

**LINCOLN COUNTY  
BOARD OF COMMISSIONERS**

**MINUTES  
APRIL 7, 1997**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 7, 1997 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

Planning Board Members present were:

John H. Black, Jr.  
Mike Baker  
Ronald Smith  
James Funderburk  
Stanley Roseboro  
Mike Allred

Also present were Jack Chandler, Director of Public Service, Director of Public Service; Steve Smith, Land Use Coordinator; Kathey Ballard, Permit Specialists and Audrey Setzer, Special Services Coordinator.

**CALL TO ORDER**

Chairman McConnell called the April 7, 1997 meeting to order.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**AND**

**PLANNING BOARD**

**APRIL 7, 1997**

**PUBLIC HEARINGS**

6:30 PM Call to Order

1. 6:30 PM Proclamation Designating the Week of April 13 through April 19, 1997 as County Government Week in Lincoln County

2. 6:30 PM Proclamation Designating the Month of April 1997 as Public Health Month

3. 6:30 PM Proclamation Designating April 19, 1997 as Celebrate the Children Day

4. 6:30 PM Public Hearings

Zoning Map Amendment No. 196--Jim Hallman, Applicant

Zoning Map Amendment No. 197--Dorothy Milburn, Applicant

Zoning Map Amendment No. 198--T. M. and Pauline Carpenter, Applicants

Zoning Map Amendment No. 199--J. Rhyne Reep, Applicant

Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners

Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants

Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners

Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant

Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant

Parallel Conditional Use Rezoning No. 31--David F. Duncan, Applicant

5. 7:45 PM Analysis of Current Financial Position for 1996-97 Fiscal Year--Leon Harmon  
**PLEASE BRING BACK YOUR MATERIAL FROM THE MARCH 24, 1997 MEETING.**

6. 8:00 PM Vacancies

321 Corridor Study Committee (9)  
Child Fatality Prevention Team (1)  
Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)

7. 8:00 PM Appointments

8. 8:05 PM Recommendations from Planning Board Meeting -- April 7, 1997  
  
Zoning Map Amendment No. 196--Jim Hallman, Applicant  
Zoning Map Amendment No. 197--Dorothy Milburn, Applicant  
Zoning Map Amendment No. 198--T. M. and Pauline Carpenter, Applicants  
Zoning Map Amendment No. 199--J. Rhyne Reep, Applicant  
Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners  
Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants  
Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners  
Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant  
Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant  
Parallel Conditional Use Rezoning No. 31--David F. Duncan, Applicant

9. 8:30 PM Other Business

10. 8:40 PM Closed Session--Contractual and Personnel

Adjourn

Please note the Board of Commissioners will meet on April 14, 1997 at 6:30 p.m. for department budget reviews. The Board of Commissioners Regular Meeting will be April 21, 1997 at 7:00 p.m. and the East Lincoln Water and Sewer District Meeting will also be April 21, 1997 at 6:30 p.m.

**AMENDMENT TO AGENDA  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
AND PLANNING BOARD  
PUBLIC HEARING  
APRIL 7, 1997**

The following information was submitted after completion of agenda, and should be added to agenda Item No. 4:

4. 6:30 PM Public Hearings

Renaming of Road--Ed Hager Trail

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Rebecca B. Shoupe  
Clerk to the Board

A motion by Commissioner Terry Brotherton to add Public Hearing--Renaming of Road--Ed Hager Trail to the April 7, 1997 agenda.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

**PROCLAMATION DESIGNATING THE WEEK OF APRIL 13 THROUGH APRIL 19, 1997 AS COUNTY GOVERNMENT WEEK IN LINCOLN COUNTY**

Delayed to later on the agenda.

**PROCLAMATION DESIGNATING THE MONTH OF APRIL 1997 AS PUBLIC HEALTH MONTH**

**PROCLAMATION  
PUBLIC HEALTH MONTH  
APRIL 1997**

**WHEREAS**, public health measures to control and eliminate infectious diseases and implement environmental sanitation practices have been the single greatest cause of improved health status for Lincoln County's citizens in this century; and

**WHEREAS**, only public health has the unique responsibility and expertise necessary to ensure that our communities are healthy places in which to live; and

**WHEREAS**, the public health legacy of preventive services and programs must be maintained into the next century in order to realize the human and financial benefits possible with the public health preventive approach; and

**WHEREAS**, the benefits of the public health approach exist everywhere, everyday and for everybody regardless of religious, ethnic or socioeconomic background; and

**WHEREAS**, the full potential of the public health approach can only be realized with continued strong involvement and support of our citizens and policy makers; and

**WHEREAS**, public health must be a full partner and participant in the ongoing development of a reformed health system in Lincoln County;

**NOW, THEREFORE**, we the Lincoln County Board of Commissioners do hereby proclaim April, 1997, as "PUBLIC HEALTH MONTH" in Lincoln County and urge our citizens to recognize and acknowledge 56 years of public health service to the citizens of Lincoln County and the immeasurable contribution these services have made to the quality of our standard of living.

Adopted this \_\_\_\_\_ day of April, 1997.

LINCOLN COUNTY

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Louis E. McConnell, Chairman

ATTEST:

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Rebecca B. Shoupe  
Clerk to the Board

Chairman McConnell entertained a motion to approve the Proclamation Designating the Month of April 1997 as Public Health Month.

A motion by Commissioner Larry Craig to approve the Proclamation Designating the Month of April 1997 as Public Health Month.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**PROCLAMATION DESIGNATING APRIL 19, 1997 AS CELEBRATE THE CHILDREN DAY**

Robin Huss of Child Support Collections presented a Proclamation Designation April 19, 1997 As Celebrate The Children Day.

CELEBRATE THE CHILDREN DAY

1997

BY THE COMMISSIONERS OF THE COUNTY OF LINCOLN

STATED OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Governor of the State of North Carolina has proclaimed April 1997 as "Child Support Awareness Month" in North Carolina; and

WHEREAS, the welfare of our children is the most important responsibility we have as parents. A child should be able to depend on support from both parents; and

WHEREAS, the children who do not receive adequate financial and emotional support from both parents may experience greater difficulty in becoming healthy, happy and productive citizens of this state. In such cases, the taxpayers of this state support the children whose parents fail to meet this responsibility; and

WHEREAS, many concerned and dedicated judges, clerks of court, sheriffs' personnel and child support enforcement professionals work to establish and enforce child support for Lincoln County children....the future of this county;

NOW THEREFORE I, LOUIS MCCONNELL, chairman of the Lincoln County Board of Commissioners, do hereby proclaim April 19, 1997 "CELEBRATE THE CHILDREN DAY" in Lincoln County and commend this observance to our citizens.

LOUIS MCCONNELL

A motion by Commissioner James Hallman to approve Proclamation Designating April 19, 1997 as Celebrate the Children Day.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

**PUBLIC HEARINGS**

Chairman McConnell announced that this was the date, Monday, April 7, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on March 31, 1997 and April 2, 1997 for a Public Hearing on zoning requests.

**NOTICE**  
**LINCOLN COUNTY PUBLIC HEARING**

**Zoning Map Amendments**  
**Conditional Use Permits**  
**Parallel Conditional Use Rezonings**

Lincoln County Board of Commissioners will hold a public hearing on Monday, April 7 at 6:30 p.m. in the Commissioner's Board Room, Third Floor Citizens Center, 115 W. Main Street, Lincolnton, NC. A public hearing will be held for the following requests:

ZMA 196-Jim Hallman's request to rezone area from RR to RSF on multiple tracks of property located on Sorrells Baxter Road.

ZMA 197- Dorothy Milburn requests to rezone approximately eight (8) acres from BN to RSF located on Highway 16 South.

ZMA 198-Applicants, TM and Pauline Carpenter request to rezone approximately .619 acres from RSF to RR located on Wyant Road.

ZMA 199- Applicant J. Rhyne Reep requests to rezone approximately forty (40) acres from RT to IG, located on J Rhyne Reep Road.

CUP 100-Applicant Danny W Hovis request to place a 1996 singlewide mobile home on property zoned RS. Located on Keener Road.

CUP 101-Applicant John Gerlits requests to place a 1989 singlewide mobile home on property zoned RS. Located on Lackey Road across from Tower Road.

CUP 102-BellSouth Mobility DCS requests to place a 185' tower on property located on Avenel Lane. The property is zoned R-T.

PCUR 29-Dwight Callaway is requesting conditional use rezoning from RSF to IG to allow for the placement of a tower. Located between St. James Church Rd. and Hwy 16.

PCUR 30-James Rendleman is requesting conditional use rezoning from RT to BG to place an auto business on property located on Glenbrook Lane.

PCUR 31-Applicant David F Duncan requests to place a used car lot on property zoned RT. property is located on Alf Hoover Road.

Interested parties and citizens may obtain further information from the Lincoln County Planning Department, 302 North Academy Street, Lincolnton, N.C. 28092 or by calling (704) 736-8724.

By the order of the Lincoln County  
Board of Commissioners,  
Rebecca Shoupe, Clerk to the Board

### **Zoning Map Amendment No. 196--Jim Hallman, Applicant**

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 196--Jim Hallman, Applicant.

This rezoning request was made after a petition was received by the Board of Commissioners signed by several property owners in the area. Mr. Hallman then submitted an application for a change from Residential Rural (R-R) to Residential Single Family (R-SF).

The property is located on and around Sorrells Baxter Road, between Parker Farm Road and Hwy 182. It is currently surrounded by both R-R and R-SF zoning. The request does include property which is not owned by those persons signing the petition. According to information shown on GIS, this area has both houses and mobile homes.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 196--Jim Hallman, Applicant.

Ted Beam spoke in opposition to the request.

Geraldine Carpenter spoke in opposition to the request.

Etta Taylor of Parker Farm Road spoke in opposition to the request.

Tom Martin spoke in opposition to the request.

Jerry Baxter of 2599 Sorrell Baxter Road stated that he had gathered the names for the petition against a mobile home park coming in the community and is in favor of the request.

Kenneth Baxter stated that he signed the petition because he did not want a mobile home park moving in but was told that it was to late to stop a mobile home park on the 70 acres above his house, if this is so, then do not stop any of it (opposes this request).

Ken McCurry of 735 Wise Road stated that he owns 135 acres which he has cut up into 32-34 tracts. Mr. McCurry stated that he does not consider this

as a trailer park, it is for doublewides with brick or rock underpinning (in favor of request).

Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 196--Jim Hallman, Applicant, closed.

### **Zoning Map Amendment No. 197--Dorothy Milburn, Applicant**

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 197--Dorothy Milburn, Applicant.

The applicant is requesting property be rezoned from Business Neighborhood and Designated Highway (BN/DH) to Residential Single Family and Designated Highway (R-SF/DH). There are several tract included in this rezoning request.

The property is located on Hwy 16, south of Webbs Road and Sarah Drive. It is primarily surrounded by R-SF zoning, although there is other B-N in the area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 197--Dorothy Milburn, Applicant.

Commissioner Terry Brotherton stated that he does not believe that Ms. Milburn is present but that the subject property is part of a 200 acre family farm and the applicants want the portion of the property that fronts Highway 16 rezoned.

Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 197--Dorothy Milburn, Applicant, closed.

### **Zoning Map Amendment No. 198--T.M. and Pauline Carpenter, Applicants**

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 198--T.M. and Pauline Carpenter, Applicants.

The applicant is requesting to rezone approximately .619 acres from Residential Single Family (RSF) to Residential Rural (RR). The property is located on Wyant Rd. at the intersection of Wyant and Metcalf-Carpenter Ln. Property to the east is zoned R-SF and to the west is zoned R-R.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 198--T.M. and Pauline Carpenter, Applicants.

Pauline Carpenter, property owner, stated that she wants to give the property to her daughter to place a 1997 singlewide mobile home on (in favor of the request).

Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 198--T.M. and Pauline Carpenter, Applicants, closed.

### **Zoning Map Amendment No. 199--J. Rhyne Reep, Applicant**

Jack Chandler, Director of Public Service, presented information on Zoning Map Amendment No. 199--J. Rhyne Reep, Applicant.

The applicant is requesting to rezone approximately 40 acres from Residential Transitional (R-T) to Industrial General (I-G). The property is located on J Rhyne Reep Road off of Alf Hoover Road. The property is surrounded by R-T zoning, and there is Residential Suburban (R-S) and Business Neighborhood zoning in the area. There is a mixture of residential uses in the area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 199--J. Rhyne Reep, Applicant.

Ron McConnell of 4347 Reepsville Road stated that he objects to the rezoning. Mr. McConnell stated that Reepsville is a small community and would like it to stay this way. Mr. McConnell stated that he feels that a trucking company would be a detriment to the community and an endangerment to the people in the community.

Michael Burns of Rhyne Reep Road stated that as plans are now he would be directly across from the subject property and trucking company. Mr.

Burns stated that the noise would be to much and that he is against the rezoning.

Eugene McConnell stated that he joins Mr. Reep's property along the south side. Mr. McConnell stated that he had received a notice that 40 acres were to be rezoned now the request is for 16 acres, he asked where the location of the 16 acres were? Jack Chandler showed Mr. McConnell the proposed property. Mr. McConnell stated that he is opposed to the request as of now.

James Goode stated that with the original proposal of 40 acres he would have been surrounded. If the property is zoned industrial what will become of it?

Ben Navey of 1533 J. Rhyne Reep Road stated that the property is directly across the pasture out his front door. Mr. Navey stated to see a trucking company come in he feels would be detrimental to the community.

Gilda Houser of Alf Hoover Road stated that she owns 26 acres and if the right-of-way come through on Alf Hoover Road it will effect her. Ms. Houser stated that it would disturb the tranquillity and the peace of the community. Ms. Houser stated that the road is inadequate for large trucks and is very much against rezoning the property to Industrial.

Gail Goodman stated that she owns land adjoining the Rhyne Reep property and does not want a trucking company (against rezoning).

Marty Eaker stated that Mr. Reep has told him that he wants to get the property rezoned so he can sell the land and the trucking company will not be Mr. Reep's. Mr. Eaker stated that he does not want a trucking company.

J. Rhyne Reep stated that he is requesting to rezone 16 acres. Mr. Reep stated that the trucking company is a small independent trucking company about 10-15 trucks. Mr. Reep stated that the trucks would not go down J. Rhyne Reep Road they would be running north not south on the bridges of Alf Hoover Road. Mr. Reep also stated that the property does not touch Mr. McConnell's property.

Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map No. 199--J. Rhyne Reep, Applicant, closed.

**Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners**

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individual presented information regarding Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners.

Jack Chandler, Director of Public Service, presented information on Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners.

The applicant is requesting to place a 1996 singlewide mobile home on property on Keener Road. The property is zoned Residential Suburban (R-S). Several years ago there was a singlewide at this location. The property is located on Keener Road, approximately 200' east of Lawndale Ln. The lot consists of 3.67 acres which is surrounded by R-S zoning.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners.

Barbara Atkins of 2616 Keener Road stated that there is another mobile home on the property which is dilapidated. Ms. Atkins stated that there is a terrible mess in the area that he is wanting to place the mobile home. Ms. Atkins stated that she is opposed to the request.

Being no additional speakers, Chairman McConnell declared the public hearing on Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners, closed.

### **Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants**

Having been duly sworn by Audrey Setzer, the following individuals presented information regarding Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants.

Jack Chandler, Director of Public Service, presented information on Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants.

The applicant is requesting to place a 1989 singlewide mobile home on property zoned Residential Suburban (R-S). The property is located on Lackey Road and is approximately 2.93 acres. The property is bordered to the north and east by R-S zoning; and is bordered to the south and west by Residential Single Family (R-SF) zoning. There is a mixture of uses in the area.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants.

Wanda White spoke in opposition to the request.

Joyce Gerlits stated that it was 400' - 500' to the neighbors. Ms. Gerlits spoke in favor of the request.

Thomas White stated that he was opposed to the request of placing a trailer on the property.

Being no further speakers, Chairman McConnell declared the public hearing on Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants, closed.

**Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners**

Deferred to after Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant.

**Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant**

Having been duly sworn by Audrey Setzer, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 29--Dwight Callaway.

Jack Chandler, Director of Public Service, presented information on Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant.

The applicant is requesting a zoning change from Residential Single Family (R-SF) to Industrial General (I-G) for the purpose of continuing industrial uses operating on the property and include a site for a tower. This request is a parallel conditional use rezoning. The property is approximately 11.4 acres located between Hwy 16 and St. James Church Rd; behind Rock Springs School. It is surrounded by both residential and industrial zoning.

Chairman McConnell asked if there was anyone wishing to speak regarding on Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant.

Dwight Callaway, property owner, spoke in favor of the request.

Being no additional speakers, Chairman McConnell declared the public hearing on Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant, closed.

**Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners**

Having been duly sworn by Audrey Setzer, the following individuals presented information regarding Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners.

Jack Chandler, Director of Public Service, presented information on Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners.

The applicant is requesting to place a 185' monopole communication tower on property located on Avenel Ln. The property is zoned Residential Transitional (R-T). Towers in excess of 60' tall require conditional use approval in this district.

The property is located on Avenel off of South Pilot Knob Rd. The land consists of 22.59 acres and currently has a house and mobile home located on the tract. The required setbacks for this tower would be 110% of the tower's height. This property is located south of the Planned Mixed Use Development (located at the intersection of Hwy 16 and Hwy 73) that was approved a few months ago.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners, closed.

Reid Pinkham reviewed a letter from BellSouth Mobility. Mr. Pinkham spoke in favor of the request.

Being no additional speakers, Chairman McConnell declared the public hearing on Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners.

### **Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant**

Having been duly sworn by Audrey Setzer, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant.

Jack Chandler, Director of Public Service, presented information on Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant.

The applicant is requesting a conditional use rezoning to allow for the placement of a small auto business on property located on Glenbrook Ln. The request is to rezone from Residential Transitional (RT) to General Business Conditional Use (BG/CU).

The property is located on Glenbrook Lane off of Hines Circle Rd. It is surrounded by RT zoning. The property is approximately three acres in size. The applicant is proposing two buildings be added to the property, one would be a 1250 square feet and the other would be a 100 square feet.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant.

Deborah Rendleman stated that she was representing James Rendleman, her husband, owner and applicant, spoke in favor of the request.

Being no additional speakers, Chairman McConnell declared the public hearing on Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant, closed.

### **Parallel Conditional Use Rezoning No. 31--David F. Duncan, Applicant**

Having been duly sworn by Audrey Setzer, the following individual presented information regarding Parallel Conditional Use Rezoning No. 31--David F. Duncan, Applicant.

Jack Chandler, Director of Public Service, presented information on Parallel Conditional Use Rezoning No. 31-- David F. Duncan, Applicant.

The applicant is requesting a zoning change from Residential Transitional (R-T) to Business General-Conditional Use (BG-CU) to allow for the placement of a used car lot. This request is a parallel conditional use rezoning. The subject project is one (1) acre out of approximately 14 acres and is located at approximately 1015 Alf Hoover Road. It is zoned and is surrounded by R-T zoning. The Lincoln County Land Development Plan calls for Very Low Density Residential development in this area.

Mr. Chandler stated that he needs clarification from the applicant on the number of car spaces the application shows 10 car spaces and the site plan shows 15.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 31-- David F. Duncan, Applicant, closed.

Dan Houser of Alf Hoover Road spoke on behalf of the neighbors. Mr. Houser stated that he is not against progress but is against a car lot being put on the property. Mr. Houser stated that a car lot would not be an attractive addition to Alf Hoover Road.

John Mack McConnell stated that he owns tracts three, four, and five beside Mr. Duncan's property and is firmly opposed to the request.

Being no additional speakers, Chairman McConnell declared the public hearing on Parallel Conditional Use Rezoning No. 31-- David F. Duncan, Applicant.

Chairman McConnell called for a recess.

Chairman McConnell called the meeting back to order.

A motion by Commissioner Larry Craig to recess the public hearing meeting.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

Chairman McConnell called the public hearing meeting back to order.

## **PUBLIC HEARING**

### **Renaming of Road--Ed Hager Trail**

Chairman McConnell announced that this was the date, Monday, April 7, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on March 28 and April 2, 1997 for a Public Hearing on road renaming request.

### **NOTICE PUBLIC HEARING FOR RENAMING OF ROADS**

In accordance with G.S. 153A-240, it is hereby declared that a public hearing will be held in the Lincoln County Citizens Center, Third Floor, 115 West Main Street, Lincolnton, North Carolina on Monday April 7, 1997 at 6:30 p. m.. At that time the Board will receive comments from the public concerning the naming of the following road.

### **DENVER POSTAL DISTRICT**

#### **Existing Name**

Ed Hager Tr

#### **Proposed**

Ed Hager Ln

The public is invited. Maps which show the locations of these roads are available for viewing in the Lincoln County Building And Land Development Office, 302 North Academy Street, Lincolnton, NC, or in the County Manager's Office, 115 West Main street, Third Floor Citizen's Center, Lincolnton, NC..

By Order of the Lincoln County  
Board of Commissioners  
Rebecca Shoupe  
Clerk to the Board

Rick French, County Manager, presented the request to change the name of Ed Hager Trail to Ed Hager Lane.

Chairman McConnell asked if there was anyone wishing to speak regarding Renaming of Road--Ed Hager Trail.

Being no speakers, Chairman McConnell declared the public hearing on Renaming of Road--Ed Hager Trail, closed.

A motion by Commissioner Terry Brotherton to rename Ed Hager Trail to Ed Hager Lane.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

**Proclamation Designating the Week of April 13 through April 19, 1997 as County Government Week in Lincoln County**

Erma Deen Hoyle presented the Proclamation Designating the Week of April 13 through April 19, 1997 as County Government Week in Lincoln County.

**PROCLAMATION DESIGNATING  
THE WEEK OF APRIL 13 THROUGH APRIL 19, 1997  
AS COUNTY GOVERNMENT WEEK  
IN LINCOLN COUNTY**

**WHEREAS**, April 13-19, 1997, is the National County Government Week and North Carolina's 100 county governments have in fact served this state since 1663. County governments play a key role in the governmental partnership with the State to deliver services and provide leadership for our communities; and

**WHEREAS**, Lincoln County faces the challenge of many critical issues to meet the needs of the public. These programs include health care, child and elder care, environmental protection, deed registration, social services, job training, emergency medical services, drug and alcohol abuse treatment, law enforcement, recreation opportunities, water and sewer services, and library services; and

**WHEREAS**, Lincoln County also is a major partner in the public education system, having provided \$11,853,265 in FY 1996-97 to support elementary-secondary schools and \$517,087 to support the community college system; and

**WHEREAS**, Lincoln County is involved in many innovative programs to help deliver services more effectively and efficiently and seeks a stronger partnership with its citizens in defining community problems and solutions; and

**WHEREAS**, leadership in county government today requires a commitment to long hours and continued learning in a variety of topic areas, and a strong sense of purpose to assure that necessary services are provided without undue burden on the taxpayers.

**THEREFORE, BE IT RESOLVED**, that the Lincoln County Board of County Commissioners does hereby proclaim the week of April 13 through April 19, 1997, as "County Government Week in Lincoln County" and urge all citizens to be more involved in and aware of issues facing our County.

Adopted this 7th day of April, 1997.

**LINCOLN COUNTY**

**ATTEST:**

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Louis E. McConnell, Chairman

A motion by Commissioner Larry Craig to approve the Proclamation Designating the Week of April 13 through April 19, 1997 as County Government Week in Lincoln County.

Seconded by Commissioner James Hallman.  
Unanimously approved.

**ANALYSIS OF CURRENT FINANCIAL POSITION FOR 1996-97 FISCAL YEAR-LEON HARMON**

Deferred to another meeting.

**VACANCIES**

**321 Corridor Study Committee (9)  
Child Fatality Prevention Team (1)  
Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)**

## **APPOINTMENTS**

Commissioner James Hallman advised there were no appointments at this time.

## **OTHER BUSINESS**

Rick French, County Manager, stated that the April 14, 1997 meeting needs to be rescheduled to April 28, 1997 at 6:30 p.m.

Commissioner Larry Craig stated that he had been receiving calls regarding the raising of taxes in the sewer district and suggest that the Board of Commissioners have a joint meeting with the East Lincoln Water and Sewer Advisory Board.

Mr. French presented a letter from Senator Hoyle to the Board for information.

Mr. French presented a letter from Elaine Harmon, Register of Deeds, requesting to waiver out-of-state travel for training. It was a consensus of the Board to approved the out-of-state travel request.

Commissioner Terry Brotherton suggested looking at the subdivision ordinance for an amendment in regards to new growth in the county.

Mr. French reported that he had asked Bill Ward to look at the telephone system at the Department of Social Services as a follow up from the David Griffith Study.

## **RECOMMENDATIONS FROM PLANNING BOARD MEETING--APRIL 7, 1997**

Jack Chandler, Director of Public Service, presented the Planning Board's recommendations as follows:

### **Zoning Map Amendment No. 196--Jim Hallman, Applicant**

Unanimous vote to deny the request and that the property be rezoned to Residential Suburban (R-S). A request to rezone property to Residential Suburban (R-S) will require a public hearing.

A motion by Commissioner Larry Craig to deny the request.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

### **Zoning Map Amendment No. 197--Dorothy Milburn, Applicant**

Unanimous vote to approve the request.

A motion by Commissioner Terry Brotherton to approve the request.

Seconded by Commissioner James Hallman.  
Unanimously approved.

### **Zoning Map Amendment 198--T.M. and Pauline Carpenter, Applicants**

Unanimous vote to approve the request.

A motion by Commissioner James Hallman to approve the request.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

### **Zoning Map Amendment 199--J. Rhyne Reep, Applicant**

Voted to deny request with one Planning Board member abstaining from voting.

A motion by Commissioner Larry Craig to approve the application because he feels that Mr. Reep has went out of his way to try to justify the sell of his land. Mr. Reep has trimmed down the rezoning to 16 acres and has placed it as far away as he can from the folks who have opposed the rezoning. The Jetton's that are bordering the property are not here to speak against the request so he assumes they are in favor of the rezoning.

Seconded by Commissioner Terry Brotherton.

Vote: 3-2

Yes: Commissioners Craig, Brotherton, McConnell

No: Commissioners Hallman and Saine

### **Conditional Use Permit No. 100--Danny Wayne Hovis, Applicant; Don Dellinger and Jane Hines, Property Owners**

Unanimous vote to approve the request subject to the following conditions:

1. Remove existing singlewide mobile home.
2. Be required to clean up lot.

Chairman McConnell presented the Findings of Fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 100      Date: April 7, 1997

Applicant's Name: Danny Wayne Hovis  
Address: 106 Car Wash Drive  
Lincolnton, NC 28092

Property Owner's Name: Don Dellinger and Jane Hines  
Address: 2631 Keener Road  
Lincolnton, NC 28092

Property Location: Keener Road  
Map 3643 15 74 0405

Existing Zoning: R-S

Proposed Conditional Use: 1996 Singlewide 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 James Hallman.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.  
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner James Hallman.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
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 Terry Brotherton.  
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.  
Vote: Unanimous.
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 Terry Brotherton.

Seconded by Commissioner Beth Saine.

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: Unanimous.

After having held a public hearing on April 7, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Larry Craig motioned that the Conditional Use Permit be tabled until next meeting for a closer look at the property. Seconded by Commissioner Beth Saine.

Vote: Unanimous.

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

1.

2.

April 7, 1997

\_\_\_\_\_  
Chairman

Lincoln County Board of Commissioners

April 7, 1997

\_\_\_\_\_  
Clerk to Board of Commissioners

### **Conditional Use Permit No. 101--John C. and Joyce H. Gerlits, Applicants**

Unanimous vote to approve the request with no conditions.

Chairman McConnell presented the findings of fact.

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

**LINCOLN COUNTY, NORTH CAROLINA**

Application Number: CUP-# 101      Date: April 7, 1997

Applicant's Name: John C. and Joyce H. Gerlits  
Address: 6484 Lackey Road  
Vale, NC 28168

Property Owner's Name: Same as Applicant.  
Address:

Property Location: 6484 Lackey Road  
Map 2674 00 75 1218

Existing Zoning: R-S

Proposed Conditional Use: 1989 Singlewide 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 James Hallman.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.  
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner Terry Brotherton.  
Seconded by Commissioner James Hallman.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
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: Unanimous.
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 Terry Brotherton.  
Seconded by Commissioner James Hallman.  
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: Unanimous.

After having held a public hearing on April 7, 1997, 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 no "fair and reasonable conditions" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimous.

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

1.

April 7, 1997

**Chairman  
Lincoln County Board of Commissioners**

April 7, 1997

## Clerk to Board of Commissioners

**Conditional Use Permit No. 102--BellSouth Mobility DCS, Applicant; Ralph and Eleanor Sifford, Property Owners**

Unanimous vote to approve the request with no conditions.

Chairman McConnell presented the Findings of Fact.

# RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

## LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 102 Date: April 7, 1997

Applicant's Name: BellSouth Mobility DCS  
Address: 2550 W. Tyvola Road, Suite 300  
Charlotte, NC 28217

Property Owner's Name: Ralph and Eleanor Sifford  
Address: 663 Avenel Lane  
Stanley, NC 28164

Property Location: 663 Avenel Lane  
Map 4601 02 59 4027

Existing Zoning: R-T

Proposed Conditional Use: 185' Monopole Communication Tower

### FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner James Hallman.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.  
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner James Hallman.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
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.  
Vote: Unanimous.
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 James Hallman.  
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: Unanimous.

After having held a public hearing on April 7, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Larry Craig motioned that the Conditional Use Permit be approved with the no "fair and reasonable conditions" attached. Seconded by Commissioner James Hallman.

Vote: Unanimous.

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

1.

2.

April 7, 1997

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Chairman  
Lincoln County Board of Commissioners

April 7, 1997

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Clerk to Board of Commissioners

**Parallel Conditional Use Rezoning No. 29--Dwight Callaway, Applicant**

Unanimous vote to approve the request.

A motion by Commissioner Terry Brotherton to approve the rezoning request.

Seconded by Commissioner Larry Craig.  
Unanimous.

Chairman McConnell presented the findings of fact.

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

**LINCOLN COUNTY, NORTH CAROLINA**

Application Number: CUR-# 29                    Date: April 7, 1997

Applicant's Name: Dwight Callaway  
Address: 3525 St. James Church Road  
Denver, NC 28037

Property Owner's Name: Same as Applicant.  
Address:

Property Location: Off of St. James Church Road, behind Rock Springs School  
Map 3695 15 63 4973

Existing Zoning: R-SF

Proposed Conditional Use: Site for Tower

## FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No     
Motioned by Commissioner Terry Brotherton.  
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.  
Vote: Unanimous.
  
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner Terry Brotherton.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
  
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 Terry Brotherton.  
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.  
Vote: Unanimous.
  
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 Terry Brotherton.  
Seconded by Commissioner James Hallman.  
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: Unanimous.

After having held a public hearing on April 7, 1997, 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 no "fair and reasonable conditions" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimous.

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

1.

April 7, 1997

**Chairman  
Lincoln County Board of Commissioners**

April 7, 1997

## **Clerk to Board of Commissioners**

## Parallel Conditional Use Rezoning No. 30--James Rendleman, Jr., Applicant

Unanimous vote to approve the request with three conditions:

1. Hours of operation be set from 7:00 a.m. to 9:00 p.m.
2. No more than six unlicensed vehicles be allowed on site at one time
3. Time period in which the applicant has to get building permits be extended from 12 months to 3 years

Commissioner Hallman suggested changing 7:00 a.m. to 9:00 p.m. to working on public vehicles.

A motion by Commissioner Beth Saine to approve the rezoning request from Residential Transitional (R-T) to General Business (B-G).

Seconded by Commissioner Larry Craig.  
Unanimously approved.

Chairman McConnell presented the Findings of Fact.

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

## LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-# 30 Date: April 7, 1997

Applicant's Name: James Rendleman, Jr.  
Address: 974 Mariposa Road  
Stanley, NC 28164

Property Owner's Name: Same as Applicant  
Address:

Property Location: Glenbrook Lane  
Map 3691 03 01 5177

Existing Zoning: R-T

Proposed Conditional Use: Small auto business that restores and sells used auto parts (Also it will be used for bodywork, painting, and minor engine repairs)

#### 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 Beth Saine.  
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.  
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No     
Motioned by Commissioner James Hallman.  
Seconded by Commissioner Beth Saine.  
Factual Reasons Cited: The use meets all required conditions and specifications.  
Vote: Unanimous.
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 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.  
Vote: Unanimous.
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 Beth Saine.  
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: Unanimous.

After having held a public hearing on April 7, 1997, 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 three "fair and reasonable conditions" attached. Seconded by Commissioner Beth Saine.

Vote: Unanimous.

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

1. Open to the public from 7:00 a.m. to 9:00 p.m.
2. Maximum of six unlicensed vehicles on property at one time.
3. Three years to get all permits.

April 7, 1997

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Chairman  
Lincoln County Board of Commissioners

April 7, 1997

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Clerk to Board of Commissioners

**Parallel Conditional Use Rezoning No. 31--David F. Duncan, Applicant**

Unanimous vote to deny the application.

A motion by Commissioner Larry Craig to accept the Planning Board's recommendation to deny the request.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

**CLOSED SESSION--CONTRACTUAL AND PERSONNEL**

A motion by Commissioner Larry Craig to go into closed session.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

A motion by Commissioner Terry Brotherton to return to open session.

Seconded by Commissioner James Hallman.

Unanimously approved.

**ADJOURN**

A motion by Commissioner Beth Saine to adjourn the meeting.

Seconded by Commissioner Larry Craig.  
Unanimously approved.