paragraph one will also include the following requirements "Lincoln County shall not accept applications for zoning map classification changes without **written consent** from the owner of a legal or equitable interest in the property affected by the amendment. Prior written consent shall not be required for those zoning map classification changes initiated by the Board of Commissioners or Planning Board, however written notification of any proposed zoning map classification changes initiated by the Board of Commissioners or Planning Board shall be provided to each affected property owner prior to scheduling of the matter for consideration.

4. 7:30 PM School Board's Request for Joint Meeting
5. 7:40 PM Approval of Increase in School Board Members Compensation
6. **7:50 PM** **At this time, the Board of Commissioners will recess the August 2, 1999 meeting and open the August 2, 1999 Board of Variance and Appeals Meeting.**
7. 8:30 PM Recommendations from the Planning Board – August 2, 1999
 - Conditional Use Permit No. 159—Richard L. Carver, applicant.
 - Conditional Use Permit No. 160 – SBA Towers, Inc., applicant.
 - Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant.
 - Zoning Map Amendment No. 311 – Lincoln County, applicant.
 - Zoning Map Amendment No. 312 – Zoning Ordinance Text Changes.
8. 9:10 PM Other Business
9. 9:20 PM Set Public Hearing for Vale Post Office for September 20, 1999 at 7:15 PM

10. 9:20 PM Closed Session – Personnel and Contractual
Adjourn

A motion by Commissioner Waters to adopt the agenda as presented.
Unanimously approved.

APPROVAL OF MINUTES – JULY 19, 1999, JULY 20, 1999

Chairman Hallman presented the minutes of the July 19, 1999 and July 20, 1999 Board of Commissioners meetings for approval.

A motion by Commissioner Brotherton to approve the minutes of the July 19, 1999 and July 20, 1999 meetings of the Lincoln County Board of Commissioners be approved.

Unanimously approved.

PUBLIC HEARINGS – ZONING ISSUES

Chairman Hallman announced that this was the date, Monday, August 2, 1999 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on July 24, 1999 and July 31, 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, August 2, 1999 to consider the following zoning related matters:

Conditional Use Permit No. 159 – Richard L. Carver, applicant - Request for a Conditional Use Permit in order to accommodate a singlewide mobile home on property owned by Keith and Dorothy Carver. This property is located in the Residential Suburban (R-S) zoning district at 6641 Highway 150 in the Ironton Township.

Conditional Use Permit No. 160 – SBA Towers, Inc., applicant - Request for a Conditional Use Permit to allow a telecommunication/transmission tower in excess of sixty (60) feet in height on property owned by Haywood and Gloria Easter. This property is located in the Transitional Residential (R-T) zoning district at 3476 Foxmeadow Lane in the Ironton Township.

Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant - Request to rezone 1.886 acres from Residential Single-Family (R-SF) to Transitional Residential (R-T). This property is owned by the applicant and is located on Hull McGinnis Road in the Lincolnton Township.

Zoning Map Amendment No. 311 – Lincoln County, applicant - Request to rezone a portion of a 0.897 acres tract owned by Jerry P. Lackey and a portion of a 1.39 acres tract owned by Thomas West from Transitional Residential with a Designated Highway (D-H) overlay to General Business (B-G) with a D-H overlay. These tracts are located at 3154 and 3130 Highway 16 North in the Catawba Springs Township.

Zoning Map Amendment No. 312 – Zoning Ordinance text Changes: Amend Section 10.10 B-N Neighborhood Business District so that a Public Safety Station is listed as permitted use by right under Section 10.10.1 Public Safety Station should be listed as item G. under the listed uses by right. Also, amend Section 10.11 B-G General Business District so that a Public Safety Station is listed as a permitted use by right under Section 10.11.1. Public Safety Station should be listed as item H. under the listed uses by right.

Amend Section 4.2 Amendments so that paragraph one will also include the following requirements “Lincoln County shall not accept applications for zoning map classification changes without **written consent** from the owner of a legal or equitable interest in the property affected by the amendment. Prior written consent shall not be required for those zoning map classification changes initiated by the Board of Commissioners or Planning Board, however written notification of any proposed zoning map classification changes initiated by the Board of Commissioners or Planning Board shall be provided to each affected property owner prior to scheduling of the matter for consideration.

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. 159 – Richard L. Carver, applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 159 – Richard L. Carver, applicant.

Richard Smith, Land Use Coordinator, presented Conditional Use Permit No. 159—Richard L. Carver, applicant.

The applicant is requesting a Conditional Use Permit for property owned by Keith and Dorothy Carver located at 6641 Highway 150 in Maiden, NC. The applicant is making this request in order to accommodate a Class B (doublewide) mobile home. The property is located in the Residential Suburban (R-S) zoning district.

This parcel is 2.244 acres and is located in the Ironton Township. The property is joined on all sides by parcels that are also zoned R-S. The Lincoln County Land Development Plan calls for higher density residential usage in this area. Class B and C mobile homes require the issuance of a Conditional Use Permit in the R-S district. The applicant has submitted a family subdivision plan.

Chairman Hallman asked if there was anyone wishing to speak regarding Conditional Use Permit No. 159 – Richard L. Carver, applicant.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Conditional Use Permit No. 159 – Richard L. Carver, applicant, closed.

Conditional Use Permit No. 160 – SBA Towers, Inc., applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 160—SBA Towers, Inc., applicant.

Richard Smith, Land Use Coordinator, presented Conditional Use Permit No. 160—SBA Towers, Inc., applicant.

The applicant is requesting a Conditional Use Permit for property owned by Haywood and Gloria Easter located at 3476 Foxmeadow Lane in Lincolnton, 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 Transitional Residential (R-T) zoning district.

This parcel is 68.275 acres and is located in the Ironton Township. The proposed lease area is a 70' x 70 ' portion of this larger tract. The property is joined on the northwest, north, east, and southeast by properties that are also zoned R-T. The property is joined on the south by properties that are zoned Residential Single-Family (R-SF). The Lincoln County Land Development Plan calls for lower density development in this area. A telecommunication/transmission tower or antennae in excess of 60 feet in height requires the issuance of a Conditional Use Permit in the R-T zoning district. The maximum height of a tower in this district is three hundred twenty-five feet (325'). The proposed height of this particular tower is two hundred fifty feet (250').

Chairman Hallman asked if there was anyone wishing to speak regarding Conditional Use Permit No. 160—SBA Towers, Inc., applicant.

Blake Mullis stated that he is with Bell South Mobility DCS and has no need to speak unless there are questions.

Bill Bittner with SBA Towers, Inc. offered himself for any questions. He stated that there will be four carriers for this tower.

Sandra Nichols stated that their property connects with the Easters property where this is going on. She stated that they came and surveyed this property and came and surveyed about a 45' strip through her front yard for a road. She stated that there is already a road through there, and they have not given permission for another road to be put in.

Chairman Hallman stated that the Board is not involved in that, this is a Conditional Use Permit, whether they would be permitted to erect the tower or not. He stated that it is up to them to get the appropriate right of ways.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Conditional Use Permit No. 160—SBA Towers, Inc., applicant, closed.

ZONING MAP AMENDMENT NO. 310 – MARVIN D. HUTSON, APPLICANT

Richard Smith, Land Use Coordinator, presented information on Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant.

The applicant is requesting to rezone 1.866 acres owned by the applicant from Residential Single-Family (R-SF) to Transitional Residential (R-T). The applicant wishes to rezone this property in order to place a mobile home on it.

The parcel is located on Hull McGinnis Road in the Lincolnton Township. The property is joined on the west, north and east by property that is also zoned R-SF. It is joined on the south by property that is zoned R-T. The Lincoln County Land Use Plan calls for lower density development in this area.

Chairman Hallman asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant.

Marvin D. Hutson stated that he requested the rezoning of this 2 acre parcel, which joins his property on one end. He presented a picture of the manufactured home he wants to put there. He stated that it would be on the back side of the property.

Charles Hull stated that he is representing three land owners on three sides of the property – Dave and Louise Heddit, his wife Vickie Hull, and Wilma McGinnis. He stated that together they represent approximately 45 acres or 80% of all

adjacent property. This property is situated to the interior of a action approximately 24 months ago before the Board, in which 160 plus acres, owned by 12 landowners was rezoned from R-T to R-SF. Of those 12 owners, 11 were unanimously in favor of this rezoning action. The purpose of this action was to protect market property values of the land in question. The reason for this action has not been altered even as this request is considered. This request is by a single landowner and a single tract that does lie to the interior on the Hull McGinnis Road, of which all property both north and south sides are zoned R-SF. Also, the landowner, at the time of the purchase of this tract, the zoning was public notice. The landowners feel that this is a clear example of an attempt at spot zoning. Property values are devaluated with mobile homes around them.

Terry Hull stated that he resides across from the property owned by Mr. Hutson. He stated that the property owners in the neighborhood are opposed to rezoning land to R-T. He, along with other property owners, changed the zoning of their land to R-SF approximately 24 months ago, due to the reason that they did not want the value of their land to decline due to undesirable structures being placed in their neighborhood

Commissioner Gamble asked Charles Hull if this would raise the values in the neighborhood.

Mr. Hull stated that rezoning will have a tendency to devalue their property.

Commissioner Gamble asked how he reads this, how this will create a devaluation.

Mr. Hull stated that situated on the property are ground-up, structure built homes. He stated that property will bring more money if modular-type homes are not adjacent to them.

Commissioner Gamble asked if Mr. Hull considers what is being put in a modular home, and that it will lower the value of the property that Mr. Hull occupies, because none of the other homes are modular homes. Commissioner Gamble asked about the value of the stick built homes and this modular home.

Mr. Hull stated that his home and land is valued at \$160,000, and he assumed the purchase of the home including well and septic tank would be between \$50,000 and \$60,000.

Commissioner Gamble asked Mr. Hutson what he is paying for the house.

Mr. Hutson stated that just the manufactured home alone would bring right around \$70,000, including septic and well. He stated that he has about \$14,000 in the property right now. He stated that the main difference between a modular and a manufactured home is the pitch of the roof.

Kelly Atkins, Director of Building and Land Development, stated that a modular is built to North Carolina CABO standards, and a manufactured home is built to HUD standards. A building inspector looks at a HUD built house completely different than a modular home built by CABO standards. The inspector looks at a modular like a site-built house.

Wilma McGinnis stated that she is the owner of 8+ acres. She stated that at the time this land was sold to Mr. Hutson, he told them that he would build a home on the land. She stated that she and her children are opposed to this because they still have property there, and do not want this type of home there.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 310 – Marvin Hutson, applicant, closed.

ZONING MAP AMENDMENT NO. 311 -- LINCOLN COUNTY, APPLICANT.

Richard Smith, Land Use Coordinator, presented information on Zoning Map Amendment No. 311 – Lincoln County, applicant.

This is a staff initiated request to rezone a portion of a 0.897 acres tract owned by Jerry P. Lackey and a portion of a 1.39 acres owned by Thomas West from Transitional Residential Single-Family (R-T) with a Designated Highway (D-H) overlay to General Business (B-G) with a D-H overlay.

These parcels are located at 3154 and 3130 North Highway 16 in the Catawba Springs Township. They are both currently zoned B-G and R-T with a D-H overlay and have existing or proposed commercial uses on them. These properties are joined on the west, north, and east by properties that are zoned General Industrial with a D-H overlay. They are joined on the south 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. 311 – Lincoln County, applicants.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing on Zoning Map Amendment No. 311— Lincoln County, applicants.

ZONING TEXT AMENDMENT NO. 312

Richard Smith, Land Use Coordinator, presented the following information on Zoning Text Amendment No. 312.

Amend Section 10.10 B-N Neighborhood Business District so that a Public Safety Station is listed as a permitted use by right under Section 10.10.1. Public Safety Station should be listed as item G. under the listed uses by right. Also, Section 10.11 B-G General Business District should be amended so that a Public Safety Station is listed as a permitted use by right under Section 10.11.1. Public Safety Station should be listed as item H. under the listed uses by right.

This is a staff recommendation. Zoning districts that are more stringent and less stringent than the B-N and B-G district allow Public Safety Stations as a use by right.

Also, amend the Amendments Section 4.2 Initiation so that paragraph one will also include the following requirements: "Lincoln County shall not accept applications for zoning map classification changes without **written consent** from the owner of a legal or equitable interest in the property affected by the amendment. Prior written consent shall not be required for those zoning map classification changes initiated by the Board of Commissioners or Planning Board, however written notification of any proposed zoning map classification changes initiated by the Board of Commissioners or the Planning Board shall be provided to each affected property owner prior to scheduling of the matter for consideration."

Chairman Hallman opened the public hearing for Zoning Text Amendment No. 312.

Being no one wishing to speak, Chairman Hallman declared the public hearing for Zoning Text Amendment No. 312 closed.

Chairman Hallman announced that at this time, the Planning Board would reconvene to the second floor balcony.

SCHOOL BOARD'S REQUEST FOR JOINT MEETING

Chairman Hallman stated that the Board received a letter for a request for a joint meeting from the School Board. He asked for comments in reference to this.

Commissioner Brotherton presented the following comments.

I think I am accurate to assume that this meeting pertains to construction of a new high school for East Lincoln County, which I am very aware the need is there for additional classrooms in the high school area. In early spring, parents, teachers, students visited us requesting additional funding for schools in Lincoln County. At that time, we were being urged to adopt the 38% approach that Gaston County was using, which was not something that Lincoln County could

do. I had numerous lengthy conversations with Dr. Eaddy, and put together a plan that would provide more funding, and bring them to the state average per student spending within four years. With Mr. Hallman's help, this was fine-tuned, and the School Board accepted it. All those people that were here before the Board never mentioned additional funds for paying administrators, yet when we provide this additional money to the school system. Their big thing was that we can't attract teachers, we're losing teachers because we're not competitive with other counties. I read in the paper that the teachers are being given 2.5% and administrators are being given 4.5%. I don't think this was right, and the Board was deceived. Our intent was to provide money for the classrooms for the children of this County, for the teachers of this county for supplements, but the administrators seem to be getting the largest percentage. We can't micromanage the schools, that's their job, our job is to provide funding for them, but I think we have a responsibility where that money is spent and it should be spent where our intentions are, where it would best serve the students and teachers. I urge the School Board to back up and reconsider this thing, and give that money to the classrooms where it would benefit the children, students of the county, as well as increase the supplements given to teachers. If they don't readdress it, I think in next years budget it is our responsibility to address it. A couple areas they want to discuss a school bond referendum, and personally I don't think this should be rushed into – seeking a referendum. We need to know where we stand with the citizens of this county. We all know there are capital needs out there, but would like to see some sort of undertaking of a survey by the School Board to find out the support level in the community. I believe a bond referendum would have a tough time passing in Lincoln County today. Also, the School Board has hired an architect to draw plans for a new high school. I have dealt with architects enough to know, and we have experience with the new jail, if you turn an architect loose and tell him to draw, he's going to draw a monument. I think they have made an error that they did not tell the architect exactly what they needed. I don't have any interest in meeting with the School Board at the present time until some wrongs have been corrected, and this thing of taking money that the Board of Commissioners -- a lot of other Departments in this County were cut so that we could provide additional funding for education. Our intent was that this money was going to the children of Lincoln County and the teachers of Lincoln County and the bulk of it appears headed to administrators, and I have a problem with that.

Chairman Hallman stated that the School Board or School Administration should not be the ones doing the survey. It should be done on a non-partisan, independent basis, maybe devising something to put in the newspaper to have people fill out and send back in.

Commissioner Saine stated that she agrees with Commissioner Brotherton and has heard that more money was needed for teachers and in the classroom. She stated that she has not seen anything in the paper in regards to the classroom

allocations or service workers – food service, bus drivers, etc., who were not considered. She stated that the School Board should be held responsible.

Commissioner Brotherton stated that he would like to point out one sentence from Dr. Eaddy's letter, It may be time to look at dedicating a percent of taxes to school construction. He stated that he felt the Board had already crossed that percentage bridge back in the Spring.

It was the consensus of the Board not to meet with the School Board at this time.

APPROVAL OF INCREASE IN SCHOOL BOARD MEMBERS COMPENSATION

Chairman Hallman stated that he would have hoped that someone would have been here to address this matter.

Commissioner Brotherton stated that this motion was made by Robin Brown Heafner. From the moment that she was seated on the Board, her seat had barely got warm, before she started squealing for more money for School Board members. She knew what the job paid as a candidate. They have had numerous surveys and compared their salaries to the Board of Commissioners and that was supposed to justify their 75% pay increase. If she wanted to make the big bucks, she should have run for County Commissioner instead of the School Board. She has beat the drum for the last two years that we need more nurses in the schools. This salary increase will amount to around \$15,000 per year. That \$15,000 would go a long way to paying at least a part time nurse. Robin Heafner is not interested in a school nurse, she is interested in padding her own wallet, and I don't agree with that. When you run for public office, the honor that the citizens of the county give you when they vote for you and elect you, I consider that the compensation. We get a little check each month to cover our expenses, but the real compensation is that honor that goes with this job, probably in my lifetime I will never have an honor given to me that will exceed serving on this Board. I think that it's time for Ms. Heafner to find a part-time job if she wants to supplement her income, not depend on the citizens of Lincoln County to pay her.

A motion by Commissioner Brotherton to reject the salary increase.

Commissioner Gamble stated that in Raleigh it is a very gross thing to verbally besmirch people that you are discussing in committee, and using their name. It's just ethically poor business and I would hope in the future the Board can avoid that, and I hope I can avoid it, because perhaps I am as guilty as anybody. I am very aware of it and I know it is not considered good ethics to talk about people and use their name. I respect Mr. Brotherton and am probably guilty of the same thing, but think it's poor ethics to besmirch people.

Commissioner Brotherton stated that it is not nice to stick your middle finger up at people in public either.

Commissioner Waters asked what happens if the Board denies it and if the School Board can come back with a smaller number. He stated that he is amazed that they have the authority to raise their own salary, but is also amazed that the Board of Commissioners has the authority to turn it down.

Commissioner Saine stated that she wonders why the Board of Commissioners have to vote on this, it seems like they give themselves a raise, and then ask the Board to approve a 75% raise.

Chairman Hallman stated that he has a couple concerns, their increase would raise them above the Lincolnton City Council and Mayor, which only gets \$400. He stated that he read in the newspaper that there is a \$3000 per member expense account for going to conventions, which is significantly more than the Commissioners get.

Vote: 4 – 1 AYES: Hallman, Brotherton, Saine, Waters
NOES: Gamble

Commissioner Gamble stated that he didn't vote on the amount of the raise, the stated motion didn't state the amount.

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

RECESS

A motion by Commissioner Waters to recess the August 2, 1999 Board of Commissioners joint public hearing with the Planning Board to hold the August 2, 1999 Board of Variance and Appeals meeting.

Unanimously approved.

Chairman Hallman called the meeting back to order.

RECOMMENDATIONS FROM THE PLANNING BOARD – AUGUST 2, 1999

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

CONDITIONAL USE PERMIT NO. 159 – Richard L. Carver, 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 # 159

Date: August 2, 1999

Applicant's Name: Richard L. Carver
Address: 2626 Philadelphia Rd.
Lawndale, NC 28092

Property Owner's Name: Keith and Dorothy Carver
Address: 6641 Highway 150
Maiden, NC 28168

Property Location: Hwy 150

Existing Zoning: R-S

Proposed Conditional Use: Double Wide Mobile Home – Class B

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: Unanimously approved.

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: 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 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: 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 X No _____
Motioned by Commissioner Waters.

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: Unanimously approved.

After having held a public hearing on August 2, 1999, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Waters motioned that Conditional Use Permit No. 159 be approved with no conditions.

Unanimously approved.

Chairman
Lincoln County Board of Commissioners

Date

Clerk to Board of Commissioners **Date**

Conditional Use Permit No. 160 – SBA Towers, Inc., applicant

The Planning Board unanimously recommended approval as requested.

Chairman Hallman presented the Findings of Fact for Conditional Use Permit No. 160 – SBA Towers, applicant.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP 160 Date: August 2, 1999

Applicant's Name: SBA Towers, Inc.
Address: One Town Center Road
3rd Floor
Boca Raton, Florida 33486

Property Owner's Name: Haywood & Gloria Easter
Address: 121 N. General Blvd.
Lincolnton, NC 28092

Property Location: 3476 FoxMeadow Lane

Existing Zoning: R-T

Proposed Conditional Use: Proposed communication facility accommodating a 250' lattice self support 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 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 August 2, 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. 160 — SBA Towers, Inc., applicant, be approved with no conditions.

Vote: Unanimously approved.

Chairman
Lincoln County Board of Commissioners

Date

Clerk to Board of Commissioners

Date

Zoning Map Amendment No. 310 – Marvin D. Hutson, applicant.

The Planning Board unanimously recommended denial of request. Richard Smith, Land Use Coordinator gave the following reasons: when Mr. Hutson bought the property it was zoned R-SF and had been rezoned prior to him purchasing, so when he purchased it he realized the R-SF classifications applied to the property. He made an implication to the lady he purchased it from that he was going to put a stick built or modular home on the property.

A motion by Commissioner Gamble to deny Zoning Map Amendment No. 310.

Unanimously approved.

Zoning Map Amendment No. 311 – Lincoln County, applicant.

The Planning Board unanimously recommended approval as requested.

A motion by Commissioner Gamble to approve Zoning Map Amendment No. 311 as requested.

Unanimously approved.

Zoning Text Amendment No. 312

The Planning Board unanimously recommended approval of the following.

Amend Section 10.10 B-N Neighborhood Business District so that a Public Safety Station is listed as a permitted use by right under Section 10.10.1. Public Safety Station should be listed as item G, under the listed uses by right.

Also, amend Section 10.11 B-G General Business District so that a Public Safety Station is listed as a permitted use by right under Section 10.11.1. Public Safety Station should be listed as item H. under the listed uses by right.

The Planning Board unanimously recommended approval with changes as shown below.

Amend Section 4.2 Amendments so that paragraph one will also include the following requirements: "Lincoln County shall not accept applications for zoning map classification changes without written consent from the owner of a legal or equitable interest in the property affected by the amendment, except when the owner is not present it shall be notarized. Prior written consent shall not be required for those zoning map classification changes initiated by the Board of Commissioners or Planning Board, however written notification of any proposed zoning map classification changes initiated by the Board of Commissioners or Planning Board shall be provided to affected property owners in a manner prescribed by law prior to scheduling of the matter for consideration."

A motion by Commissioner Gamble to approve Zoning Text Amendment No. 312, as amended by the Planning Board.

Unanimously approved.

OTHER BUSINESS

Stan Kiser, County Manager, stated that he talked with Steve Gurley today and there will a delegation of Russians here from Russian Local Governments, arriving around August 22nd through the 24th or 25th. They would like to set something up and have them visit certain county departments and meet some Board members.

Chairman Hallman stated that we should be hospitable to them. He instructed the County Manager to let the Board know as the time gets closer.

Jeff Taylor, County Attorney, stated that he got a response from Crescent from the most recent letter that was sent to them. He stated that plans were delivered to his office today. He stated that Steve Shriner wrote him a letter last week that gave at least a partial explanation about the delay on the turn signal at 16 and Webbs Road, being that DOT has a requirement that there be a 25 home occupancy in a subdivision before they will mandate or approve a signal light. That is underway right now and the plans will have to be approved by DOT. They are planning to have all paving done by the end of the paving season.

Commissioner Brotherton stated that this project was approved 25 months ago, and at that point they had 12 months to make these improvements. They didn't come up with this excuse about the 25 homes until about 6 months ago. This

means they totally ignored the conditions placed on this subdivision for over a year and a half. There is no 25 home requirement on the turn lanes, and they totally ignored them.

Commissioner Brotherton stated that from the experiences with this, the Board should ask for a performance bond in the future when conditions are placed.

Jeff Taylor, County Attorney, stated that Steve Shriner has penciled in August 16, 1999 on his calendar in case the Board has any questions for him.

SET PUBLIC HEARING FOR VALE POST OFFICE FOR SEPTEMBER 20, 1999 AT 7:15 PM

Chairman Hallman stated that the Postal Service has requested that the Board set a Public Hearing for a Vale Post Office on September 20, 1999 at 7:15 PM.

A motion by Commissioner Gamble to set a public hearing for September 20, 1999 at 7:15 PM for a Vale Post Office.

Unanimously approved.

CLOSED SESSION

A motion by Commissioner Waters to go into Closed Session to discuss a Contractual matter.

Vote: 4 – 1 AYES: Hallman, Brotherton, Saine, Waters
NOES: Gamble

No action was taken in Closed Session.

Chairman Hallman presented the minutes from the December 14, 1998 and January 18, 1999 closed sessions for the Board's approval.

A motion by Commissioner Waters to approve the closed session minutes from the December 14, 1998 and January 18, 1999 meetings.

ADJOURN

A motion by Commissioner Gamble to adjourn the meeting.

Unanimously approved.