

**LINCOLN COUNTY  
BOARD OF COMMISSIONERS****MINUTES  
MAY 4, 1998**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 4, 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

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

Planning Board Members present were:

John H. Black, Jr., Chairman  
Mike Baker, Vice Chairman  
Gary Garlow  
Linda Anthony  
Stanley Roseboro  
Ronald Smith

Also present were Sheriff Barbara Pickens, Leon Harmon, Finance Director, Jack Chandler, Director of Public Service, Doug Chapman, County Engineer, Judy Francis, Zoning Administrator, Jeff Vernon, Director of Building and Land Development, and Amy S. Long, Clerk to the Board of Commissioners.

The Lincoln County Board of Education was also in attendance, along with Dr. Martin Eaddy, Superintendent, Ed Hatley, Assistant Superintendent and other School Administration.

**CALL TO ORDER**

Chairman McConnell called the May 4, 1998 meeting to order.

**ADOPTION OF THE AGENDA**

Chairman McConnell presented the May 4, 1998 agenda for approval.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**AND**  
**PLANNING BOARD**  
**MAY 4, 1998**  
**PUBLIC HEARINGS**

	6:30 PM	Call to Order
1.	6:30 PM	Adoption of Agenda
2.	6:30 PM	Approval of Minutes - March 9, 1998
3.	6:30 PM	New Business/Advertised Public Hearings <ul style="list-style-type: none"><li>- Zoning Map Amendment No. 255 – Bobby A. Propst, Applicant, Request to rezone approximately two acres of his property, on Zur Leonard Road, in the Vale area, from Residential Single Family (R-SF) to Rural Residential (R-R) to accommodate mobile homes for family members.</li><li>- Conditional Use Permit No. 131 – Fred A. Smith, Applicant Requests a Conditional Use Permit to subdivide approximately two acres off of this parcel, on Crouse School Road in the Howards Creek Township, and allow a Class C mobile home to be placed in the Residential Suburban (R-S) district.</li><li>- Parallel Conditional Use Rezoning No. 49 – Park West Enterprises, Applicants, Requests to rezone approximately 69 acres from Residential Single Family to Planned Residential District to accommodate a single-family home subdivision comprising 102 lots. This property is located on Little Egypt Road in the Catawba Springs Township.</li></ul>

4. 7:00 PM Lincoln County Home and Community Care Block Grant Funding Plan – Gayla Woody
5. 7:10 PM Presentation of School Board Budget
6. 7:25 PM Presentation of Sheriff's Department Budget
7. 7:40 PM Cultural Center Budget – Lori Montgomery
8. 7:50 PM Westport Golf Club Day Proclamation
9. 7:55 PM Letter of Credit for Waterside Crossing
10. 8:00 PM Vacancies
11. 8:05 PM Appointments
12. 8:10 PM Other Business
13. 8:25 PM Recommendations from the Planning Board
  - Zoning Map Amendment No. 255—Bobby A. Propst, Applicant.
  - Conditional Use Permit No. 131 -- Fred A. Smith, Applicants.
  - Parallel Conditional Use Rezoning No. 49 – Park West Enterprises, Applicants.
14. 9:30 PM Closed Session—Personnel and Contractual  
Adjourn

A motion by Commissioner Terry Brotherton to adopt the agenda with the addition of Board of Variance and Appeals case as Item 3a if time permits, if not it will be at the end of the agenda.

Seconded by Commissioner James Hallman.  
Unanimously approved.

## **APPROVAL OF MINUTES**

Chairman McConnell presented the minutes of the March 9, 1998 work session for approval.

A motion by Commissioner James Hallman to approve the minutes with the following corrections in bold: putting in where Chairman McConnell left the meeting.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

## **PUBLIC HEARING - ZONING ISSUES**

Chairman McConnell announced that this was the date, Monday, May 4, 1998 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on April 24, 1997 and May 1, 1997 for a Public Hearing on zoning requests.

### **NOTICE OF PUBLIC HEARING**

The Lincoln County Planning Board and the Board of County Commissioners will hold a joint meeting and public hearing at 6:30 PM on May 4, 1998 to consider the following zoning related matters:

ZMA 255: Bobby A. Propst, Applicant (Parcel ID#12710) A request to rezone approximately two acres of his property from Residential Single Family (R-SF) to Rural Residential (R-R) to accommodate mobile homes for family members.

CUP 131: Fred A. Smith, Applicant (Parcel ID#15306) A request for a Conditional Use Permit to subdivide approximately two acres off of this parcel and allow a Class C mobile home to be placed in the Residential Suburban (R-S) district.

PCUR #49: Park West Enterprises, applicant (Parcel ID#73404) A request to rezone approximately 69 acres from Residential Single Family to Planned Residential District to accommodate a single-family home subdivision comprising 102 lots.

This meeting will be held in the Commissioners Board Room on the third floor of the Citizen's Center, 115 W. Main Street in Lincolnton, NC. For more information, please contact the Department of Building and Land Development at (704) 736-8440.

### **Zoning Map Amendment No. 255—Bobby A. Propst, Applicant.**

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 255—Bobby A. Propst, Applicant.

The applicant is requesting a zoning map change for approximately two acres of his property from Residential Single-Family (R-SF) to Rural Residential (R-R) to accommodate mobile homes for his children on lots to be subdivided from his land.

The property is located on Zur Leonard Road in the Vale area and is currently zoned R-SF. The total parcel size is 4.18 acres. The applicant wishes to rezone two acres to R-R in order to create two lots that allow mobile homes for his children. The parcel currently has one single-family residence on it. Surrounding parcels have single family and mobile homes on them. The parcel has Residential Single-Family (R-SF) district to the north and east and Rural Residential (R-R) district to the south and west. The Lincoln County Land Development Plan calls for low density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 255—Bobby A. Propst, Applicant.

Bobby Propst, applicant, stated that he just wanted a place that his sons and daughter can be with him.

Charles Wilson spoke in opposition of the request, stating that he lives at 3126 Zur Leonard Road and is opposed to the land being zoned for trailers. He stated that he has a brother-in-law, Hubert Anderson that owns the connecting portion of the land. He stated that Mr. Anderson lives in Maryland and is also opposed to this. He stated that his sister and brother-in-law, T. G. Waters, land connects with this land, and that they are opposed also. He stated that they are out of town and could not be here.

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. 255—Bobby A. Propst, Applicant, closed.

#### **Conditional Use Permit No. 131—Fred A. Smith, Applicant**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Conditional Use Permit No. 131—Fred A. Smith, applicant.

Judy Francis, Zoning Administrator, presented Conditional Use Permit No. 131—Fred A. Smith, applicant.

The applicant is requesting conditional use permit approval to allow for the placement of a Class C mobile home on land owned by himself in the Residential Suburban (R-S) district. If approved, the applicant will subdivide approximately two acres from the back portion of his property for this purpose.

The property is located on Crouse School Road in the Howards Creek Township. The total parcel is 18 acres in size, however the portion of land needing a Conditional Use Permit is approximately 2 acres in size and is owned by the

applicant. This land is currently vacant. The Residential Suburban (R-S) district lies to the south, the Residential Transition (R-T) district is to the east, and the Residential Single Family (R-SF) district is to the north and west of the parcel. Surrounding structures are predominantly single-family residences and mobile homes. 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. 131—Fred A. Smith, applicant.

Fred A. Smith, applicant, stated that he wants to give his son a place to live.

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. 131—Fred A. Smith, applicant, closed.

#### **Parallel Conditional Use Rezoning No. 49—Park West Enterprises, Applicant**

Having been duly sworn by the Clerk, Amy S. Long, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 49—Park West Enterprises, applicant.

Judy Francis, Zoning Administrator, presented Parallel Conditional Use Rezoning No. 49—Park West Enterprises, applicant.

The applicant is requesting a zoning map change for approximately sixty-nine acres of property from Residential Single-Family (R-SF) to Planned Residential (P-R) and a Conditional Use Permit to accommodate a 102 single-family lot subdivision.

The property is located on Little Egypt Road in the Catawba Springs Township and is currently zoned R-SF. The total parcel size is approximately sixty-nine acres. The applicant wishes to rezone the parcel to P-R in order to create a 102 lot subdivision. The parcel is currently vacant. Surrounding parcels have single family homes on them. The parcel has Residential Single-Family (R-SF) district and Residential Suburban (R-S) district to the north, Residential Transition (R-T) district to the west, and General Industrial (I-G) district to the east and south. This site will be serviced by the East Lincoln Water & Sewer District. The Lincoln County Land Development Plan calls for lower density residential development in this area.

Judy Francis, Zoning Administrator, stated that the applicants are proposing that there will be 2 phases, the first with 35 lots and the second with 67 lots. She stated that the total developed area will be 64.50 acres with 102 lots. The homes will be \$120,000 to \$150,000. The development will annex into the sewer

system. A traffic study was also submitted. Ms. Francis stated that this is a concept approval.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 49—Park West Enterprises, applicants.

Commissioner Terry Brotherton stated that this would be classified as a major subdivision, the owner could do it by right with under 50 homes. He stated that this is a proposed subdivision with 104 homes and there are around 1.6 children per household. He stated these homes are priced from \$125,000 - \$150,000, Lincoln County will only get \$80,000 to \$85,000 annually from property taxes from this subdivision. He stated that if there were a shortage of housing in Lincoln County, it would be a different subject. He stated that this subdivision will not serve the best interest of the people of East Lincoln or the entire County. He stated that a point has been reached in East Lincoln where the Board needs to be more selective. He stated that Commissioner Larry Craig brought up the idea of a moratorium. He commented that the Board has the right to reject a subdivision.

Jeff Taylor, Assistant County Attorney, stated that there was a recent court decision that indicates that Countys have the authority to consider things like impact on a school system with large scale subdivisions. He stated that some changes may be needed in the Subdivision Ordinance.

Commissioner Terry Brotherton stated the County is not getting the Commercial and Industrial growth to offset these subdivisions.

Bruce B. Blackmon stated that he represents Park West Enterprises. He stated that they have worked diligently with Judy Francis and her department under the new set of zoning regulations. The East Lincoln Sewer and Water District is under capacity and they are right across the street. He stated that this is not the most desirable piece of property, it is across the road from the Sewer Plant and is right next the railroad. He stated that there are empty nesters and young people in Lincoln County who want to buy a good quality home. He stated that there will be a walking trail along the creek and some open space. He stated that they are spending \$65,000 to put a sewer line up the main road.

Commissioner James Hallman asked how long they expected for build-out.

Mr. Blackmon stated that they expect a three year build-out, but that it will probably take longer.

Mr. Blackmon stated that Highway 16 is going to close off Little Egypt Road on one end. He stated that the road will be closed at Hwy. 16. He stated

that when this road is closed off it will take out the cut-through traffic and even with the subdivision the traffic volume will go down.

Carol Clise stated that she has a concern about schools, but she stated that she is more concerned with the East Lincoln Sewer District. She stated that the current sewer plant was built for the district as it was mapped out. She stated that several developments have been annexed into the Sewer District. She stated that referring to the figures that came from the Sewer Task Force, the sewer is underutilized, because of the confusion and high costs of hooking up. She commented that if the Board continues to annex developments into the Sewer District, the current plant will be at capacity.

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. 49—Park West Enterprises, applicants, 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.

#### **LINCOLN COUNTY HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN – GAYLA WOODY**

Gayla Woody, with Centralina Council of Government, stated that in the early 1990's the State of North Carolina determined that funding for older adult services from federal and state sources would be block granted into the Home and Community Care Block Grant. She stated that part of that process requires that each county establish a lead agency and an advisory committee. In Lincoln County, it was determined that the Centralina Council of Government would serve as the lead agency and the Council on Aging would serve as the Advisory Committee for the group. The responsibilities of the Advisory Committee are to take the money to determine what services are needed, how much each service will receive in funding, and what the unit rate will be for those services, and to prepare and present the funding plan to the Board of Commissioners. She stated that the law states that the Board vote on whether to approve the funding plan.

Ms. Woody stated that in the current year FY98 Lincoln County had \$217,534 and for FY99 the allocation will be \$227,798. She stated that the Home and Community Block Grant Committee has identified in-home services and transportation as the two priority services. In addition, the Committee also identified two new services: adult daycare and institutional respite that they are recommending for funding.

A motion by Commissioner Larry Craig to approve the Lincoln County Home and Community Care Block Grant Funding Plan.

Seconded by Commissioner James Hallman.  
Unanimously approved.

Chairman McConnell called for a brief recess.  
Chairman McConnell called the meeting back to order.

## **PRESENTATION OF SCHOOL BOARD BUDGET**

Virginia Dellinger spoke on behalf of the Lincoln County Board of Education. She thanked the Board for their constant support of the schools. She stated that their budget addresses two main categories: Federal and State mandates, which are required expenditures. She stated that the other basic general area is meeting the needs of the children in Lincoln County, with the growth and changes. Mrs. Dellinger stated that they are asking the Board to provide resources for the County's educational system to remain competitive with surrounding counties. She stated that they must also compete with Charter schools, possible vouchers, and surrounding counties. Mrs. Dellinger stated that in the past they have had a strong fund balance to draw funds from to initiate programs, which they no longer have.

Brent Roland stated reviewed the items that would be cut from the budget if not fully funded.

Robin Heafner stated that there is a need for at least one additional nurse in the schools.

Sara Hallman stated that the School Board has approved a program called AVID, which targets C and C+ students.

Betty Lawing stated that a long-range goal of the School Boards has been an Alternative School, which would remove troubled students from the classroom. She also commented on the revenue that will be lost due to the Charter School.

Joe Miller thanked the Board of Commissioners for the Resource Officers in the schools and for the Combustion Turbine money. Mr. Miller spoke about the capital outlay money.

Martin Eaddy presented the School Board's budget. He stated that there are 10,036 students for the 1997-98 school year. He stated that for the 1998-99 school year there are 10,298 projected students.

Jean Dellinger stated that it is important that the needs presented be met.

Commissioner James Hallman stated that this Board has been very supportive of school activities. He stated that his intent is to continue to support

schools to the best of his ability. He stated that the County's fund balance is also low, under State guidelines.

Chairman Louis McConnell stated that this Board and also the previous Boards have been very supportive of schools.

Commissioner James Hallman stated that over the last 12 years, he does not know of a school that has not been updated or rebuilt. He stated that there are no substandard schools facilities in Lincoln County to his knowledge.

Chairman McConnell thanked the School Board for their presentation.

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

A motion by Commissioner Larry Craig to recess the Board of Commissioners meeting to conduct the Board of Variance and Appeals meeting.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

Chairman McConnell called the meeting back to order.

### **PRESENTATION OF SHERIFF'S DEPARTMENT BUDGET**

Sheriff Barbara Pickens presented the Sheriff's Department budget, stating that there is only a 16.82% increase overall. She reviewed the budgets for the Sheriff's Department, Jail, Comm-center, and Animal Control.

### **CULTURAL CENTER BUDGET – LORI MONTGOMERY**

Lori Montgomery thanked the Board for their support of the Cultural Center. She respectfully requested \$30,000 for operation of the Cultural Center.

### **WESTPORT GOLF CLUB DAY PROCLAMATION**

Chairman Louis McConnell presented the following Proclamation for Westport Golf Club Day:

#### **PROCLAMATION**

**Westport Golf Club Day**

**SATURDAY, JUNE 6, 1998**

**WHEREAS**, Westport Golf Club opened for play on July 26, 1968, and

**WHEREAS**, the golf course was designed by Porter Gibson Construction, and grading was done by Bradford Bros. Company, Huntersville, North Carolina, and

**WHEREAS**, the Westport Golf Club was owned by D. L. Phillips Investment Company. DMM Golf Management Co., LLC took over ownership and management of the golf course on January 10, 1997. The corporation is composed of Mike Dick, Barry Brown, Alan McCurry and Press Mabry, and

**WHEREAS**, the golf course plays to a par 72, blue tees 6805 yards, white tees 6291 yards and red tees 5597 yards. The course records are: blue tees, Chris Tucker 64; white tees, Bobby Galloway; and Howard Reid 63 strokes, and

**WHEREAS**, Bobby Galloway was the first head professional at Westport Golf Club and Howard Reid was his assistant. The first Club Championships were won in 1969 by: (Men) George Boring; (Women) Gladys Hecht, and

**WHEREAS**, on this day, June 6, 1998, we celebrate Westport Golf Club's 30<sup>th</sup> anniversary, and

**NOW THEREFORE, THE LINCOLN COUNTY BOARD OF  
COMMISSIONERS DO HEREBY PROCLAIM** ; in recognition of Westport Golf Club's 30<sup>th</sup> anniversary, Saturday, June 6, 1998 as Westport Golf Club Day.

Proclaimed this 4<sup>th</sup> day of May, 1998.

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Louis E. McConnell, Chairman  
Board of Commissioners

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James A. Hallman  
Vice-Chairman

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Larry S. Craig  
Commissioner

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Beth H. Saine  
Commissioner

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Terry L. Brotherton  
Commissioner

Commissioner Terry Brotherton stated that Westport Golf Club is having a special day on June 6, 1998, a one day celebration for Westport Golf Club's 30<sup>th</sup> anniversary.

A motion by Commissioner Terry Brotherton to approve the Proclamation of Westport Golf Club Day.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

## **LETTER OF CREDIT FOR WATERSIDE CROSSING**

Rick French, County Manager, presented the following memorandum:

### **MEMO**

DATE: May 4, 1998  
TO: Rick French-County Manager  
FROM: Kelly Atkins-Land Use Coordinator  
SUBJECT: Waterside Crossing (**Retail section of the Development**)

The following estimates are for the paving of the road and the water and sewer line. I have received dollar quotes for the following: (a) Grading and Paving \$448,950.00 (b) Sanitary Sewer \$81,517.00 (c) Water System \$96,327.00 (d) Concrete Sidewalk \$68,000.00 (e) Erosion Control – seeding \$30,000.00. These estimates come from REA General Contractors, Incorporated.

I have contacted NCDOT and they have confirmed the quotes and stated this quote is acceptable. Also I have confirmed the dollar figure for the water and sewer lines with Doug Chapman, Lincoln County Engineer, he stated the figures are acceptable.

When the above quotes are calculated, the sum is equal to **\$724,794.00**. If you multiply \$724,794.00 times (x) 1.25, the total is equal to \$905,992.50. **The Surety Bond is for the amount of \$905,992.50.**

If you have any questions don't hesitate calling.

Sincerely,

Kelly Atkins  
Land Use Coordinator

Cc: Jeffrey Taylor

Jeff Taylor, Assistant County Attorney, stated that this is actually a contract and bond for Waterside Crossing. He stated that this is a standard deal that is done with developers to secure the performance of their installation of improvements, as a condition of their subdivision plat approval. He stated that the developers secure their performance with either a letter of credit or a bond. He stated that the Board needs to entertain a motion to authorize the County Manager to enter into the contract on behalf of the County.

A motion by Commissioner Larry Craig to allow Mr. French, County Manager, to expedite this process and enter into this contract on behalf of the County.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

## **VACANCIES**

**Dangerous Dog Appellate Board (5)**

**Lincoln County Council on Aging (2)**

**Alternate Board of Appeals (2)**

**Lincoln County Child Protection Team (1)**

**Planning Board – ETJ (1)**

**Nursing and Adult Care Home Community Advisory Committee (4)**

## **APPOINTMENTS**

Commissioner James Hallman advised that he had no appointments at this time.

## **OTHER BUSINESS**

Rick French, County Manager, stated that a request has been received for handicapped parking at the Court House. He stated that Bill Ward has looked into this.

Mr. French stated that a request has also been received for tornado warning sirens, which Bill Ward is also looking into.

Mr. French asked the Board to cancel the meeting on May 7, 1998 and to handle the business on May 11, 1998 at 6:30 PM.

It was the consensus of the Board to cancel the May 7, 1998 meeting and handle the business on May 11, 1998 at 6:30 PM.

Mr. French presented the following Resolution to Increase Facilities and Officer Fees.

## **RESOLUTION**

### **Lincoln County Board of Commissioners**

#### **Needed Increase in Facilities and Officer Fees**

**WHEREAS**, North Carolina General Statutes Chapter 7A-302 requires counties to provide adequate courtrooms and judicial facilities within their respective boundaries; and

**WHEREAS**, NC G.S. Chapter 15-209 requires counties to provide suitable accommodations for probation officers in or near the courthouse; and

**WHEREAS**, since 1965 the NC General Assembly has recognized the financial burden on counties and thus enacted NC G.S. 7A-304 and 7A-305 to establish fees which in 1994 were set at six dollars per case for facilities and five dollars for officers; and

**WHEREAS**, the costs of provision and maintenance of such facilities by counties have increased dramatically through the employment of maintenance staff and additional court security officers, through the renovation and construction of courthouses, courtrooms, clerk-of-superior court offices, judicial offices, and through the installation of expensive security systems to reduce the staggering increase in courthouse violence; and

**WHEREAS**, as a direct result of these additional requirements, Lincoln County now incurs expenses of providing court-related facilities which consistently exceeds the revenues received from fees generated from fees for facilities and officers; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Lincoln County Board of Commissioners requests that its legislative delegation in the NC General Assembly introduce and actively pursue and support statewide legislation to increase the facilities fee from six dollars to at least twelve dollars per case and further to increase the officers' fee from five dollars to at least ten dollars per case which will partially defray the costs of providing and maintaining court-related facilities; that its legislative delegation further seek to provide other appropriate funding sources which will reduce the overbearing ratio of expenses to revenues; and that this resolution be forwarded to the County's legislative delegation, the North Carolina Association of County Commissioners, and all other ninety-nine counties to request their collective assistance and support in the upcoming legislative session.

This, the 4<sup>th</sup> day of May, 1998.

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Louis E. McConnell  
Chairman, Board of Commissioners

ATTEST:

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Amy S. Long  
Clerk to the Board

A motion by Commissioner James Hallman to approve the Resolution for the Needed Increase in Facilities and Officer Fees.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

Rick French, County Manager, stated that he had received notice of a proposed rate change from Charter Communications.

#### **RECOMMENDATIONS FROM PLANNING BOARD MEETING -- MAY 4, 1998**

Jeff Vernon, Director of Building and Land Development presented the Planning Board's Recommendations as follows.

##### **Zoning Map Amendment No. 255—Bobby A. Propst, Applicant**

The Planning Board's Recommendation was unanimous approval as requested.

A motion by Commissioner Larry Craig to table Zoning Map Amendment No. 255 – Bobby A. Propst, applicant, until parcel dimensions and future subdivision is shown on plat, to be revisited at the May 18, 1998 meeting.

Seconded by Commissioner James Hallman.  
Unanimously approved.

##### **Conditional Use Permit No. 131—Fred A. Smith, Applicant**

The Planning Board recommended unanimous approval as requested.

Chairman McConnell presented the Findings of Fact for Conditional Use Permit No. 131—Fred A. Smith, Applicant.

RECOMMENDATION ON FINDINGS OF FACT  
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 131

Date: May 4, 1998

Applicant's Name: Fred A. Smith  
Address: 3660 Crouse School Road  
Crouse, NC 28033

Property Owner's Name: Fred A. Smith  
Address: 3660 Crouse School Road  
Crouse, NC 28033

Property Location: Crouse School Road

Existing Zoning: R-S

Proposed Conditional Use: Subdivide 2 acres in rear of property for Class  
Commissioner mobile home

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner Terry Brotherton.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan, based on the fact that this is a condition that is allowed in this district.  
Vote: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner Terry Brotherton.  
Factual Reasons Cited: The use meets all required conditions and specifications, based on the fact that this is allowed by conditions in this district.  
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 X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, due to the fact that this is an allowed situation by conditions.  
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 in question. Yes X No   

Motioned by Commissioner Larry Craig.

Seconded by Commissioner Terry 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 in question, based on the fact that this is a situation allowed by conditions, and it abuts mobile homes.

Vote: Unanimously approved.

After having held a public hearing on May 4, 1998, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Terry Brotherton motioned that the Conditional Use Permit be approved with the no "fair and reasonable conditions" attached. Seconded by Commissioner Beth Saine.

Vote: Unanimously approved.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1.

2.

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May 4, 1998

Chairman  
Lincoln County Board of Commissioners

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May 4, 1998

Clerk to Board of Commissioners

**Parallel Conditional Use Rezoning No. 49—Park West Enterprises, applicant.**

The Planning Board unanimously recommended to approve the request with the following conditions:

1. The developer must provide a sewer easement along Forney Creek for future expansion as per County Engineer, and
2. The developer must agree to annex the development into the County's Water and Sewer District.

Judy Francis, Zoning Administrator, stated that the Planning Board also volunteered to head up a task force that would study the cost impact of subdivisions on the County.

Commissioner Larry Craig stated that the Board should put a limit on the number of homes built per year.

A motion by Commissioner Larry Craig to allow rezoning from R-SF to P-R subject to Conditional Use Permit.

Chairman McConnell presented the findings of fact for Parallel Conditional Use Rezoning No. 49—Park West Enterprises, Applicant.

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

#### LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-# 49

Date: May 4, 1998

Applicant's Name: Park West Enterprises  
Address: P. O. Box 1565  
Lincolnton, NC 28093

Property Owner's Name: Same as above  
Address:

Property Location: Little Egypt Road

Existing Zoning: R-SF

Proposed Conditional Use: 102 single-family lot subdivision

#### FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No     
Motioned by Commissioner James Hallman.  
Seconded by Commissioner Larry Craig.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan, a traffic impact analysis that supports the fact that it will not endanger the public health or safety and will be on County Water and Sewer.  
Vote: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No

Motioned by Commissioner James Hallman.

Seconded by Commissioner Larry Craig.

Factual Reasons Cited: The use meets all required conditions and specifications as presented.

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 X No       

Motioned by Commissioner James Hallman.

Seconded by Commissioner Larry Craig.

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 in question. Yes X No       

Motioned by Commissioner James Hallman.

Seconded by Commissioner Larry Craig.

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 in question.

Vote: Unanimously approved.

After having held a public hearing on May 4, 1998, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Conditional Use Permit be approved with the one "fair and reasonable conditions" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimously approved.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1. Maximum of 34 homes per year
- 2.

May 4, 1998

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Chairman

Lincoln County Board of Commissioners

May 4, 1998

Clerk to Board of Commissioners

## **OTHER BUSINESS**

Rick French, County Manager, presented the following letter to the Board:

April 29, 1998

To: Lincoln County Board of Commissioners

Re: A Celebration of Lincoln County Greatness

Mr. Louis McConnell, Chairman

Mrs. Beth Saine

Mr. James Hallman

Mr. Larry Craig

Mr. Terry Brotherton

### **REQUEST FOR \$1700.00 from Tourism Tax**

The General Robert F. Hoke/Colonel William J. Hoke, Camp 1616, Sons of Confederate Veterans and the Southern Stars, Chapter 477, United Daughters of the Confederacy will once again sponsor **A Celebration of Lincoln County Greatness** on May 30, 1998. We respectfully request an allocation of funds from the hotel/motel room tax to help fund this event. A full report of last year's event was given to you, dated December 31, 1997. More than 400 people from 16 different localities participated, the farthest coming from Hillsville, Va. and many others from various areas of our own state. During this event these people stayed in our motels, ate in our area restaurants and shopped with area merchants. We believe our request for funds is in keeping with the purpose of the cited tax, and promotes tourism and an appreciation of our rich local history.

I enclose another copy of the report for your information. The report details use of funds. We would like to request the amount of \$1700.00 to be used for the various activities as covered in the report. The additional \$225.00 reflects an increase in the advertising budget from 1997 to 1998. All other items are expected to remain the same.

Respectfully Submitted,

Richard Painter, Commander  
Camp 1616, SCV

Mrs. Kathy Wise, President  
Southern Stars #477, UDC

A motion by Commissioner Larry Craig to approve the request from the Sons of Confederate Veterans for \$1700.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

Chairman McConnell called for a brief recess.  
Chairman McConnell called the meeting back to order.

### **CLOSED SESSION-CONTRACTUAL AND PERSONNEL**

A motion by Commissioner Larry Craig to go into Closed Session for the purpose of discussing a contractual and personnel matter.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

A motion by Commissioner Larry Craig to come out of Closed Session.

### **ADJOURNMENT**

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the May 4, 1998 meeting.

Commissioner Larry Craig motioned that the Board adjourn.

Seconded by Commissioner James Hallman.  
Unanimously approved.