

**LINCOLN COUNTY
BOARD OF COMMISSIONERS****MINUTES
DECEMBER 8, 1997**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 8, 1997 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, 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
Mike Allred
Mike Baker
Gary Garlow
James Funderburk
Jerry Geymont
Stanley Roseboro
Ronald Smith

Also present were Judy Francis, Zoning Administrator, Kelly Atkins, Subdivision Administrator, and Amy S. Long, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman McConnell called the December 8, 1997 meeting to order.

INVOCATION

Rev. David B. Huffstetler, Pastor of Boger City United Methodist Church, gave the invocation.

AGENDA**LINCOLN COUNTY BOARD OF COMMISSIONERS****AND**

PLANNING BOARD

PUBLIC HEARINGS

REGULAR MEETING

DECEMBER 8, 1997

	6:30 PM	Call to Order
	6:30 PM	Invocation – Rev. David B. Huffstetler Boger City United Methodist Church
1.	6:30 PM	Adoption of Agenda
2.	6:30 PM	Election of Chairman
3.	6:30 PM	Election of Vice Chairman
4.	6:30 PM	Land Conveyance for YMCA
5.	6:40 PM	Recess Regular Meeting
6.	6:40 PM	Public Hearings (Board of Variances and Appeals) Variance Request No. 115 – Gene Ross and Forest Ross, Jr., Applicants, Springs Road East, Requesting Relief from the Minimum Lot Size Requirement in the Residential Transition (R-T) District. This Public Hearing was continued from the December 1, 1997 meeting.
7.	6:55 PM	Reconvene Regular Meeting
8.	7:00 PM	Consent Agenda Tax Request for Refunds Less than \$100 – November 1 – 30, 1997 More than \$100 – November 1 – 30, 1997 Request for Water Adjustments Budget Adjustment 28 Approval of Statewide Mutual Aid Agreement
9.	7:00 PM	Public Hearings Zoning Map Amendment No. 238 – Kenneth M. McCurry, Applicant, Request to rezone approximately 23 acres at the intersection of Highway 18 and Highway 27 West from Rural Residential (R-R) to General Industrial (I-G).

Zoning Map Amendment No. 239 – S. D. Howard, Applicant, Request to rezone approximately 170 acres on Highway 16 North from Residential Transition (R-T) and Residential Single-Family (R-SF) to General Business (B-G).

Zoning Map Amendment No. 240 – James E. Vinson, Applicant, Request to rezone approximately 7.7 acres on Highway 27 East from Residential Transition (R-T) to General Business (B-G) to accommodate an upholstery business.

Zoning Map Amendment No. 241 – Donald Lee, Applicant, Request to rezone approximately one acre at 2259 Highway 155 from Residential Suburban (R-S) to Neighborhood Business (B-N) in the Highway Overlay District to accommodate a small business in an existing house.

Zoning Text Amendment No. 242 – Nonconformities – A proposed text amendment to Chapters 2 & 7 of the Lincoln County Zoning Ordinance which would change the criteria for a non-residential nonconforming use expansion.

Zoning Map Amendment No. 243 – Flay Scronce, Sr. & Jr. and Surrounding Property Owners, Applicants, Request to rezone 53 parcels totaling 2,042 acres in north Howard's Creek Township from Residential Single-Family (R-SF) to Residential Suburban (R-S) to allow Class A mobile homes as a use by right.

Zoning Map Amendment No. 244 – D. Todd Wulffhorst, Applicant, Request to rezone .617 acre on Highway 16 North in the Denver area from Residential Single-Family (R-SF) to Neighborhood Business (B-N) in the Highway Overlay District to accommodate a professional office building.

Zoning Text Amendment No. 245 – Planned Districts – A proposed text amendment to Chapter 11 of the Lincoln County Zoning Ordinance concerning guidelines for the creation of Planned Unit Developments.

Subdivision Ordinance Amendment No. 11 – A proposed text amendment to the Lincoln County Subdivision

Ordinance concerning the guidelines for the creation of Planned Unit Developments.

Conditional Use Permit No. 119 – Carl C. Moore, III, Applicant, Request for a Conditional Use Permit to allow a rural home occupation at 4419 Reepsville Road in the Residential Suburban (R-S) district.

Conditional Use Permit No. 120 – Carolyn Woods, Applicant, Request for a Conditional Use Permit to allow a Class Mobile home on Drexall Lane in the Residential Suburban district.

Parallel Conditional Use Permit No. 46 – Harvey Phillips, Applicant, Request to rezone 1.30 acres at 7243 Sifford Road from Residential Single-Family (R-SF) to General Business (B-G). The applicant also requests a Conditional Use Permit to bring a nonconforming machine shop into compliance with the zoning ordinance.

Parallel Conditional Use Permit No. 47 –Toney R. Loftin, Applicant, Request to rezone approximately 7 acres on Highway 16 North from Residential Single-Family (R-SF) to General Business (B-G) and General Industrial (I-G). The applicant also requests a Conditional Use Permit to operate a C&D landfill on the premises to fill in a gully and expand a youth ballfield complex.

Parallel Conditional Use Permit No. 48 – S. D. Howard, Applicant, Request to rezone approximately 30.7 acres on Highway 16 North from Residential Single-Family (R-SF) and Residential Transition (R-T) to General Industrial (I-G). The applicant also requests a Conditional Use Permit to operate a C&D Landfill on the premises to fill in a gully on the site.

10. 9:50 PM Public Comments

Sylvia Holmes – Lake Norman Park

11. 10:00 PM Proposed Assessment Policy for Economic Development Grant – Lincoln County/Julius Blum, Inc.

12. 10:05 PM Vacancies
13. 10:10 PM Appointments
14. 10:15 PM County Commissioners' Report
15. 10:30 PM County Manager's Report
16. 10:35 PM Other Business
17. 10:45 PM Closed Session (If Necessary)

Please note that the Board of Commissioners will meet jointly with the Planning Board on January 5, 1998 at 6:30 p.m. The Board of Variances and Appeals meeting will also be on January 5, 1998 at 7:30 p.m.

ADOPTION OF AGENDA

Commissioner Larry Craig made a motion to adopt the agenda with the addition of item 10a – Sylvia Holmes, Lake Norman Park.

Seconded by Commissioner James Hallman
Unanimously approved.

ELECTION OF CHAIRMAN

Richard L. French, County Manager, opened the floor for nominations for Chairman of the Board of County Commissioners.

Commissioner James Hallman nominated Louis E. McConnell as Chairman of the Board of County Commissioners.

Seconded by Commissioner Larry Craig.
Unanimously approved.

ELECTION OF VICE CHAIRMAN

Chairman Louis McConnell opened the floor for nominations of Vice-Chairman.

Commissioner Terry Brotherton nominated Commissioner Hallman as Vice-Chairman of the Board of Commissioners.

Seconded by Commissioner Beth Saine.
Unanimously approved.

LAND CONVEYANCE FOR YMCA

Peter Acker presented the following Resolution to Authorize Conveyance of 3.389 Acres of Land to YMCA of Greater Charlotte, Inc. for YMCA Facility. He asked the Board to approve the Resolution.

RESOLUTION TO AUTHORIZE CONVEYANCE OF 3.389 ACRES OF LAND TO YMCA OF GREATER CHARLOTTE, INC. FOR YMCA FACILITY

WHEREAS, pursuant to an agreement dated August 28, 1995, the Lincoln County Board of Commissioners transferred a certain parcel of real property in the City of Lincolnton, North Carolina, to Lincoln Health System; and

WHEREAS, one of the terms of said conveyance by the Lincoln County Board of Commissioners was that the ownership of said property would revert to the County if the Lincoln Health System ceased to use the property for a community general hospital; and

WHEREAS, the Lincoln Health System Board of Directors has indicated pursuant to its resolution dated February 26, 1997, that it believes that the establishment of a YMCA health and wellness facility would promote significant enhancements to the quality of life for residents of Lincoln County; and

WHEREAS, the Lincoln Health System Board of Directors further indicated in said resolution that it believes the missions of the YMCA organization and Lincoln Health System are complimentary and beneficial to the residents of Lincoln County; and

WHEREAS, the Lincoln Health System Board of Directors in said resolution offered to make available some of the land transferred to it by the Board of Commissioners to be used to facilitate development of a proposed YMCA facility and for the express purpose of construction of such facility as a community resource; and

WHEREAS, the Lincoln Health System Board of Directors has authorized its officers to effect a reconveyance of a portion of its land to Lincoln County subject to the approval of the Lincoln County Board of Commissioners of its plan to assist the YMCA facility with a conveyance of land; and

WHEREAS, the proposed YMCA facility would be operated by the YMCA of Greater Charlotte as a satellite organization in order to facilitate more efficient operation of programs, use of staff time, and other similar efficiencies; and

WHEREAS, the Lincoln County Board of Commissioners agrees with the Lincoln Health System Board of Directors that such a facility would promote significant enhancements to the quality of life in Lincoln County and to the health and welfare of its citizens; and

WHEREAS, the Lincoln County Board of Commissioners wishes to cooperate with Lincoln Health System's efforts to facilitate development of the proposed YMCA facility on a portion of the land currently occupied by Lincoln Health System; and

WHEREAS, the site to be conveyed consists of approximately 3,839 acres as shown on a survey by Ronnie Dedmon Surveyors, P. A., dated November 25, 1997, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Lincoln County Board of Commissioners is prepared to authorize a conveyance of said tract to the YMCA of Greater Charlotte upon reconveyance of said tract to Lincoln County by Lincoln Health System and in consideration of the YMCA of Greater Charlotte's agreement to use said tract for the operation of a YMCA facility for a public purpose as authorized by North Carolina General Statute Section 160A-279;

NOW, THEREFORE, be it and it is hereby resolved as follows:

1. That the Lincoln County Board of Commissioners hereby authorizes the conveyance of the 3.839-acre tract shown on Exhibit A to the YMCA of Greater Charlotte, on the terms and conditions herein provided, upon reconveyance of such tract to Lincoln County by Lincoln Health System.
2. That the instruments of conveyance of such tract to the YMCA of Greater Charlotte shall state that as consideration for and as an express condition of such conveyance, the YMCA of Greater Charlotte will use said tract for the sole purpose of operating a YMCA facility for a public purpose under North Carolina General Statute Section 160A-279; and such instruments shall further provide that upon the cessation of use of such property for the purpose stated above, or at such time as the YMCA of Greater Charlotte shall cease to exist, ownership of said property will revert to Lincoln County.
3. That in accordance with the resolution adopted by the Lincoln Health System Board of Directors on February 26, 1997, Lincoln County will not permit the use of such tract by an entity other than the YMCA of Greater Charlotte without the consent of Lincoln Health System.
4. That the Chairman of the Lincoln County Board of Commissioners

is hereby authorized to execute all documents necessary to effectuate the conveyance as stated herein.

5. That the County Manager is hereby directed to make necessary arrangements for the publication of the notice required by North Carolina General Statute 160A-267 to summarize this resolution.

6. That pursuant to the aforesaid statute, the conveyance authorized herein shall not be made until at least ten (10) days after publication of the notice required by such statute.

Adopted this 8th day of December, 1997.

Louis E. McConnell, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

A motion by Commissioner Larry Craig to approve the Resolution to Authorize Conveyance of 3.839 Acres of Land to YMCA of Greater Charlotte, Inc. for YMCA Facility.

Seconded by Commissioner James Hallman.

Discussion:

Commissioner Terry Brotherton stated that he supports the concept of the YMCA, but he believes the property should be sold to the YMCA, and not given to them, and the money should be used for recreation for the east end, the west end, and Lincolnton.

Vote: 3-2 (Brotherton, Saine)

A motion by Commissioner Larry Craig to recess the December 8, 1997 meeting and hold the December 8, 1997 Board of Variance and Appeals meeting.

Seconded by Commissioner James Hallman.
Unanimously approved.

Chairman McConnell called the December 8, 1997 meeting back to order.

CONSENT AGENDA

Requests for Refunds

Less than \$100

Buff, Betty Lou	1997	0122011	77.52
Campbell, Reid (Mrs. Ruth)	1997	11509	4.67
Canipe, Eddie Wayne	1997	02623	18.00
Cox, David E. & Stanley, Billy G.	1997	0061859	2.74
Crossland Mtg. Corp.	1997	0076958	83.60
Loomis, John & Mary	1997	16338	1.99
Mosley, Janet L.	1997	0100871	2.00
Nickens, Gary Ray	1997	0074855	53.49
Pruette, Grady & Clara	1997	00661	1.00
Van Doren, Jack & Barbara	1996	0105041	14.20

Less than \$100 – Motor Vehicles

Bennick, Edward T. Jr.	1996	0086529	13.06
Black, Jamie Ryan	1997	0125218	1.02
Bowe, Yvonne C.	1997	0117919	7.00
Clark, Matthew Dale	1997	0093939	1.15
Davis, Jess Emory	1997	0120777	3.42
Donlen Corp.	1997	0071152	53.54
Ellington, James A.	1996	32392	50.54
Franklin, Dennis S.	1996	0111996	3.87
GE Capital Auto Lease, Inc.	1997	0121628	88.83
Grigg, Amy Lynn	1993	0070403	9.82
Hamrick, Max E.	1996	0081892	4.36
Heavner, John Grady Jr. & Mary	1997	06160	2.84
Helms, William Conley	1996	0071578	15.85
Helton, Samantha Marie	1996	0113965	19.54
Hullette, Jerry D.	1995	0065307	32.13
Hutchinson, David Leigh	1997	0116900	18.06
Jones, Marcus Paul	1996	0101234	4.00
Lee, Cha	1997	0117723	1.13
Leonhardt, Shea M.	1996	0119480	59.42
Lewis, Peggy & Billy	1997	0109869	87.21

Lingerfelt, Joyce Ann	1997	0075655	2.00
Medlin, Carla Abernethy	1997	0124225	3.43
Mort, Dewey Geo	1996	16867	9.63
Motz, Verge C. IV	1996	0066000	9.19
Patterson, John D.	1997	0104137	5.02
Reinhardt, Edith Artis	1997	0075131	38.53
Richardson, Bobby D.	1996	0078849	9.34
Robinson, Phillip S.	1997	0073105	6.74
Rumfelt, Terry Douglas	1996	0111619	3.33
Woodside, William H. Jr.	1996	0081324	29.75

More Than \$100

Bowden, Neal & Betty Jean	1996	06634	103.56
Bowden, Neal & Betty Jean	1997	06634	106.54
Butner, Helen S.	1997	0105298	165.39
Hartman, Christopher Dean	1997	31489	246.01
IBM Credit Corp.	1997	0125009	455.12
Robinson, Mike & Betty	1997	15380	125.35

Requests for Water Adjustments

Name	Account #	Recommended Adjustment	New Total
Jones, Michael	10223471 01	\$ 147.77	\$ 84.73
Lattimore, Crystal	3011246 01	423.90	181.66
Sigmon, Mary	6107511 00	121.25	58.97
Skipworth, Brenda	6125102 06	465.10	134.46
Watner, David	10227272 00	374.57	151.63

Budget Adjustment No. 28

Budget Adjustment No. 28 to allocate additional funds to recreation from contingency.

Statewide Mutual Aid Agreement

Surety Bond Contract

A motion by Commissioner James Hallman to approve the Consent Agenda with the addition of the Surety Bond Contract.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

PUBLIC HEARING - ZONING ISSUES

Chairman McConnell announced that this was the date, Monday, December 8, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on November 28, 1997 and December 5, 1997 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 P.M. on December 8, 1997 at the Citizen's Center, 115 W Main Street in Lincolnton to hear public comment on the following issues:

ZMA 238 –Kenneth M. McCurry requests to rezone approximately 23 acres at the intersection of Highway 18 and Highway 27 West from Rural Residential (R-R) to General Industrial (I-G).

ZMA 239 –S. D. Howard requests to rezone approximately 170 acres on Highway 16 North from Residential Transition (R-T) and Residential Single-Family (R-SF) to General Business (B-G).

ZMA 240 –James E. Vinson requests to rezone approximately 7.7 acres on Highway 27 East from Residential Transition (R-T) to General Business (B-G) to accommodate an upholstery business.

ZMA 241 –Donald Lee requests to rezone approximately one acre at 2259 Highway 155 from Residential Suburban (R-S) to Neighborhood Business (B-N) in the Highway Overlay District to accommodate a small business in an existing house.

ZTA 242 –Nonconformities—A proposed text amendment to Chapters 2 & 7 of the Lincoln County Zoning Ordinance which would change the criteria for a non-residential nonconforming use expansion.

ZMA 243 –Flay Scronce, Sr. & Jr. and Surrounding Property Owners request to rezone 53 parcels totaling 2,042 acres in north Howards Creek Township from Residential Single-Family (R-SF) to Residential Suburban (R-S) to allow Class A mobile homes as a use by right.

ZMA 244 –D. Todd Wulffhorst requests to rezone .617 acre on Highway 16 North in the Denver area from Residential Single-Family (R-SF) to Neighborhood Business (B-N) in the Highway Overlay District to accommodate a professional office building.

ZTA 245 –Planned Districts—A proposed text amendment to Chapter 11 of the Lincoln County Zoning Ordinance concerning guidelines for the creation of Planned Unit Developments.

SOA 11 –Planned Districts—A proposed text amendment to the Lincoln County Subdivision Ordinance concerning the guidelines for the creation of Planned Unit Developments.

CUP 119 –Request for a Conditional Use Permit to allow a rural home occupation at 4419 Reepsville Road in the Residential Suburban (R-S) district.

CUP 120 –Carolyn Woods requests a Conditional Use Permit to allow a Class Commissioner mobile home on Drexall Lane in the Residential Suburban District.

PCUR 46 –Harvey Phillips reequests to rezone 1.30 acres at 7243 Sifford Road from Residential Single-Family (R-SF) to General Business (B-G). The applicant also requests a Conditional Use Permit to bring a nonconforming machine shop into compliance with the zoning ordinance.

PCUR 47 –Toney R. Loftin requests to rezone approximately 7 acres on Highway 16 North from Residential Single-Family (R-SF) to General Business (B-G) and General Industrial (I-G). The applicant also requests a Conditional Use Permit to operate a C&D landfill on the premises to fill in a gully and expand a youth ballfield complex.

PCUR 48 –S. D. Howard requests to rezone approximately 30.7 acres on Highway 16 North from Residential Single-Family (R-SF) and Residential Transition (R-T) to General Industrial (I-G). The applicant also requests a Conditional Use Permit to operate a C&D landfill on the premises to fill in a gully on the site.

Zoning Map Amendment No. 238—Kenneth M. McCurry, Applicant

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 238—Kenneth M. McCurry, Applicant.

The applicant is requesting a zoning map change for approximately 23 acres of his property on Highway 27 West at Highway 18 from R-R (Rural Residential) to I-G (General Industrial).

The property is located on Highway 27 West at Highway 18 and is within the WSIII-P watershed and the highway overlay district. It is approximately 23 acres in size and is currently vacant. The parcel is surrounded by R-R zoning. Nearby structures / uses are single family homes and small businesses. The Lincoln County Land Development Plan calls for medium density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 238—Kenneth M. McCurry, Applicant.

Kenneth McCurry, applicant, stated that he wanted to change the zoning of this property to business, so he could build a mini-storage facility and a service station. He stated that there are already businesses in the area.

Commissioner Larry Craig stated that the applicant may want to rezone to General Business.

Nancy Sailors stated that she lives in the area, and would like to know where the businesses would be located.

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. 238—Kenneth M. McCurry, Applicant, closed.

Zoning Map Amendment No. 239—Sebe D. Howard, Applicant

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 239—Sebe D. Howard, Applicant.

The applicant is requesting a zoning map change for approximately 170 acres of his property on Highway 16 North from R-T and R-SF (Rural Transition and Residential Single-Family) to B-G (General Business). A portion of this parcel is already zoned B-N (Neighborhood Business) and this is not to be rezoned. The property is located on Highway 16 North in the Denver area and is partially within the WSIV-P watershed and the highway overlay district. It is approximately 170 acres in size and is currently vacant. The parcel is surrounded by residential (R-T & R-SF) and commercial (B-N, B-G, & I-G) zoning districts. Nearby structures / uses are single family homes and numerous businesses. 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 Zoning Map Amendment No. 239—Sebe D. Howard, Applicant.

Sebe D. Howard, applicant, stated that this property has been in their family for hundreds of years, and now they want to sell it. He stated that no houses have been built on Highway 16 in 10 years, and he would like it zoned for business.

Harold Howard, Jr. stated that he owns the adjoining land and is in favor of the rezoning. He stated that he will be purchasing a portion of the adjoining 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. 239—Sebe D. Howard, Applicant, closed.

Zoning Map Amendment No. 240—James E. Vinson, Applicant

Judy Francis, Zoning Administrator, presented information regarding Zoning Map Amendment No. 240—James E. Vinson, Applicant.

The applicant is requesting a zoning map change for approximately 7.70 acres of property on Highway 27 East from R-T (Residential Transition) to B-G (General Business) to accommodate an upholstery business in an existing building.

The property is located on Highway 27 East in the Iron Station area and is approximately 7.7 acres in size. The parcel is surrounded by residential (R-T & R-SF) and commercial (B-N, B-G, & I-G) zoning districts. There is currently a commercial structure on the property that is vacant. Nearby structures / uses are single family homes and numerous businesses. The Lincoln County Land Development Plan calls for regional commercial development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 240—James E. Vinson, Applicant.

James E. Vinson, applicant, stated that he is a Lincoln County native and has been in the upholstery business for 30 years. He commented that he wants to start his own business.

Charles Oates stated that he has concerns about how this business would affect his land.

Herbert Forney stated that he does not agree with changing the zoning of this land to business. He stated that this is a community and a business should not be allowed.

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. 240—James E. Vinson, Applicant, closed.

Zoning Map Amendment No. 241—Donald Lee, Applicant

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 241—Donald Lee, Applicant.

The applicant is requesting a zoning map change for approximately one acre of property on Old Highway 321 in the Lincolnton area from R-S (Residential Suburban) to B-N (Neighborhood Business) to accommodate a professional office in an existing house.

The property is located at 2259 Highway 155 (Old 321) in the Lincolnton area and is one acre of a parcel approximately 13.5 acres in size (Owner will subdivide off one acre w/house if approved). The parcel is surrounded by

residential (R-SF) and commercial (B-N) zoning districts and is within the highway overlay district (DH) and the WS-IVP watershed. Nearby structures / uses are single family homes and small businesses. The Lincoln County Land Development Plan calls for higher density residential development in this area.

Judy Francis, Zoning Administrator, stated that she had been informed that the applicant is planning on opening a termite inspection business.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Map No. 241—Donald Lee, Applicant.

Donald Lee, applicant, stated that he would like to open a pest control business. He stated that this property would only be the administrative office, and a small storage facility. He stated that he is renting this office space from an adjacent homeowner.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 241—Donald Lee, Applicant, closed.

Chairman McConnell called for a five minute recess.

Chairman McConnell called the meeting back to order.

Commissioner James Hallman made a motion to move Zoning Text Amendment No. 243 to the end of the agenda.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Map Amendment No. 243—Flay Scronce, Sr. & Jr. and surrounding property owners, Applicants.

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 243—Flay Scronce, Sr. & Jr. and surrounding property owners, Applicants.

The applicants are requesting a zoning map change for approximately 2,042 acres of property in the northern portion of the Howards Creek Township from R-SF (Residential Single-Family) to R-S (Residential Suburban) to allow Class A mobile homes as a use by right.

The properties are located in the northern portion of the Howards Creek Township in the Hoover, Wyant, and Killian Road area. They are surrounded by residential (R-R & R-SF) zoning districts and are within the WS-IVP watershed.

Nearby structures / uses are single family homes and farms. The Lincoln County Land Development Plan calls for lower density residential development in this area.

The list of applicants are as follows:

NAME	PARCEL ID#	ACREAGE
Corriher	12765	53.0 AC
	14510	128.5 AC
	14511	61.0 AC
	14514	11.0 AC
	14513	11.0 AC
	13942	20.3 AC
	15387	3.7 AC
	14516	16.0 AC
Saine	14029	22.0 AC
	13972	1.80 AC
Lynch	12713	26.0 AC
Houser	12714	80.9 AC
Long	14483	516.8 AC
Lynch	14480	60.0 AC
	14485	4.0 AC
	14486	4.5 AC
Smith	14467	9.0 AC
Jarrett	14456	61.0 AC
	50917	6.0 AC
	14447	2.8 AC
Waters	56085	2.6 AC
	58196	33.0 AC
	14459	59.0 AC
	14460	8.0 AC
Berryhill	50588	1.2 AC
Propst	14447	43.8 AC
	58139	2.4 AC

Keever	14471	2.1 AC
Scronce	13851	18.5 AC
	13845	59.6 AC
	13946	7.9 AC
	13846	.95 AC
	13853	37.0 AC
	13915	35.0 AC
	13828	32.5 AC
Johnson	14445	3.0 AC
Carpenter	14440	16.4 AC
Canipe	14441	1.8 AC
	10521	24.5 AC
Waters, R.	17495	58.8 AC
	17498	47.0 AC
Waters, H.	17500	230.0 AC
	17481	1.1 AC
Terra Designs	14448	30.29 AC
Goins	14452	36.0 AC
	50916	9.23 AC
Wease, G.	14461	2.4 AC
	14464	55.28 AC
	14465	40.0 AC
Wease, Z.	14461	2.4 AC
	14464	55.28 AC
	14465	40.0 AC
Kistler	17491	20.4 AC
	18412	19.4 AC
Moore	50427	1.9 AC

TOTAL ACREAGE = 2042 acres

Judy Francis, Zoning Administrator, stated that ?????????????????// had asked for their names to be removed from the petition.

Flay Scronce, Jr., applicant, stated that he only wants a 10 one-acre lot subdivision. He stated that the people on this application want a choice.

Meredith Shuford, Attorney, stated that she represents the opponents to Zoning Map Amendment No. 243. She stated that there is more land available to put mobile homes on in Lincoln County than for stick-built homes. She commented that the residents are not opposed to a single mobile home being placed on the land, but do not want a mobile home park there.

Chairman Louis McConnell stated that only 10 opponents and 10 in favor of Zoning Map Amendment No. 243 could speak.

Gordon Scott Avery, spoke in favor of the request, stating that no one is planning to put a mobile home subdivision on this land.

Nell Leatherman stated that she lives in a mobile home on Killian Road. She commented that there is nothing wrong with mobile homes, they do not devalue property.

Billy E. Lynch spoke in favor of the request, stating that he recently bought 26 acres of land in this area. He commented that people have to start out somewhere.

Bruce Huitt, spoke in opposition of the request, stating that he owns property close to this land, and the wants the issue resolved, and the community to stay as is.

Jean Scronce spoke in favor of the request, stating that they only want to sell ten 1 acre lots.

Edmond A. Grigg, Sr., spoke in opposition of the request, stating that he lives across from the Scronce's land. He stated that he does not oppose doublewides or people who live in them, but he is against this subdivision.

Rusty Lutz, stated ?????????????????`

Bobby Canipe spoke in favor of the request, stating that he wants his 26 acres rezoned for the future. He commented that his grandchildren may want to live on this land in mobile homes.

Fred Carpenter stated ?????????????????//

Colleen McGee stated that she grew up in this community and she still owns land there. ??????????????????????????

Morris Caldwell stated that stick-built homes last longer than mobile homes. He commented that he made an offer to buy land from the Scronces to help them out.

Mildred Scronce stated that she owns the land that adjoins this land

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 204--Glenda Miller, Applicant.

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. 204--Glenda Miller, Applicant, closed.

Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant

presented information on Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant.

INSERT WHAT APPLICANT IS REQUESTING.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant.

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. 205--Willie Bass, Jr., Applicant, closed.

Zoning Map Amendment No. 206--Terry Hull, Applicant

presented information on Zoning Map Amendment No. 206--Terry Hull, Applicant.

INSERT WHAT APPLICANT IS REQUESTING.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 206--Terry Hull, Applicant.

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. 206--Terry Hull, Applicant, closed.

Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

presented Conditional Use Permit No. 103-- Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

INSERT WHAT APPLICANT IS REQUESTING!

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

LAKE NORMAN PARK – SYLVIA HOLMES

Sylvia Holmes stated that Lincoln County has no parks on the shoreline of Lake Norman. She stated that Duke Power is leasing land to counties for a modest fee, and in return the counties are responsible for management and maintenance of the land.

Commissioner James Hallman made a motion to proceed in principle to allow County Manager Rick French to negotiate with Duke Power, pending negotiations.

Seconded by Commissioner Larry Craig.
Unanimously approved.

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. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners, closed.

Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

presented Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

INSERT WHAT APPLICANT IS REQUESTING!

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., 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. 32--Larry Griffin, Sr., 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.

RESOLUTION TO SELL SURPLUS PERSONAL PROPERTY OF LINCOLN COUNTY, NORTH CAROLINA

presented the Resolution to sell surplus personal property of Lincoln County, North Carolina.

**RESOLUTION
TO SELL SURPLUS PERSONAL PROPERTY OF
LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, Lincoln County government has numerous items of personal property that are no longer needed by Lincoln County offices, and

WHEREAS, North Carolina General Statute 160A-270 (b) provides an expeditious procedure for selling surplus personal property;

WHEREAS, the surplus property consists of vehicles, trucks, desks, furniture, bicycles, and other surplus items of personal property.

THEREFORE BE IT RESOLVED, that the County Manager and/or Finance Officer be authorized to sell, at public auction, surplus personal property of Lincoln County on Saturday, June 7, 1997 in the County parking lot (behind the Jail) on West Water Street in Lincolnton. The terms of the sale will be for cash to the highest bidder.

Adopted this 5th day of May, 1997.

Louis E. McConnell, Chairman
Board of Commissioners

ATTEST:

Rebecca B. Shoupe
Clerk to the Board

SURPLS97.RES

A motion by Commissioner to approve the Resolution to Sell Surplus Personal Property of Lincoln County, North Carolina.

Seconded by Commissioner
Unanimously approved.

VACANCIES

321 Corridor Study Committee (9)

Child Fatality Prevention Team (1)

Council on Aging (2)

Library Board (2)

Regional Library Board (2)

Board of Variances and Appeals, Alternates (2)

APPOINTMENTS

RECOMMENDATIONS FROM PLANNING BOARD MEETING -- MAY 5, 1997

presented the Planning Board's recommendations as follows:

Zoning Map Amendment No. 200--Regina Crenshaw, Applicant

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

Zoning Map Amendment No. 201--Raymond and Tammy Frye, Applicants

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

Zoning Text Amendment No. 202--Chris Barrett, Applicant

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

Zoning Text Amendment No. 203--Larry Griffin, Sr., Applicant

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

Zoning Map Amendment No. 204--Glenda Miller, Applicant

A motion by Commissioner

Seconded by Commissioner

Unanimously approved.

Zoning Map Amendment No. 205--Willie Bass, Jr., Applicant

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

Zoning Map Amendment No. 206--Terry Hull, Applicant

A motion by Commissioner

Seconded by Commissioner
Unanimously approved.

**Conditional Use Permit No. 103--Cellco General Partnership/dba Bell
Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners**

Chairman McConnell presented the Findings of Fact for Conditional Use Permit No. 103--Cellco General Partnership/dba Bell Atlantic Nynex Partnership, Applicants; Marvin and Nancy Phillips, Owners.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 103

Date: May 5, 1997

Applicant's Name: Cello General Partnership/DBA Bell Atlantic Nynex Partnership

Address: 8921 Research Drive
Charlotte, NC 28262

Property Owner's Name: Marvin J. and Nancy Phillips
Address: 4684 Stratford Lane
Denver, NC 28037

Property Location: Approximately 1755 Triangle Circle near the intersection of North Highway 16
Map

Existing Zoning: I-G

Proposed Conditional Use: Communications Facility with a 250' lattice tower and a 300 square foot equipment shelter

FINDINGS OF FACT

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

2. The use meets all required conditions and specifications. Yes No
Motioned by Commissioner
Seconded by Commissioner
Factual Reasons Cited:
Vote:

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

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 No
Motioned by Commissioner
Seconded by Commissioner
Factual Reason Cited:
Vote:

After having held a public hearing on May 5, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner with the Commissioner motioned that the Conditional Use Permit be approved "fair and reasonable conditions" attached. Seconded by

Vote:

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

1.

2.

May 5, 1997

Chairman
Lincoln County Board of Commissioners

May 5, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant

Chairman McConnell presented the findings of fact for Parallel Conditional Use Rezoning No. 32--Larry Griffin, Sr., Applicant.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-# 32

Date: May 5, 1997

Applicant's Name: Larry A. Griffin, Sr.
Address: 15300 Holbrooks Road
Huntersville, NC 28078

Property Owner's Name:
Address:

Property Location: Southwest side of Highway 73 immediately west of Plank Road.
Map

Existing Zoning: R-T

Proposed Conditional Use: Construction, Demolition, and Land Clearing Debris Landfill

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes No
Motioned by Commissioner

Seconded by Commissioner
Factual Reasons Cited:
Vote:

2. The use meets all required conditions and specifications. Yes No
Motioned by Commissioner
Seconded by Commissioner
Factual Reasons Cited:
Vote:
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes No
Motioned by Commissioner
Seconded by Commissioner
Factual Reasons Cited:
Vote:
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 No
Motioned by Commissioner
Seconded by Commissioner
Factual Reason Cited:
Vote:

After having held a public hearing on May 5, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner motioned that the Conditional Use Permit be approved with the "fair and reasonable conditions" attached. Seconded by Commissioner

Vote:

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

- 1.
- 2.

Chairman
Lincoln County Board of Commissioners

May 5, 1997

Clerk to Board of Commissioners

May 5, 1997

OTHER BUSINESS

CLOSED SESSION-CONTRACTUAL AND PERSONNEL

ADJOURNMENT

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the _____, 1997 meeting.

Commissioner _____ motioned that the Board adjourn.

Seconded by Commissioner _____
Unanimously approved.

FORM.MIN