

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 5, 2010

The Lincoln County Board of County Commissioners met on April 5, 2010 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman
Bruce Carlton, Vice Chair
George Arena
James A. Klein
Carrol Mitchem

Planning Board Members Present:

Louis McConnell, Chairman
Gary Garlow, Vice-Chairman
Tom Campbell
Karl Dearnley
Jeff Frushtick
Keith Johnson
Shelly Johnston
James Mauney

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Andrew Bryant, Planner
Dusty Rudisill, Howard's Creek Fire Chief
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the April 5, 2010 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and Matthew McKinnon led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
APRIL 5, 2010

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Carlton
- 6:32 PM Pledge of Allegiance
1. 6:33 PM Adoption of Agenda
 2. 6:35 PM Consent Agenda
 - Approval of Minutes
 - March 15, 2010
 - Tax Requests for Releases – More than \$100
 - February 16 - March 15, 2010
 - Tax Requests for Refunds - More than \$100
 - February 15 - 28, 2010
 - Sponsored Group Status
 - RHA Dream Pageant
 - FY 2011 Designation of Lead Agency
 - Spring Litter Sweep 2010
 - CCOG Request
 3. 6:40 PM Relay for Life Proclamation - John Dancoff
 4. 6:45 PM Zoning Public Hearings – Randy Hawkins

PD #2010-1 Crosland Denver Highway 16, LLC, applicant - A request to rezone 41 acres from R-T (Transitional Residential) to PD-MU (Planned Development Mixed Use) to permit the property to be developed with commercial and light uses in accordance with a master plan. The property is located on the south side of Hwy. 150 and the east side of the planned four-lane Hwy. 16 in Catawba Springs Township.

VR #2010-1 Crosland Denver Highway 16, LLC, applicant - A request for a zoning vested right for a period of five years for a planned mixed-use development with commercial and light industrial uses. The 41-acre parcel is located on the south side of Hwy. 150 and the east side of the planned four-lane Hwy. 16 in Catawba Springs Township.

CZ #2010-2 Brian Hines, applicant - A request to rezone 3.9 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a 16,500 square-foot commercial complex that would include a Dollar General store. The property is located at 3318 and 3306 N. Hwy. 16, on the east side of Hwy. 16 just north of Denver Drive, in Catawba Springs Township.

CZ #2010-3 East Lincoln Speedway Holdings, LLC - A request to rezone 27.5 acres from R-T (Transitional Residential) and CU I-G (Conditional Use General Industrial) to CZ R-R (Conditional Zoning Rural Residential) to bring a nonconforming racetrack into conformity and to permit facilities to be expanded. The property is located on the east side of Mariposa Road about six-tenths of a mile south of Old Plank Road in Catawba Springs Township.

4. 9:15 PM Joint Public Hearing with Historic Properties Commission - Landmark Designation for Frank Beal House - Jason Harpe
5. 9:30 PM Public Comments
6. 9:45 PM Howard's Creek VFD - New Station Construction - Dusty Rudisill, Fire Chief and Scott Gardner, Architect
7. 10:00 PM Request to Accept Komen Grant Award - George Wood
8. 10:10 PM EDA Grant for Sewer Line at Airport - George Wood
9. 10:20 PM Abandonment of a Portion of SR 1754, Golf Course Drive South - Andrew Bryant
10. 10:25 PM Motion to Set a Proposed Date for a Budget Meeting with the Board of Education
11. 10:35 PM Other Business

Adjourn

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda.

Consent Agenda: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Consent Agenda.

- Approval of Minutes
 - March 15, 2010
- Tax Requests for Releases – More than \$100
 - February 16 - March 15, 2010

- Tax Requests for Refunds - More than \$100
- February 15 - 28, 2010
- Sponsored Group Status
- RHA Dream Pageant
- FY 2011 Designation of Lead Agency
- Spring Litter Sweep 2010
- CCOG Request (to use services of Andrew Bryant)

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100 AND #105-325 INCLUDING (A) (6)					PERIOD COVERED (Feb. 16, 2010 - Mar. 15, 2010)
NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Gingell, Shane	2009	ELFD/ELSD	0204922	\$130.38	Personal property in Mecklenburg County as of 1/2009.
Herndon, Kenneth	2009	City	33154	\$181.97	Approved Elderly exemption.
Howard Custom Homes Inc.	2009	DFD	0199508	\$146.69	No business personal property as of 1/2009.
Huggins, William Timothy	2005-2009	Union	0178968	\$148.48	Did not own boat as of 1/2005.
Mahon, Roger Wayne	2006-2009	PCFD	0131060	\$111.54	Did not own boat as of 1/2006.
Ostrander, Glen B	2008-2009	City	0133344	\$111.88	Did not own boat as of 1/2008.
Riveria, Anna	2000-2003	N-321	0140008	\$396.66	Duplicating billing on A/C 0148233.
Schnell, Brittan Douglas	2009	City	0177057	\$20,496.34	Amended business discovery listings.
Schronce, David Lee	2004-2009	City	0079676	\$233.39	Did not own boat as of 1/2004.
Weiss, Karolyn	2008-2009	ELFD/ELSD	0193620	\$258.84	Did not own boat as of 1/2008.
TOTAL				\$22,216.17	

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED (February 16 2010-March 15 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Barnett, Leonard Earl Jr	2009	City	0224287	\$281.82	Vehicle taxable in Catawba County.
DCFS Trust	2009	DFD/ELSD	0161482	\$213.23	Pro-rated bill.
Edmondson, Janet Hull	2009	BCFD	0078130	\$159.62	Vehicle sold prior to tag/tax year.
Ferrell, Freddy Stephen	2009	NBFD	0217371	\$129.42	Assessment adjustment of vehicle.
Geitner, Terrence John	2009	City	0184475	\$352.99	Pro-rated bill.
Howard Realty Inc	2009	DFD	0071211	\$1,047.79	Vehicle taxable in Catawba County.
Jenkins, Todd Matthew	2009	Crouse	03175	\$106.06	Pro-rated bill.
Littlejohn, Gene Arthur	2009	City	0108759	\$151.39	Pro-rated bill.
McMullen, Karen	2009	City	0224083	\$202.64	Pro-rated bill.
Savigny, Michael L	2009	ELFD/ELSD	0213070	\$865.79	Vehicle taxable in Catawba County.
Shuford, William Sidney Jr	2009	City	0121599	\$236.05	Vehicle taxable in Catawba County.
Sowell, Gary Timothy	2000	City	0146038	\$171.68	US Bankruptcy Judge discharged personal property.
Stroup, Michael Andrew	2009	City	0108068	\$119.66	Pro-rated bill.
Ware, Elizabeth Victoria Drew	2009	City	0224084	\$142.60	Vehicle taxable in Gaston County.
TOTAL				\$4,180.74	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 15, 2010-FEBRUARY 28, 2010)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
CALHOUN, TAMMY G.	2008-09	SFFD	0170311	102.94	PRO-RATED BILL
TOTAL				\$102.94	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 1, 2010-MARCH 14, 2010)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Smith, Mendall G.	2009	CITY	0156633	145.23	Pro-Rated Bill
TOTAL				\$145.23	

LITTER SWEEP

2010

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes roadside cleanup campaigns to ensure clean roadsides throughout our State; and

WHEREAS, a SPRING LITTER SWEEP campaign has been planned for April 17 – May 1, 2010, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2010 Spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim April 17 – May 1, 2010, as "**SPRING LITTER SWEEP**" in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

Relay for Life Proclamation: Cheryl Burgess and John Dancoff presented the following Proclamation for the Board's approval:

RELAY FOR LIFE PROCLAMATION

American Cancer Society Relay For Life® Proclamation for Lincoln County

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of Lincoln County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

WHEREAS, Relay For Life of Lincoln County consistently ranks among the Top 10 in the nation in our per capita group for fund raising efforts.

WHEREAS, Relay For Life of Lincoln County received **The Power of Hope Award** in 2009 for being **number one in the Nation** in our per capita group for cancer Survivor registration and participation.

NOW, THEREFORE, BE IT RESOLVED, that we, The County Commissioners of Lincoln County, do hereby proclaim April 30th through May 15th as, "RELAY FOR LIFE DAYS" in Lincoln County and encourage citizens to participate in the Relay For Life event at East Lincoln High School on April 30th and May 1st and Lincolnton High School on May 14th and 15th.

Signature

date

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Proclamation.

New Business/Advertised Public Hearings:

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, April 5, 2010, at 6:30 p.m. to consider the following matters:

PD #2010-1 Crosland Denver Highway 16, LLC, applicant (Parcel ID #89014) A request to rezone 41 acres from R-T (Transitional Residential) to PD-MU (Planned Development Mixed Use) to permit the property to be developed with commercial and light uses in accordance with a master plan. The property is located on the south side of Hwy. 150 and the east side of the planned four-lane Hwy. 16 in Catawba Springs Township.

VR #2010-1 Crosland Denver Highway 16, LLC, applicant (Parcel ID #89014) A request for a zoning vested right for a period of five years for a planned mixed-use development with commercial and light industrial uses. The 41-acre parcel is located on the south side of Hwy. 150 and the east side of the planned four-lane Hwy. 16 in Catawba Springs Township.

CZ #2010-2 Brian Hines, applicant (Parcel ID# 32468 and 34111) A request to rezone 3.9 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a 16,500-square-foot commercial complex that would include a Dollar General store. The property is located at 3318 and 3306 N. Hwy. 16, on the east side of Hwy. 16 just north of Denver Drive, in Catawba Springs Township.

CZ #2010-3 East Lincoln Speedway Holdings, LLC (Parcel ID# 53985, 71170 and 59382) A request to rezone 27.5 acres from R-T (Transitional Residential) and CU I-G (Conditional Use General Industrial) to CZ R-R (Conditional Zoning Rural Residential) to bring a nonconforming racetrack into conformity and to permit facilities to be expanded. The property is located on the east side of Mariposa road about six-tenths of a mile south of Old Plank Road in Catawba Springs Township.

Interested parties may appear at the public hearings, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

Chairman Patton announced that this was the date, Monday, April 5, 2010, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on March 26 and April 2, 2010.

Zoning Public Hearings – Randy Hawkins:

PD #2010-1 Crosland Denver Highway 16, LLC, applicant: Randy Hawkins presented the following information:

The applicant is requesting the rezoning of 41 acres from R-T (Transitional Residential) to PD-MU (Planned Development Mixed Use) to permit the property to be developed with commercial and light industrial uses in accordance with a master plan. This property is part of the planned BridgeWater development, a larger portion of which

is located on adjacent property in Catawba County and has already been rezoned for this purpose.

Crosland originally applied to rezone the Lincoln County portion to CZ B-G (Conditional Zoning General Business) and CZ I-G (Conditional Zoning General Industrial) in August 22, 2008, but subsequently requested that the applications be deferred. At the time, Lincoln County was in the process of adopting a Unified Development Ordinance with new regulations. An amended application with a nearly identical master plan was submitted on January 20, 2010.

PD-MU is a new zoning district established under the Unified Development Ordinance to provide for coordinated developments that may include light industrial, commercial, office, educational, civic, institutional, service and residential uses. (In this case, no residential uses are proposed.) Like other planned development districts, it's an option provided to encourage higher-quality developments by allowing for additional flexibility not available in the general zoning districts.

The property is located on the south side of Hwy. 150 and the east side of the planned four-lane Hwy. 16 at the Lincoln-Catawba County line. An interchange is planned at this location. This property is adjoined by property zoned I-G (General Industrial), PD-CD (Planned Development Conditional for the Catawba County portion of the proposed development) and R-T (the land on the opposite side of the planned fourlane Hwy. 16). Land uses in this area include industrial, agricultural and residential. The Lincoln County Land Use Plan classifies this area as industrial. Lincoln County has a water main that runs along Hwy. 150, and Catawba County plans to extend service to this area.

The General Development Standards of the UDO apply to planned developments, unless specifically waived by the Board of Commissioners. In this case, the applicant is requesting waivers from four standards and approval for alternate standards contained in the Design Development Guidelines submitted as part of the rezoning application. The proposed alternate standards are consistent with the approved standards for the Catawba County portion of the development. Following is a summary of the waiver requests:

1) Signage

A) Main sign on Hwy. 16: The applicant is proposing a monument sign with a maximum height of 17 feet and a maximum sign area of 120 square feet (per side). Under the UDO, a monument sign over 8 feet in height is subject to a maximum sign area of 60 feet, the same as a pole sign. (The UDO would allow a monument sign up to 8 feet in height with a maximum sign area of 80 square feet.)

B) Wall signs: The applicant is proposing a maximum sign area of 220 square feet on the front of anchor tenants (any store that exceeds 40,000 square feet in gross leasable area) and a maximum area of 150 square feet on the side or rear; a maximum of 150 square feet on the front of junior anchors (more than 5,000 square feet but less than 40,000 square feet in leasable area) and a maximum of 150 square feet on the side or rear; and a maximum letter height of 22 inches and a maximum width of than 80 percent of the tenant space for village tenants (less than 5,000 in gross leasable area.)

Under the UDO, wall signs are generally limited to 10 percent of the wall area and a maximum of 100 square feet. However, the maximum may be increased up to 300 percent depending on how far the store is set back from the minimum building line. Based on the site plan, tenants would qualify for an increase.

C) Outparcel signage (for office and flex/industrial uses): The applicant is proposing monument signs with a maximum height of 5 feet and a maximum sign area of 50 feet. The UDO would allow this on lots with 250 feet or more of frontage, which would be the case here.

2) Parking lot landscaping

The applicant is proposing landscape islands to be located every 15 spaces in a continuous row for parking areas that are not visible from Hwy. 150 (every 10 spaces otherwise). The UDO requires that all parking spaces be located within 50 feet of a landscape island, which typically works out to every 11 spaces. However, if landscape islands are arranged in a staggered fashion from one row to the next, the number of spaces in a continuous row between landscape islands may be greater than 11.

3) Compact parking spaces

The applicant is proposing that up to 25 percent of the total parking spaces be compact spaces. The UDO requires that every space be a full-size space, a minimum of 9 x 19 feet. Compact spaces are 8 x 16 feet.

4) Lighting height

The applicant is proposing parking lot lighting with a maximum height of 35 feet. The UDO limits the height to 30 feet.

Mr. Hawkins stated the staff recommends approval of the rezoning request and the requested waivers except for the main sign on Hwy. 16.

He said they will recommend to the Planning Board that they hold off on a formal recommendation until an agreement is finalized providing water service to the development.

George Arena asked staff and the Planning Board to look at the building standards at Walmart and Lowe's to stay consistent.

Chairman Patton opened the public hearing concerning PD #2010-1 Crosland Denver Highway 16, LLC, applicant.

Austin Williams, Vice President at Crosland, said the bulk of the retail component is in Catawba County. He said the discussions on this property started in 2007. Mr. Williams presented information concerning the signage.

Being no additional speakers, Chairman Patton declared the public hearing closed.

Vested Rights #2010-1 – Crosland Denver Highway 16, LLC, applicant:

The applicant is requesting a zoning vested right for a period of five years for a

planned mixed-use development with commercial and light industrial uses. This request involves the Lincoln County portion of the proposed BridgeWater development. The 37-acre site is located on south side of Hwy. 150 and the east side of the planned four-line Hwy.16.

Under state law, a zoning vested right may be granted by a local government with respect to any property upon the approval of a site specific development plan or a phased development plan. A zoning vested right confers upon a landowner the right to undertake and complete the development and use of the property under the terms and conditions of the approved plan.

It exempts the owner from subsequent changes in zoning regulations which would prevent or reduce the development or use of the property as set forth in the approved plan. It does not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use.

The Lincoln County Unified Development Ordinance includes a section establishing a process to implement the provisions of the state statute that authorizes local governments to grant a zoning vested right. That section and the state statute are included in this packet.

Staff's Recommendation

Staff recommends approval of a zoning vested right for a period of five years. This is a reasonable expectation by the applicant, given the size of the project and the extensive planning that has already been devoted to it.

Chairman Patton opened the public hearing concerning VR #2010-1 Crosland Denver Highway, LLC., applicant.

Austin Williams stated that the development agreement with Catawba County requires that they have developed and started construction on approximately 150,000 square feet of commercial development within 5 years of the sewer delivery date.

Being no speakers, Chairman Patton declared the public hearing closed.

Conditional Zoning #2010-2 Brian Hines, applicant:

The applicant is requesting the rezoning of 3.9 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a 16,500-square-foot commercial complex. If this request is approved, the development of this property would be governed by the B-G district's regulations, the Unified Development Ordinance's general development standards, the approved site plan and building elevations, and any conditions mutually approved by the county and the applicant.

The property is located at 3318 and 3306 N. Hwy. 16, on the east side of Hwy. 16 just north of Denver Drive. It is adjoined by property zoned R-SF, B-N (Neighborhood Business) and I-G (General Industrial). Land uses in this area include residential, commercial and industrial. Public water and sewer are available at this location. The Lincoln County Land Use Plan classifies this property as part of the N.C. 16 Corridor and calls for a redevelopment plan that promotes the further mixing of land uses in a more

orderly and planned manner, addressing issues such as architectural standards, landscaping, signage and access management. The NC 16 Corridor Vision Plan includes no specific recommendations for this area, but it recommends that commercial uses be concentrated in nodes.

Staff recommends approval of the rezoning request for the following reasons:

This property is adjoined on two sides (the north and the west) by property zoned and used for businesses. Other properties in this area are zoned and used for commercial or industrial purposes. A boat dealership, a tire store and a used car lot are located across the road from this property.

This property is part of a relatively small residentially zoned area that is adjoined on three sides by properties zoned business and industrial, separating it from any other residential area on Hwy. 16. (The owners of the other residentially owned properties in this immediate area support the rezoning request.) The proposed building and parking lot would be more than 300 feet from the residentially zoned properties (undeveloped subdivision lots) at the rear of this property.

This property is located close to a signalized intersection. Hwy. 16 has a middle turning lane at this location.

This is a conditional rezoning, with the development of the property subject to the approved site plan and building elevations.

The proposed development will implement recommendations of the Land Use Plan for the NC 16 Corridor, including limiting the parking in front of the building, erecting a monument sign instead of a pole sign and providing connectivity to adjoining parcels. One of those connections would provide this development with access to the signalized intersection if the adjoining lot to the south is developed commercially.

Mr. Hawkins presented letters of support from Rudy and Prissy Sherrill endorsing the plan.

Commissioner Arena stated that this node is specifically not addressed as a commercial node in the vision plan. Randy Hawkins stated that all the other signalized intersections on Hwy. 16 were looked at as potential community center locations.

Commissioner Arena asked about the traffic at this location. Randy Hawkins stated that this request did not trigger requirements for the traffic impact study.

Gary Garlow stated that as he reads the 16 Vision Plan, they specifically address the issue of commercial down 16 and to discourage it completely. He said his concern is where it stops.

Randy Hawkins stated that this was a tough call for staff. He said if the two properties on the north side were not zoned business, staff would have had a different recommendation.

Mr. Garlow asked if there was any vacant property, currently zoned business, along Highway 16 that would tend to this use north of the current proposed site, that would be in the area proposed in the 16 Vision Plan.

Mr. Hawkins said he believes there are some vacant properties in some of the strip shopping centers, he's not sure about the individual parcels.

Mr. Garlow stated that he counted at least four locations that are available that are in the area proposed by the 16 plan.

Chairman Patton opened the public hearing concerning Conditional Zoning #2010-2 Brian Hines, applicant.

Bill Kuletz, 3329 North Highway 16, stated that they are opposed to the development of this business for the following reasons: they are the only cluster of remaining homes there and there are a lot of empty buildings along Highway 16. He said there will be a 15 year contract with Dollar General and the company normally stays five to six years. He said this will end up another empty building. He said there needs to be a performance bond if this development is allowed.

Brian Hines stated that he has owned this property for a little over 2 years. He said Dollar General wants to be on the going-home side of the road. He said they looked at the 16 Land Use Plan and tried to implement some of those that are recommended – split face block all the way around, architectural plans, a monument sign. He said he is the landlord, and builds it with his money. He said this is not even recognized as a node. Mr. Hines said this is a great location for business.

Commissioner Arena stated that there is a commercially identified zone in Triangle and there are plenty of lots north, that are on the going-home side that are already zoned commercial.

Mr. Hines said they want to be farther north than that. He said they want to be away from their store at Lowesville and the Walmart.

Commissioner Arena asked if Mighty Dollar is not a concern for them. Mr. Hines said that Mighty Dollar has different merchandise and they were identified in information sent to Dollar General.

Commissioner Carlton asked if Dollar General is the only option, the best the applicant can bring. He said there is a Dollar General up the road, a Mighty Dollar right there in an

area where it doesn't fit. He said there is Mighty Dollar, right up the road, that is a family business that could be put under. He asked if Mr. Hines talked to the people in the area to see if this is what they want.

Mr. Hines stated that Dollar General identifies the location they would like a new store and looks at demographics. He said that nobody right in the general area had no problem with it. He said 6 people from the community attended the community meeting.

Commissioner Mitchem stated that everybody cannot shop at Macy's and he thinks the people would like to have a Dollar General in the area.

Being no additional speakers, Chairman Patton declared the public hearing closed.

The Planning Board reconvened to the 3rd floor Commissioners Room and the Commissioners called for a brief recess.

Joint Public Hearing with Historic Properties Commission – Landmark Designation for Frank Beal House – Jason Harpe: Jason Harpe presented the landmark designation for the Frank Beal House, 204 South Academy Street, Lincolnton.

Chairman Patton opened the joint public hearing the Landmark Designation for Frank Beal House.

Being no speakers, Chairman Patton declared the public hearing closed.

Public Comments: Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Richard Sumitt, 5053 Mullis Lane, stated that he takes pride in Lincoln County. He stated that everyone should be treated fairly. He voiced concerns about the trash along the road and said there is so much more trash along the roads when there are races at the speedway. He said there is an increase in noise, etc. when the races are going on.

Being no additional speakers, Chairman Patton declared the public hearing closed.

Howard's Creek VFD – New Station Construction – Dusty Rudisill, Fire Chief and Scott Gardner, Architect: Dusty Rudisill, Fire Chief and Scott Gardner, Architect, presented plans for the Howard's Creek Volunteer Fire Department.

Commissioner Arena asked if EMS can exit out the front of if they have to go out the back. Dusty Rudisill stated that EMS will exit out the back and Ron Rombs is okay with this.

Martha Lide stated that there was a meeting and Ron Rombs was fine with this facility. She said this is the exact same way they do it at the Denver Fire Department.

Commissioner Mitchem asked questions about the Sheriff's space at this facility.

UPON MOTION by Commissioner Klein, the Board voted 4 – 1 (Arena against) to move forward with the design for the Howards Creek Volunteer Fire Department.

Historic Properties Recommendation: The Historic Properties Commission met and unanimously recommended approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Historic Designation for the Frank Beal House.

AN ORDINANCE DESIGNATING AS AN HISTORIC PROPERTY THE PROPERTY KNOWN AS "THE FRANK BEAL HOUSE" AND PROPERTY TO INCLUDE THE FOLLOWING: THE EXTERIOR OF THE HOUSE AND .18 ACRES OF LAND UPON WHICH THEY ARE LOCATED. THE PROPERTY OWNED BY DIERDRE NACHAMIE IS LOCATED ON 204 SOUTH ACADEMY STREET, LINCOLNTON, LINCOLN COUNTY, NORTH CAROLINA.

WHEREAS, all of the prerequisites to the adoption of the this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the Lincoln County Historic Properties Commission has caused to be made and reviewed the report on the historic, architectural, educational and cultural significance of the "Frank Beal House" and property and recommended to the Lincoln County Board of Commissioners designation of the "Frank Beal House"; and

WHEREAS, the North Carolina State Historic Preservation Office has reviewed the historic, architectural, educational and cultural significance of the "Frank Beal House" and property; and

WHEREAS, the historical and architectural significance of the "Frank Beal House" and property has been well documented and recognized through its listing as a contributing structure in the Lincolnton Commercial Historic District in the National Register of Historic Places; and

WHEREAS, the Members of the Board of Commissioners of Lincoln County, North Carolina have taken into full consideration all statements and information presented at a joint public hearing held with the Lincoln County Historic Properties Commission on the 5 April 2010 on the question of designating a property known as the "Frank Beal House" and property as an historic property; and

WHEREAS, the "Frank Beal House" was constructed ca. 1910; and

WHEREAS, the "Frank Beal House" is an excellent example of the eclectic mix of two residential architectural styles, the Queen Anne and Colonial Revival; and

WHEREAS, the “Frank Beal House” retains very good integrity; and

WHEREAS, Frank Beal was a successful businessman in Lincolnton and the substantial and stylish house reflects his economic status in the community; and

WHEREAS, Dierdre Nachamie, the current owner has faithfully maintained the “Frank Beal House” and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the United States of the Interior has the “Frank Beal House” listed as a contributing structure in the Lincolnton Commercial Historic District on the National Register of Historic Places; and

WHEREAS, the Lincoln County Historic Properties Commission has demonstrated that the property known as the “Frank Beal House” possesses a building having integrity of design, setting, workmanship, materials and/or association; and

WHEREAS, the property known as the “Frank Beal House” is owned by Dierdre Nachamie.

NOW, THEREFORE BE IT ORDAINED by the Members of the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as the “Frank Beal House”: including the exterior of the house and .18 acres of land upon which it is located, is hereby designated as a historic property pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said building and property is noted as being situated on a tract of property more specifically described in the description attached to the Resolution.
2. That said designated historic property may be materially altered, removed or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Properties Commission. An application for the Certificate of Appropriateness authorizing the demolition of said historic property may be not be denied. However, the effective date of such a Certificate of Appropriateness in accordance with Chapter 160A, Article 19, and amendments thereto and hereinafter adopted.
3. That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, not to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such features when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to

prevent the historic property owner from making any use of this historic property not prohibited by other statutes, ordinance or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as an historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said historic property.
5. That the owners and occupants of the historic property known as the “Frank Beal House” be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the office of the Clerk to the Board of Commissioners, Register of Deeds, Planning and Inspections and the Tax Supervisor, as required by applicable law.
6. That which is designated, as historic property shall be subject to Chapter 160A, Article 19 and any amendments to it and any amendments hereinafter adopted.

Adopted this 5 April 2010.

Alex Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Request to Accept Komen Grant Award – George Wood: Mr. Wood stated that this is a grant for \$49,571.50 (with no matching funds) to provide 100 screening mammograms and 40 diagnostic mammograms with ultrasounds to uninsured and underinsured women in Lincoln County. Funding is also provided for up to 10 biopsies and 3 MRI’s. The purpose is to increase access to care for unserved women at risk for breast cancer, and to reduce the incidence of breast cancer mortality. A part-time hourly public health nurse (up to 15 hrs. a week) will be hired to coordinate care with local providers, make appointments and referrals, and provide education on breast cancer at community and church events. This is the first and only source of funding available to the Health Department for treatment of diagnosed breast cancers. Lincoln County has the highest incidence of breast cancer of the nine county areas served by the Charlotte Komen office.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the request to accept the Komen Grant Award.

EDA Grant for Sewer Line at Airport – George Wood:

Lincoln County is eligible to apply for a special set of grant funds from the US Department of Commerce, Economic Development Administration, due to job losses in the County connected to foreign trade. The grant presents an unusual opportunity, in that the County is not required to show that a company has committed to locating in the new industrial park. The County is also not required to provide local funds to help pay a proposed project.

Grants in this special category must create and retain jobs. The grant activities must help communities adapt to changes in trade patterns through diversification of the local economy.

Successful applications will support regionalism, support global trade, advance business clusters, and deliver a high rate of return.

The County chose to apply for about \$2 million in grant funding to complete the sewer line serving the Lincolnton-Lincoln County Regional Airport. Completion of the line will allow for the development of the first industrial sites in the new Airport Business Park, as outlined in the Business Park Plan, adopted in August 2009.

The Centralina Council of Governments is completing the application which is due at the Economic Administration on April 20, 2010.

The team working advising on the project: Martha Lide, Barry Matherly, Jeff Lynn, and Burns Whittaker. Laura Mundell, from Centralina COG, will draft the application.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the EDA Grant for the sewer line at the airport.

Abandonment of a Portion of SR 1754, Golf Course Drive South – Andrew Bryant:

Andrew Bryant presented the following information:

The request is to abandon a portion of SR 1754, Golf Course Drive South. Approximately 344 feet will be abandoned and 1756 feet will remain, it will end at lot 13 of the subdivision. The road will be realigned and will take Golf Course Drive South, turn to the east, and connect it to Shanklin Lane. If approved, the Board of Transportation will consider the request at their April meeting.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the abandonment of a portion of State Road 1754, Golf Course Drive South.

Motion to Set a Proposed Date for a Budget Meeting with the Board of Education:

The Board set the joint meeting for April 28 at 6:00 p.m. at the School Administration Office.

Other Business: Mr. Wood reminded the Board of the field trip to the Killian Creek Wastewater Treatment Plant at 5:00 p.m. on Monday, April 19.

Adjourn: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex Patton, Chairman
Board of Commissioners