

<b>LINCOLN COUNTY BOARD OF COMMISSIONERS</b>	<b>MINUTES MARCH 2, 1998</b>
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The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 2, 1998 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:

Louis E. McConnell, Chairman  
James A. Hallman, Vice Chairman  
Terry L. Brotherton  
Larry S. Craig  
Beth H. Saine

Jeffrey Taylor, Assistant County Attorney  
Richard French, County Manager  
Stan Kiser, Assistant County Manager

Planning Board Members present were:

John Black, Chairman  
Mike Baker, Vice-Chairman  
Ronald Smith  
James Funderburk  
Gary Garlow  
Stanley Roseboro  
Mike Allred  
Jerry Geymont

Also present were Judy Francis, Zoning Administrator, Candace Ramseur, Development Technician, Doug Chapman, County Engineer, and Amy S. Long, Clerk to the Board of Commissioners.

### **CALL TO ORDER**

Chairman McConnell called the March 2, 1998 meeting to order.

### **ADOPTION OF AGENDA**

Chairman McConnell presented the agenda for the March 2, 1998 meeting.

### **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

### **AND**

## **PLANNING BOARD**

**MARCH 2, 1998**

### **PUBLIC HEARINGS**

- |    |         |   |
|----|---------|---|
|    | 6:30 PM | Call to Order                             |
| 1. | 6:30 PM | Adoption of Agenda                        |
| 2. | 6:30 PM | New Business / Advertised Public Hearings |
- Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, Applicants, Request to rezone approximately 3 acres of this parcel, on Apple Hill Road in the Vale area, from Residential Single-Family (R-SF) to Rural Residential (R-R) to allow for the placement of a mobile home.
  - Zoning Text Amendment No. 250—Accessory Care Provider—A proposed text amendment to the Lincoln County Zoning Ordinance to streamline the procedure for accessory care provider housing permits.
  - Conditional Use Permit No. 126—Roderick Cronland, Applicant, Request for a Conditional Use Permit to allow a Class C (single-wide) mobile home to be located in the Residential Suburban (R-S) district. This property is located on Asbury Church Road in the Lincolnton area.
  - Conditional Use Permit No. 127—Timothy Dellinger, Applicant, Request for a Conditional Use Permit to operate a Construction/Demolition and Landclearing Inert Debris Landfill on Mariposa Road in Lowesville. On the General Industrial (I-G) district.
  - Conditional Use Permit No. 128—Jason & Fiona McAllister, Applicant, Request for a Conditional Use Permit to allow a riding stable in the Residential Single-Family district on Lynnwood Road in the Sherrills Ford area.
  - Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, Applicants, Request for a Conditional

Use Permit to allow a multi-family (30 units) development in the Residential Suburban (R-S) district.

- Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant, Request to rezone two lots in the highway overlay on North Highway 16 in the Denver area from Residential Transition (R-T) to Neighborhood Business (B-N) and a Conditional Use Permit to operate a boat sales lot / office at that location
- Parallel Conditional Use Rezoning No. 51—Carl & Robin Moore and Neighbors, Applicants, Request to rezone approximately 39 acres in the Residential Single-Family (R-SF) district to Residential Suburban (R-S) and a Conditional Use Permit to allow one Class C (single-wide) mobile home.
- Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant, Request to rezone approx. 5 acres in the Highway Overlay on North Highway 16 in the Denver area from Neighborhood Business (B-N) to Light Industrial (I-L) and a Conditional Use Permit to allow a racing workshop and office.

3. 7:00 PM Public Hearing—Lowesville Lane
4. 7:15 PM Community Transportation Application
5. 7:30 PM **At this time the Board of Commissioners will recess the March 2, 1998 meeting and open the March 2, 1998 Board of Variances and Appeals meeting.**
6. 8:00 PM Proposed Assessment Policy—Julius Blum
7. 8:15 PM Incorporation of Denver
8. 8:45 PM Recommendations from the Planning Board
  - Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, Applicants.
  - Zoning Text Amendment No. 250—Accessory Care Provider.
  - Conditional Use Permit No. 126—Roderick Cronland, Applicant.

- Conditional Use Permit No. 127—Timothy Dellinger, Applicant.
- Conditional Use Permit No. 128—Jason & Fiona McAllister, Applicants.
- Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, Applicants.
- Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant.
- Parallel Conditional Use Rezoning No. 51—Carl & Robin Moore and Neighbors, Applicants.
- Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant.

9	9:45	Other Business
10.	10:00	Closed Session—Personnel
		Adjourn

Please note the Board of Commissioners will meet on March 9, 1998 at 6:30 PM for a Work Session. The Board of Commissioners Regular Meeting will be March 16, 1998 at 7:00 PM and the East Lincoln Water and Sewer District Meeting will also be on March 16, 1998 at 6:30 PM.

A motion by Commissioner James Hallman to adopt the agenda, considering Recommendations from the Planning Board only if time permits.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

## **PUBLIC HEARING - ZONING ISSUES**

Chairman McConnell announced that this was the date, Monday, March 2, 1998 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on February 20 and February 27, 1998 for a Public Hearing on zoning requests.

### **Notice of Public Hearing**

The Lincoln County Board of Commissioners will hold a public hearing at 6:30 PM on March 2, 1998 at the Citizen's Center, 115 W. Main Street in Lincolnton to hear public comments on the following issues. The Planning Board will also hold its meeting at this time.

**ZMA #249: Rodney Sisk & Lisa Hedgpett**, Request to rezone approximately 3 acres of this parcel from Residential Single-Family (R-SF) to Rural Residential (R-R) to allow for the placement of a mobile home.

**ZTA #250—Accessory Care Provider** A proposed amendment to the Lincoln County Zoning Ordinance to streamline the procedure for accessory care provider housing permits.

**CUP #126—Roderick Cronland**, Request for a Conditional Use Permit to allow a Class C (singlewide) mobile home to be located in the Residential Suburban (R-S) district.

**CUP #127—Timothy Dellinger**, Request for a Conditional Use Permit to allow operation of a Construction/Demolition and Landclearing Inert Debris Landfill in the General Industrial (I-G) district.

**CUP #128—Jason and Fiona McAllister**, Request for a Conditional Use Permit to allow a riding stable in the Residential Single Family district on Lynnwood Road in the Sherrills Ford area.

**CUP #129—Gary Dellinger & Kenneth Tucker**, Request for a Conditional Use Permit to allow a multi-family (30 units) development in the Residential Suburban (R-S) district.

**PCUR #50—Jim Ledford**, Request to rezone two lots in the highway overlay on North Highway 16 in the Denver area from Residential Transition (R-T) to Neighborhood Business (B-N) and a Conditional Use Permit to operate a boat sales lot / office at that location.

**PCUR #51—Carl & Robin Moore**, Request to rezone approximately 39 acres in the Residential Single-Family (R-SF) district to Residential Suburban (R-S) and a Conditional Use Permit to allow one Class C (single-wide) mobile home.

**PCUR #52—Charles B. Parker**, Request to rezone approximately 5 acres in the Highway Overlay on North Highway 16 in the Denver area from Neighborhood Business (B-N) to Light Industrial (I-L) and a Conditional Use Permit to allow a racing workshop and office.

Please contact the Lincoln County Department of Building and Land Development at (704) 736-8440 for more information.

**Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, Applicants**

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, Applicants.

The applicants are requesting a zoning map change for approximately three acres of property off of Apple Hill Road in the Vale area from Residential Single-Family (R-SF) to Rural Residential (R-R) to accommodate a mobile home.

The total parcel is actually 10.2 acres in size though the applicants request to rezone only 3 acres. The parcel has Residential Single-Family (R-SF) zoning to the east and south and Rural Residential zoning to the west and north. This parcel is currently vacant and surrounding parcels have mobile homes and single-family residences on them. The Lincoln County Land Development Plan calls for lower density residential development in this area.

Judy Francis stated that the property is an abandoned apple orchard, that is no longer being cultivated.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, applicants.

Rodney Sisk and Lisa Hedgpett, applicants, stated that there will only be one new doublewide put on this land.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 249—Rodney Sisk & Lisa Hedgpett, Applicants, closed.

**Zoning Text Amendment No. 250—Accessory Care Provider Permits**

Judy Francis, Zoning Administrator, presented information on Zoning Text Amendment No. 250—Accessory Care Provider Permits.

Amend Chapter 2: Definitions and Rules of Construction as follows:

Add the following (in bold type) to the definition of Accessory Careprovider Housing Unit (E) in Section 2.4:

- E. The process for the issuance of an Accessory Careprovider Housing Permit will be handled through the office of the Zoning Administrator. In order for the permit to be issued, the Zoning Administrator shall be required to make the following findings:
1. The accessory unit is needed to take care of a sick, elderly, or disabled person who lives on the same lot or an adjacent lot and who is in need of personal or medical attention.
  2. That the location, placement, and type of accessory dwelling unit is so located so as to minimize any negative affects on adjacent properties.

Any such permit may be issued for a period of up to one (1) year. Within three (3) months prior to the permit expiration date, the applicant can submit an application to have the permit extended. The Zoning Administrator shall have the authority to grant one or more consecutive extensions, each for a period of up to one (1) year upon determining that there has not been a substantive change in pertinent conditions or facts. The applicant can continue to apply for extensions so long as the conditions warrant the need for the accessory unit. **Applicants over the age of seventy-five (75) or who provide medical certification that their mental or physical handicap is a permanent condition will not need to reapply annually.** Upon termination of the permit or the elimination of the conditions giving rise to the permit, the accessory unit shall be immediately removed within sixty days from the property.

Jeff Taylor, Assistant County Attorney, stated that he had circulated a memo about these text amendments. He strongly recommended keeping a time frame on the Accessory Care Provider Permits.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 250—Accessory Care Provider Permits.

Being no one wishing to speak, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 250—Accessory Care Provider Permits, closed.

### **Conditional Use Permit No. 126—Roderick Cronland, Applicant**

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 126—Roderick Cronland, applicant.

Judy Francis, Zoning Administrator, presented information regarding Conditional Use Permit No. 126—Roderick Cronland, applicant.

The applicant is requesting a Conditional Use Permit in order to place a Class C mobile home on property located on Asbury Church Road in the Residential Suburban district.

This parcel is 20.6 acres in size and has Residential Single-Family (R-SF) and Residential Transition zoning to the east and north and Residential Suburban zoning to the south, west, and north. Additionally, this parcel abuts the General Industrial (I-G) district to the southeast. It is currently vacant and surrounding parcels have mobile homes and single-family residences on them. The Lincoln County Land Development Plan calls for higher density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 126—Roderick Cronland, Applicant.

Roderick Cronland, applicant, stated that the airport was condemning the land the mobile home is currently on, and he is having to move his single wide mobile home.

Commissioner Larry Craig stated that a condition could be put stating that the mobile home would have to be moved within 2 years, since it states on the application that the single wide will only be there for two years.

Roderick Cronland stated that his intent is to put the mobile home on the property and to build a house in a few years, and he has no problem with this condition being placed.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 126—Roderick Cronland, Applicant closed.

### **Conditional Use Permit No. 127—Timothy W. Dellinger, Applicant**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Conditional Use Permit No. 127—Timothy W. Dellinger, Applicant.

Judy Francis, Zoning Administrator, presented Conditional Use Permit No. 127—Timothy W. Dellinger, Applicant.



The applicant is requesting a Conditional Use Permit approval to allow for the operation of a Construction / Demolition & Landclearing Inert Debris Landfill at a portion of the East Lincoln Speedway in the I-G district. A Conditional Use Permit was initially granted (PCUR #10) in October, 1995. After receiving numerous complaints about odors, operation hours, noise, contents, and size of the landfill, it was discovered that the permit had expired and was no longer in conformity with the Zoning Ordinance. The applicant requests to renew the permit.

The property is located on Mariposa Road at the East Lincoln Speedway in the Catawba Springs Township. The total parcel is 7.35 acres in size, however the portion rezoned to I-G is approximately .85 acre in size, which is owned by the applicant. The Residential Transition (R-T) district completely surrounds the parcel. Surrounding structures are predominately single-family residences. The Lincoln County Land Development Plan calls for lower density residential development in this area.

Judy Francis, Zoning Administrator, stated that she and Kelly Atkins, Subdivision Administrator have been to the site and smelled strong petroleum odors. She stated that the smell could have come from the East Lincoln Speedway.

Commissioner Terry Brotherton asked which type of landfill was being operated on this site.

Judy Francis, Zoning Administrator, stated that a LCID Landfill is being operated according to the State.

Bryan Pruett, Code Enforcement Officer, stated that he made a few visits to the Landfill. He stated that he had received complaints of people working at the landfill late at night. Mr. Pruett stated that he had no idea of the situation until he started receiving complaints and when he looked in the file, he realized that the permit had expired. He stated that he then sent Mr. Dellinger a letter asking him to stop dumping immediately and reapply for a Conditional Use Permit.

Commissioner Larry Craig asked if Mr. Dellinger had abided by the request.

Mr. Pruett stated that Mr. Dellinger had not stopped dumping when he was asked to.

Commissioner James Hallman stated that there was a lot of metal around the landfill, and asked what would be done with it.

Mr. Pruett stated Mr. Dellinger has informed him that he separates the metal and takes it to be sold or recycled.

Commissioner James Hallman stated that when the initial request came to the Board in October 1995, it was understood that there was a little hole that was going to be filled with tree limbs, stumps, and dirt, to make the parking lot a little bigger. He stated that now it is a landfill business.

Clarence Leatherman spoke on behalf of Tim Dellinger, stating that Mr. Dellinger assures him that there is no metal in the landfill. He stated that a letter came from Mr. Pruett on January 30, 1998. Mr. Leatherman stated that there was one load that went in after the letter was received, because the radio in the truck was not working and Mr. Dellinger could not get in touch with it. Mr. Leatherman stated that the State periodically tests the landfill and a Waste Management Specialist came and made a thorough investigation. He commented that the report states that a mostly bricks were found, and no odors were detected. He commented that Mr. Dellinger is within the 2 acre size limit designated by LCID Landfill Modifications and the setback buffers are in compliance. He stated that no violations were observed during the inspection on February 23, 1998.

Mr. Leatherman stated that Mr. Dellinger is in the business of tearing down buildings and brings steel and everything to the landfill. He stated that he later separates and sells the steel.

Mr. Leatherman stated that after the hearing in October, 1995, Mr. Dellinger never received a copy of the findings of fact. Mr. Leatherman stated that the landfill is 65 – 70% full, and that it is to be grassed over when it is full. He stated that Mr. Dellinger has complied except for the one-year time limit.

Tim Dellinger, applicant, stated that he tried to follow the guidelines. He stated that he was checked at random by the state.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 127—Timothy W. Dellinger, Applicant.

Gary McGinnis, spoke in opposition of the request, stating that he lives in the Mariposa area. He presented petitions against the landfill. He stated that the community is concerned about their wells, and the future health of their children and grandchildren.

David Saunders spoke in opposition of the request, stating that the dump is illegal. He stated that he had seen Stanley Septic Tank trucks backed up into the landfill. He stated that the Board is responsible for their decision and for the results of the decision.

Jack Allen, 2574 Mariposa Road, 1.2 miles from southern-most part of the dumpsite, spoke in opposition of the request, requesting that no zoning permits be issued. Mr. Allen stated that he would like to address the dump site Number 1 on Mariposa Road and dump site Number two on Hines Circle. Mr. Hines presented an aerial photo. He asked that no zoning permits be issued for this site, temporary or permanent.

James Smith, spoke in favor of the request, stating that he works for Mr. Dellinger. He commented that this land was previously an eyesore, a big hole with stagnated water, a haven for mosquitoes and water moccasins.

Dr. Robert Mittan, spoke in opposition of the request, stating that he lives ½ mile from the landfill. He stated that he has a difficult time seeing how a permit could be issued to someone who was dumping before the original permit was issued and after it expired. He stated that there was a real problem with credibility here. He asked the Board not to approve the Landfill.

Mary Scercy stated that she is in opposition of the Permit. She played a tape of the Landfills.

Jimmy Dellinger, spoke in favor of the request, stating that the tape played shows two different sites. He stated that the Landfill had been inspected and nothing has been found.

Ted Scercy stated that he and his neighbors have been awakened by the trucks and equipment at the landfill.

Larry Cressford spoke in favor of the request, stating that he is a driver for Mr. Dellinger. He stated that he has been there 2 years and does not remember anyone dumping around 2:00 a.m.

Clarence Leatherman stated that 2 different sites were shown on the video. He asked for the Board's favorable consideration.

Commissioner Larry Craig stated that in the film, debris was piled up with metal. He asked how the debris and metal are handled.

Tim Dellinger stated that when the debris comes off of the trucks, it is scattered out and picked through. He stated that it is hand picked on the job site also.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 127—Timothy W. Dellinger, Applicant, closed.

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

A motion by Commissioner James Hallman to recess the Regular Meeting in order to conduct the Board of Variance and Appeals Meeting.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

**Conditional Use Permit No. 128—Fiona and Jason McAllister, Applicants**

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 128—Fiona and Jason McAllister, applicants.

Judy Francis, Zoning Administrator, presented information regarding Conditional Use Permit No. 128—Fiona and Jason McAllister, applicants.

The applicant is requesting a Conditional Use Permit approval to operate a riding stable in the Residential Single Family (R-SF) district. All conditions of Section 10.4.2J will be met.

Though this parcel lies entirely within the County of Lincoln, it is currently being taxed in Catawba County. As per discussion with the county attorney, it is my understanding that Lincoln County does have zoning jurisdiction of land within its boundaries and, according to our GIS, this parcel is vacant and zoned R-SF. The property is located on Lynnwood Road in the Sherrills Ford area. It consists of one parcel, approximately 15.6 acres in size, which is owned by Charles Little. It is surrounded on all sides by R-SF zoning. Surrounding properties are either vacant or have houses on them. The Lincoln County Land Development Plan calls for higher density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 128—Fiona and Jason McAllister, applicants.

Fiona McAllister stated that the objective is to provide a premium equestrian facility offering individualized horse care, first quality landscaped facilities, and gentle progressive training designed to develop horse and rider for competition or pleasure. This facility will focus on the Olympic disciplines of dressage and jumping.

Ms. McAllister stated how the six required criteria for the permit would be met:

1. Stalls and designated riding arenas will be located 200 feet from any lot line. This requirement leaves approximately 5 acres in the center of the property on which these facilities will be located.
2. All manure piles shall be located 200 feet from any lot line. Manure will be processed, recycled or sold. Composting building and/or temporary manure storage will be located on the center 5 acres.
3. The minimum required area of 5 acres is exceeded by 10 acres.
4. Fencing shall be adequate to prevent roaming animals. Due to the value of these animals only the safest high quality fencing will be used. White vinyl is our first choice. Other options, 3 board, diamond mesh with visibility board, or electrified 6 strand high tensile may be used where vinyl is cost prohibitive. A secondary perimeter fence may also be used.
5. Facility may be located with a principal single family home.
6. A grade C screen shall be provided beside other lots. A grade C planting in compliance with Figure 8-3 will be provided.

Ms. McAllister stated that the current facility plan is for a 12-stall barn, although only 8 horses will be there permanently. She stated that there will be daily turnout, which will be separated into six pastures.

Ms. McAllister stated that the land is currently used for horses, and there are 5 currently.

Ms. McAllister stated that the facility will be an asset to the community

Brody Harkey stated that he owns the adjoining property, and his only concern is that the McAllisters are not going to live there. He stated that he has no problems with their plans, but there are no guarantees that they will do all they say.

Commissioner Larry Craig stated that there could be restrictions placed in the Conditional Use Permit.

Dee Harkey, spoke in opposition of the request, stating that she and her husband had bought land and are building a house on this road. She stated that a riding stable would cause a lot of traffic.

Cynthia Mitchell asked the difference between a Conditional Use Permit and a Zoning Change.

Judy Francis, Zoning Administrator stated that a Conditional Use Permit does not change the zoning of the property, it is for a specific use in the district.

Carol Elliot stated that the reason she bought there was because it was a quiet neighborhood.

John Caldwell asked if the applicant had been to EPA to receive a permit for horse excretion, because there are wells below this property. He stated that the property should remain Single Family Dwelling.

Judy Francis stated that she could contact someone in Soil and Water Conservation about possible permits.

R.M. Berthelsen stated that he has concerns about the increase of the population of horses and traffic on the road.

Sarah Caldwell stated that she has a summer home on this road. She stated that the homes on this road are expensive homes, and they don't want to smell manure.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 128—Fiona and Jason McAllister, applicants closed.

**Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, Applicants.**

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, applicants.

Judy Francis, Zoning Administrator, presented information regarding Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, applicants.

The applicant is requesting a Conditional Use Permit in order to build a 30 unit multi-family development on property located on Will Proctor Street in the Residential Suburban district.

This parcel is approximately 3.3 acres in size and has Residential Single-Family (R-SF) zoning to the west and north and Residential Suburban zoning to the south and east. It currently has a single-family residence and a mobile home on it, though these will be removed. Surrounding parcels have mobile homes and single-family residences on them. This parcel lies within the WS-IVP watershed and impervious surface coverage restrictions will be met. The zoning ordinance

allows multi-family developments in the R-S district as a conditional use. The density of these developments can go to 10 units per acre if water and sewer services are provided. The Lincoln County Land Development Plan calls for higher density residential and regional commercial development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, applicants.

Recil Wright with Wright & Associates stated that he was representing Gary Dellinger and Kenneth Tucker. Mr. Wright stated that the property is in Denver, on Will Proctor Street approximately 1,400 feet from NC Highway 16 North. There is a strip shopping center on Hwy 16, a dentist office at the corner of Highway 16 and Will Proctor Road, single families and vacant lots north on Will Proctor Road, mobile homes on land zoned R-T to the north-east, Callaway Mobile Home Park to the west, duplex apartments and single family approximately 2000 feet to the south. Mr. Wright stated that the Bryn Myar Townhouses are to the southeast. The distances from this property to the multi-family Bryn Myar is 825 feet, 725 feet to Callaway Mobile Home Park, and 592 feet to Denver Shores Mobile Home Park. He stated that the abutting owners are the Bowers, Beatty, Mark Davis, vacant lots, homes, and Richard Sigmon to the north. He stated that the approximate tax value of these properties are \$498,500.

Mr. Wright stated that there is currently a rented manufactured home on the property and a well and septic tank that serve the home. He stated that there is also an abandoned mobile home and a small wooden house on the property. He stated that the property fronts a 22-foot paved street with asphalt curb that is a state-maintained street. He stated that there is East Lincoln County Sewer and Water on the street and the current tax value is \$81,700. He commented that the current zoning is R-S, which by right allows for 5 duplexes, 10 units, or could be divided up into eight 14,000 square foot lots, because water and sewer is available. He stated that on these lots Class A manufactured housing could be placed.

Mr. Wright stated that this property has excellent access to a number of roads including Highway 16 and Campground Road. Mr. Wright stated that what is proposed for this property is an upscale, high-quality, multi-family development, consisting of 30 townhouses, 5 buildings with 6 units in each building. He stated that the design for the townhouses has not been finalized yet, but they are basing the design on a development in Conover. He stated that they will be all brick construction, and each townhouse will have 2 bedrooms, with rent of around \$600 per month.

Mr. Wright stated that the estimated cost for the development is about \$1.5 million. The property and sewer taxes will generate about \$12,750 per year. The water and sewer revenues are expected to be about \$1500 per month.

Mr. Wright stated that the townhouses are catering to upscale clientele, and will not be rented to just anybody, they will cater to couples. He stated that they are proposing garbage pickup to be paid by the developer and there will be no unlicensed or junked vehicles in the development. There will be no more than 2 cars per unit and no boats or RVs will be allowed. He stated that there will be good lighting, and landscaping the eastern boundary, adjacent to the Forest Hills Subdivision. He stated that in developments like this there is a low ratio of children to adults, from 12% to 20%, and from this development there would probably be 8 – 12 children.

He stated that there will be 60 – 90 trips per day generated, and there is a 22-foot street in front of it.

Mr. Wright described how they meet the findings of fact:

He stated that they do not materially endanger the public health or safety of the area, in fact they enhance public safety by eliminating septic tanks and wells in the area. He stated that the development will not materially effect the traffic situation. He stated that they meet all conditions and specifications, density requirements, water and sewer requirements, impervious surfaces, screening, and setback. He stated that the proposed development is in harmony with the area and in accordance with the land use plan, the land use plan calls for higher density residential and regional commercial development in this area. Secondly, the site is in the middle of high-density development, with Callaway Mobile Home Park to the west, Denver Shores to the northeast, and Bryn Myar to the southeast, and duplexes to the south on St. James Church Road. He stated that this is a residential use, which is in conformance and harmony with the use that is already in the area. Mr. Wright stated that this is the highest and best use of the property, and the development will improve the overall appearance of the neighborhood.

Commissioner Terry Brotherton asked how this is in harmony with the surrounding community when there is nothing out there but single-family homes. He asked what was defined as excellent access. Commissioner Brotherton stated that there is a traffic problem on Will Proctor Street and this development will make it worse. Commissioner Brotherton stated that everyday he sees children on this street playing and elderly people walking. He asked the developer how this could not endanger the public health and safety. He stated that you have a couple people that are coming in and trying to rape that neighborhood for the almighty dollar.



Jerry Lackey, a Real Estate Appraiser in Lincoln County, stated that he was hired by Gary Dellinger and Kenneth Tucker to do a search of public records for properties that already existed that have multi-family and single-family houses in the same area. He stated that this is not an appraisal report, simply a search of public records, and is available to everyone. He presented a copy of this information. Mr. Lackey stated that there is nothing he can see that looks like it effects the value of the houses he looked at. He stated that it is a judgement call.

Commissioner Larry Craig asked if the development will decrease the value of the adjoining property.

Jerry Lackey stated that he could not say if it would or not.

Commissioner James Hallman asked Mr. Lackey if he would buy a home next to a major apartment complex like this one.

Jerry Lackey stated that he would if it was an upscale apartment complex and there was a barrier between his house and the apartment complex.

Commissioner Terry Brotherton stated that the word upscale is an overused word. He stated that when he thinks of upscale, he thinks about swimming pools and playgrounds.

Michelle Dillenbeck, 6760 Campground Road, spoke in favor of the request, stating that she has no problem with the town houses. She stated that her daughter will not be playing in the street, as far as the traffic goes. Ms. Dillenbeck also stated that she is an employee of Gary Dellingers.

Connie Reddus, spoke in opposition of the request, stating that she and her husband have purchased an older home on Will Proctor Street and are in the process of rebuilding it. She stated that the community is very important. Ms. Reddus stated that people walk children in the area. Ms. Reddus asked everyone in opposition of the request to stand.

Andrea Hogg spoke in favor of the request, stating that she is a resident and homeowner of Forest Hills. She stated that she has no problem with the proposal, she would like nice, brick town homes. She stated that the credibility and reputation of Gary Dellinger and Kenneth Tucker as builders in Lincoln County need the support from the citizens for the County to grow.

Thomas Keene spoke in opposition of the request, stating that 30 units would produce 30 to 60 automobiles with 3 people to each unit. He stated that

he and his wife are a retired couple. He stated that this was too much real estate on a small piece of property.

Ike Proctor spoke in opposition of the request, stating that he has been a resident of Will Proctor Street for 66 years, and would like for the community to stay single family homes.

Rob Reddus spoke in opposition of the request, stating that in the late eighties he served as a member of the Land Use Planning Advisory Committee, and in no way, shape, or fashion did he come away with the impression that this development serves the intent of their neighborhood. He stated that they are pro-development, but believe that this kind of development would be detrimental to their immediate community and have a negative impact on the harmony that is enjoyed. He stated that some issues they believe will adversely effect their quality of life should this development proceed. He stated that some of these issues are: the impact of motor-vehicle traffic, pedestrian safety, homes on street are single family homes, and this neighborhood is the historic district. He asked that the traditions of their small community to be respected and preserved.

Susan Davis, spoke in opposition of the request, stating that multi-family housing on Will Proctor Street will not be in harmony with the single-family housing that has been established in the community. She stated that she feels strongly about the traffic issue.

Paul Schaarschmidt, spoke in opposition of the request, stating that he spent a lot of money on his house, and he did not buy it to see a bunch of apartments. He stated that traffic is awful at rush hour. He stated that there are already apartments in Denver, but they empty out onto Hwy. 16.

Ellen Schaarschmidt, spoke in opposition of the request, stating that she is concerned about the traffic. She stated that her concern is to keep it single-family.

Judith Vincent, spoke in opposition of the request, stating that she is in the process of building a home in Forest Hills Subdivision. She stated that she would be able to see these apartments from her house. She stated that she doesn't want the apartments to be built. Ms. Vincent stated that the traffic on Will Proctor Street is terrible already..

Mark Davis, spoke in opposition of the request, stating that all high-density homes and trailer parks around the area are not accessible by Will Proctor Street. He stated that the safety problems are a major issue, traffic is bad enough, due to the number of people that use it as a short cut. He stated that this development would double the amount of vehicles on this road.

Cathey Harrison, spoke in opposition of the request, stating that she lives on Will Proctor Street. She stated that she does not live in a mobile home, a single-wide, or a shack, she lives in a house that was built around 1885, which was featured in the last Lincoln County Book, and is on the Historic Register. She stated that the people on Will Proctor Street do not live in shacks. Ms. Harrison stated that she loves living in the historic district, within walking distance of the Campground.

John Paysour spoke in opposition of the request, stating that he lives in the Springhill Subdivision on Will Proctor Street. He stated that his main concern is the safety of the children on the street. He stated that it is very dangerous to get onto Hwy. 16 off of Will Proctor Street.

Gary Cornelius spoke in opposition of the request, stating that he owns an older home across from the property on Will Proctor Street. He stated that he is in the process of remodeling this home. He stated that a number of the homes on this street were in the book produced by the Lincoln County Historical Society. Mr. Cornelius stated that the beauty of this area would be devastated with these apartments.

Janet Boppre, spoke in opposition of the request, stating that she has been living on Will Proctor Street for 15 years. She stated that it is difficult to get onto Highway 16 from Will Proctor Street. She stated that walking on the street is hazardous.

Richard Sigmon, spoke in opposition of the request, stating that he has lived on Will Proctor Street for about 46 years. He stated that he is opposed to the apartments.

Vickie Bowers, spoke in opposition of the request, stating that she lives directly across from the site of the proposed apartments. She stated that the way that property slants down, all 60 cars headlights would shine in her windows, as the people were coming out of the driveway.

William E. Pinson, spoke in opposition of the request, stating that the trailer park cannot be seen due to about 600 feet of thick forest. Mr. Pinson stated that Will Proctor Street has single-family housing, with very neatly trimmed and manicured yards, very nice, neat fences. He stated that it is against the law for the applicants to choose who they rent to.

Robert Streeter, spoke in opposition of the request, stating that he lives in a double-wide mobile home on Will Proctor Street, and is was zoned single-family homes. He stated that he doesn't see how these apartments could be put in their neighborhood.

Brian Harrison, spoke in opposition of the request, stating that in 1982 he and his wife bought and remodeled the old Proctor-Sigmon house. He stated that the community signed a petition stating that they do not want multi-family housing in their neighborhood. He stated that since 1982, there have been 22 single-family homes built on or off of Will Proctor Street. He stated that they are not against development, only multi-family development.

Kenneth Tucker, applicant, stated that he would like to address some things Commissioner Terry Brotherton had said. Mr. Tucker stated that the word upscale was used because most duplexes in the area are around 800 square feet and these are about 1150 square feet, with a bath and a half, and higher rent. Mr. Tucker stated that he has a \$150,000 house for sale in Forest Hills Subdivision. He stated that Forest Hills should not even be part of this discussion, because the subdivision will not be entered or exited by the proposed apartments. He stated that 2 lots from Forest Hills join this property, and as far as he knows these property owners are not against this project. He stated that this property is zoned for duplexes now by right and he will develop this area somehow. He stated that Commissioner Terry Brotherton has a personal interest in this, because he is planning on building his house on this street.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 129—Gary Dellinger & Kenneth Tucker, applicants, closed.

### **Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant.

Judy Francis, Zoning Administrator, presented Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant.

The applicant is requesting to rezone two adjacent parcels, totaling approximately .75 acre in size and located on Highway 16 in the highway overlay district, from R-T to B-N. The applicant is also requesting Conditional Use Permit approval to allow an office/showroom and boat sales lot to be located on these parcels.

The properties are located on Highway 16 at Water Oak Drive in the Denver area. It is surrounded by B-N zoning to the east and south, I-G zoning to the west, and R-CR zoning to the north. The parcels lie within the DH district. Currently there is a mobile home on the corner lot that will soon be removed. An older home currently being used as an office will be demolished when the showroom is constructed a year or so from now. Surrounding properties have a church and commercial structures on them. The Lincoln County Land Development Plan calls for high-density residential and regional commercial development in this area.

Jim Ledford, applicant, stated that he would like to change zoning on this property. He stated one parcel is being used for a business now under the grandfather clause. He stated that he would like to rezone that parcel and another strip that runs down Water Oaks Road and joins property he already has zoned that way. He stated that he would eventually like to put a showroom here.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Rezoning No. 50—Jim Ledford, Applicant, closed.

**Parallel Conditional Use Rezoning No. 51—Carl C. Moore III and Surrounding Neighbors, applicants.**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 51—Carl C. Moore III and Surrounding Neighbors, applicants.

Judy Francis, Zoning Administrator, presented Parallel Conditional Use Rezoning No. 51—Carl C. Moore III and Surrounding Neighbors, applicants.

The applicants are requesting to rezone approximately 39.3 acres of property on Grigg Road from R-SF to R-S. There is also a request for a Conditional Use Permit to allow a Class C mobile home to be located on one of these parcels.

These properties are located on Grigg Road in the Reepsville area. There is R-SF zoning to the east, north, and south and R-S zoning to the west. Currently there are mobile homes and single-family residences on these parcels though the one requesting a conditional use permit is vacant. Surrounding properties have mobile homes and single-family residences on them. The Lincoln County Land Development Plan calls for medium density residential development in this area.

The following parcels were originally in the application:

Owner's Name	Parcel #	Property Size
Reep, Timothy	13455*	1.9 A
	12572	.93 A
Moore, Carl	13366	1.01 A
Grigg, Glenda	13367	6.7 A
	13369	3.2 A
Grigg, Mary	13368	1.4 A
Reep, Linda	13364	3.4 A
Boyles, Dan	13660	20.8 A
<b>Total</b>	<b>8</b>	<b>39.34 A</b>

\* = Parcel to have Class A mobile home placed on it.

Judy Francis, Zoning Administrator, stated that Glenda Grigg, Mary Grigg, and Dan Boyles had withdrawn from the application. Ms. Francis stated that the reason there were so many applicants on the first application was to connect to an existing R-S district to allow a singlewide mobile under conditional use permit. She stated that the property now consists of about 7.25 acres. She stated that at one time it was almost 40 acres. She stated that the applicants still on application were Timothy Reep, Carl Moore, and Linda Reep.

Carl C. Moore, applicant, stated that he had made this request because his daughter is getting married soon, and he wants them to be able to place a mobile home on this property. He stated that they only want to place one mobile home on this property and the property has a septic tank, well, and is already cleared. He stated that they are purchasing a 1990 mobile home, approximately 65 feet long. He stated that it has been approximately 10 years since a mobile home had sat there. Mr. Moore stated that there is already a driveway to this property.

Commissioner James Hallman asked Assistant County Attorney, Jeff Taylor, if this would be considered spot zoning.

Jeff Taylor, Assistant County Attorney, stated that this is not a drastic change, and that is one of the factors of spot zoning. Mr. Taylor stated that he would not think it would be spot zoning. Jeff Taylor stated that to make it parallel, it is parallel for one particular use only.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 51—Carl C. Moore & Surrounding Neighbors, applicants.

Will Byers, spoke in opposition of the request, stating that he is against the land being rezoned. He wants the land to remain Residential Single-Family.

Sue Jane Sides, stated that she has no problem with there only being one trailer placed on the property.

Marvin Leatherman stated that he was happy that Mr. Boyles had removed his name from the petition.

Sam Byers stated that he would like the zoning to stay as it is. He stated that there are a lot of trailers in that area that need to be hauled to the junkyard.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Rezoning No. 51—Carl C. Moore III and Surrounding Neighbors, applicants, closed.

#### **Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant.**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant.

Judy Francis, Zoning Administrator, presented Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant.

The applicant is requesting to rezone Lot #3 (approximately 5 acres in size) of S.D. Howard's property on Highway 16 in the highway overlay district, from B-N (Neighborhood Business) to I-L (Light Industrial). The applicant is also requesting conditional use permit approval to allow an office and racing workshop to be located on this parcel.

This property is located on Highway 16 in the Denver area. It is surrounded by B-N & B-G on all sides with some R-SF zoning to the east. The lot lies within the DH district and the WS-IVP watershed and is currently vacant. Currently there is a mobile home on the corner lot that will soon be removed. Surrounding properties have residential and commercial structures on them. The Lincoln County Land Development Plan calls for high-density residential development in this area.

Charles "Hank" Parker stated that he has his administrative offices in Denver and his racing shop in Triangle Industrial Park. He stated that he would like to combine the two and build a new office building on this property.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 52—Charles B. Parker, Applicant.

Being no one wishing to speak, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Rezoning No. 52—Charles B. Parker, 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.

#### **PUBLIC HEARING—LOWESVILLE LANE**

Jeff Vernon, Administrator, Addressing and Road Naming Ordinance, presented the following memorandum regarding the Petition for the closing of Lowesville Lane.

TO: Rick French  
County Manager

FROM: Jeff Vernon  
Administrator, Addressing and Road Naming Ordinance

DATE: February 19, 1998

RE: Petition for Lowesville Lane

Attached is a copy of a petition presented to me by Mr. John O'Brien on behalf of some of the residents of Lowesville Square Subdivision regarding changes to be made on a dead-end road on the Sifford Road end, citing their fears for the safety of their children as a basis for the request.

Lowesville Lane is located in the southeast corner of the County and runs between Hwy 16 and Sifford Rd. It is a narrow, somewhat winding road without pavement markings and with very narrow shoulders. There is no sidewalk nor any curb or gutter on this road. It seems to be residential in nature instead of the Major cut-through it has apparently become.



I have enclosed copies of all the material presented to me with this petition for your review.

Jeff Vernon stated that there was a R.C. Sifford that would not sign the petition, but Mr. Sifford's driveway is not on Lowesville Lane.

Jeff Vernon presented the following Resolution Concerning the Closing of Lowesville Lane to Through Traffic. He stated that it may in the County's best interest to strike telling them where to close the road, stating the Board could just say that the road be closed to through traffic. Mr. Vernon stated that he had been down this road, and it is very narrow, winding road.

**RESOLUTION CONCERNING  
CLOSING OF LOWESVILLE LANE TO THROUGH TRAFFIC**

WHEREAS, Lowesville Lane is currently open to through traffic going to and from Sifford Road; and

WHEREAS, a residential neighborhood is located on and along Lowesville Lane and contains a number of children; and

WHEREAS, the residents of Lowesville Lane have called attention to the fact that the volume and speed of through traffic to and from Sifford Road pose a danger to the children as well as adults and pets living on and along Lowesville Lane; and

WHEREAS, Lowesville Lane is a part of the State secondary road system; and

WHEREAS, pursuant to North Carolina General Statute 136-63, the Board of Commissioners may petition the North Carolina Department of Transportation to close the road to through traffic when the best interests of the people of Lincoln County will be served thereby; and

WHEREAS, the Board of Commissioners verily believes that the best interests of the people of Lincoln County will be served by the closure of Lowesville Lane to through traffic ~~at the Sifford Road end~~; and

WHEREAS, the Board of Commissioners verily believes that the consent of all property owners currently of record on and along Lowesville Lane should be and has been verified;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Lincoln County Board of Commissioners request the North Carolina Department

of Transportation to close Lowesville Lane pursuant to North Carolina General Statute 136-63.

This 2<sup>nd</sup> day of March, 1998.

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Louis E. McConnell  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Long, Clerk to the Board

Chairman Louis McConnell asked if the State was getting ready to take the road over.

Jeff Vernon stated that the road is state-maintained up to a certain point, and it is their understanding that the state will take it over after this action is done.

John O'Brien stated that their main concern is for children because people fly up and down the road. He stated that there have been many pets ran over on this road. He stated that they have 100% of the signatures on the petition. Mr. O'Brien stated that East Lincoln is growing at a very rapid pace.

Larry Shouse stated that he would like the road closed, and said that he has had a dog ran over on this road. He stated that children were out there playing when the dog was hit and it could easily have been a child hit instead of the dog.

Dr. John McLean stated that he lives on Lowesville Lane and there have been several dogs hit on this road. He stated that his daughter rides her bicycle on this road and he worries about her safety.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on the Closing of Lowesville Lane closed.

A motion by Commissioner Terry Brotherton to approve the Resolution Concerning Closing of Lowesville Lane to Through Traffic taking with the .

Seconded by Commissioner James Hallman.  
Unanimously approved.

## COMMUNITY TRANSPORTATION APPLICATION

Rick French, County Manager, stated that there had already been a public hearing on the Community Transportation Application. He presented the following Resolution for approval.

### RESOLUTION

Applicant Seeking Permission to Apply for CTP Funding,  
Enter Into Agreement with the North Carolina Department Of Transportation  
And to Provide the Necessary Assurances.

A motion was made by (*Board Member's Name*) \_\_\_\_\_

and seconded by (*Board Member's Name*) \_\_\_\_\_  
for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation has received a grant from the US Department of Transportation, Federal Transit Administration and funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, (*Applicant's Name*) Lincoln County Group Home for the Handicapped, Inc. hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)\* President

of (*Name of Local Governing Body*) Lincoln County Group Home for the Handicapped, Inc. is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)\* Amy S. Long (*Title*) Clerk to the Board of County Commissioners do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Local Governing Board*) Lincoln County Board of Commissioners duly held on the \_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
*Signature of Certifying Official*

Lincoln County Board of Commissioners

*Name of Local Governing Board*

Subscribed and sworn to me (date) \_\_\_\_\_

\_\_\_\_\_  
*Notary Public \**

\_\_\_\_\_  
*Address*

*Seal*

My commission expires (date) \_\_\_\_\_

*\*Note that the official authorized to submit the grant application, certifying official, and notary public should be three separate individuals.*

A motion by Commissioner James Hallman to approve the Resolution  
FY99 Community Transportation Program (CTP) Grant Application Section 2.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

## **PROPOSED ASSESSMENT POLICY**

Rick French, County Manager, stated that the Board had discussed this proposed assessment policy before. He presented the following memorandum from Doug Chapman.

### **MEMORANDUM**

Date: February 25, 1998  
To: Richard French, County Manager  
From: Douglas Chapman, County Engineer  
Subject: Blum Project Sewer Project Assessment Policy

When the application for the Economic Development Grant for Sewer Service to Julius Blum, Inc. an assessment policy was approved allowing for repayment of a portion of the funds obtained to the Department of Commerce by other customers connecting to the lines installed. We have since found out that the policy approved is not in accordance with the requirements for the grant, therefore a new policy was written, which needs approval.

The proposed policy, attached for your review, outlines that any customer connecting to the sewer line along Old Plank Road pay an assessment fee of \$300 per connection. This fee will be in addition to any other connection fees, such as the current residential rate of \$3300. Fifty percent (50%) of the monies collected by this assessment must be returned to the Commerce Finance Center in accordance with our agreement with the Dept. of Commerce. The remainder will go to offset cost incurred by Lincoln County for the project. The assessment must remain in effect for a period of five (5) years.

If you have any questions, please do not hesitate to ask.

Rick French presented the following proposed assessment policy.

**LINCOLN COUNTY/JULIUS BLUM, INC.  
ECONOMIC DEVELOPMENT GRANT**

**PROPOSED ASSESSMENT POLICY**

The County of Lincoln is required, as a condition of a Community Development Block Grant for Economic Development to provide sanitary sewer service to Julius Blum, Inc., to adopt an assessment policy regarding any future users of these public facilities in that area. This construction is designed to provide much needed sanitary sewer service to Julius Blum, Inc., located on Old Plank Road in eastern Lincoln County. The assessment policy delineated herein is designed to give the County of Lincoln a mechanism to equitably provide sewer service to future users in the area who receive sewer service as a result of Community Development Block Grant Economic Development funding.

1. Future users connecting to the sanitary sewer system on Old Plank Road shall be required to pay an assessment fee of \$300 per sewer connection. This fee is in addition to normal connection fees and shall be paid in full to Lincoln County prior to connection to the designated lines.
2. The assessment fee required in Section 1 shall not be imposed on any business that is owned by low and moderate income individuals, or any residence that is owned or occupied by low and moderate income individuals. This assessment fee shall be waived for Julius Blum, Inc.
3. The County of Lincoln reserves the right to reduce the assessment fee charged to any future users based upon the economic impact on the County's overall economy.
4. All revenue generated by this assessment policy prior to completion of the project shall be used to reduce the amount of the CDBG-ED Grant. Fifty percent (50 %) of all revenue generated by the assessment policy thereafter

shall, for a period of five (5) years, be returned to the Community Development Block Grant Program at the Commerce Finance Center for the funding of future Economic Development Projects. The fifty percent (50%) retained by the County shall be used to finance the additional expense incurred by Lincoln County to upgrade the pumping capacity of the Old Plank Road Pump Station.

ADOPTED this 2<sup>nd</sup> day of March, 1998.

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Louis E. McConnell, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy Long, Clerk to the Board

A motion by Commissioner James Hallman to approve the Proposed Assessment Policy for Lincoln County/Julius Blum, Inc. Economic Development Grant.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

## **INCORPORATION OF DENVER**

Carol Clise stated that she lives in the East End of the county. She respectfully requested that when the Board considers this proposal, they would consider more long range planning, and a bigger scope. She stated that this is a very small area. She commented that there is a large group in the east that have also been discussing incorporation. Ms. Clise suggested that the Board delay a decision on this matter.

Renee' Tench stated that she had sent a letter to each of the Commissioners voicing her concerns about the Incorporation of Denver. She stated that she is neither for or against the incorporation, she would just like more information. She asked if she could see an actual proposal. She also asked what the tax money was for, what she would gain as a resident of Denver, and if this could be left up to the residents in referendum. She stated that there

needed to be ways to inform the community and that she would volunteer her time to do this.

Lee Killian stated that he lives in Denver and is in favor of the Incorporation.

Clyde Armstrong stated that he has heard very little opposition on this incorporation, and the opposition he has heard has been very unique. He stated that Denver will change whether everyone wants it to or not, this proposal is a growth-management system.

Commissioner Larry Craig stated that one of his big concerns was the amount of tax dollars that the County would lose due to the Incorporation of Denver. He stated that he is looking for a security method.

Mr. Armstrong stated that based on the .01 to .02 cent tax rate it would generate \$10,000 to \$20,000 per year. He stated that does not qualify Denver for any sales tax, the tax rate would have to be .05 cent for them to qualify. He stated that a proposal that could be worked out would be that in the first four to five years the City of Denver could give the tax money back to the County.

Chairman Louis McConnell asked if the City of Denver would take over services the County provides.

Clyde Armstrong stated that the decision would not be for his group to decide. He stated that any community over the long period would start accepting some responsibility for its growth.

Commissioner Larry Craig stated that if the County has time to prepare for what money will be lost to the City, he does not have a problem with it.

Commissioner James Hallman stated that the main thing would be to build into the Charter some guarantees including: having a referendum before fully established and a moratorium on any retaining of sales taxes and a graduated schedule for the remainder.

Chairman Louis McConnell stated that he has some concerns, and there are some questions that need to be answered before this matter is voted on.

Commissioner Beth Saine stated that she would like to see something in writing.

Commissioner James Hallman stated that he would need to see the Charter proposal before voting on it.

Commissioner Terry Brotherton stated that the Board basically supports the concept of the Incorporation, but reserves the right to review the Charter.

Gilbert List stated that he has some questions about the Incorporation. He asked who would be involved in the referendum if one was held. He stated that when a town is incorporated, it has the ability to annex at will. He asked if the Board has objections to the other incorporation.

Commissioner Larry Craig stated that if he favors the Incorporation of Denver, he would not favor another city at this time.

Commissioner Terry Brotherton stated that the Legislature would not look favorably on two cities that close to each other.

## **OTHER BUSINESS**

Rick French, County Manager, stated that there was a resolution seeking permission to apply and accept SFY1997-98 Work First/Employment Transportation Operating Funds.

### **APPLICANT SEEKING PERMISSION TO APPLY AND ACCEPT SFY1997-98 WORK FIRST/EMPLOYMENT TRANSPORTATION OPERATING FUNDS**

A motion was made by County Commission member James Hallman and seconded by Commissioner Larry Craig for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/or other employment transportation needs; and

WHEREAS, the ASY1997-98 funds are available for eligible program costs for the period specified by the North Carolina Department of Transportation; and

WHEREAS, the Lincoln County Board of Commissioners has approved the local entity(s) designated to receive the operating allocation for Work First and employment transportation; and



WHEREAS, the Lincoln County Board of Commissioners hereby assures and certifies that it will comply with state statutes, executive orders and all administrative requirements which relate to applications, made to and assistance received from the North Carolina Department of Transportation for the Work First/Employment Transportation Operating Funds program.

NOW, THEREFORE, be it resolved that the Lincoln County Board of Commissioners hereby submits an application for SFY1997-98 Work First/Employment Transportation Operating Assistance Program funds for use by the designated local entity(s) and assures that it will provide to the North Carolina Department of Transportation information regarding the use of the funds at such time and in such manner as the Department may require.

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Signature of Certifying Official

## **VACANCIES AND APPOINTMENTS**

### **VACANCIES**

#### **Planning Board**

North Brook 1

ETJ 1

#### **Recreation Commission**

Ironton 2

#### **Council on Aging 1**

#### **Alternate Board of Appeals 2**

#### **Dangerous Dog Appellate Board 5**

#### **East Lincoln Water and Sewer Advisory Committee 1**

#### **Lincoln County Child Protection Team 1**

#### **Lincoln-Gaston Area Mental Health Board 1**

### **APPOINTMENTS**

#### **Historic Properties Commission**

- Bill C. Beam

- Dr. Elizabeth Dreesen

#### **Lincoln-Gaston Area Mental Health Board**

- Dr. Elizabeth Dreesen

A motion by Commissioner James Hallman to appoint Bill C. Beam and Dr. Elizabeth Dreesen to the Historic Properties Commission and Dr. Elizabeth Dreesen to the Lincoln-Gaston Area Mental Health Board.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

## **ADJOURNMENT**

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the March 2, 1998 meeting.

Commissioner James Hallman motioned that the Board adjourn.

Seconded by Commissioner Larry Craig.  
Unanimously approved.