

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 6, 2007**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 6, 2007, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
Alex E. Patton, Vice Chairman  
Bruce Carlton  
James A. Klein  
Marie Moore

Planning Board Members Present:

Jerry Geymont, Chairman  
John Pagel, Vice Chairman  
Terry Whitener, Secretary  
George Arena  
Clyde Brown  
Larry Craig  
Darrell Harkey  
Harold Howard Jr.  
Louis McConnell

Others Present:

Martha Lide, Acting County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building and Land Development  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Associate Planner  
Stacy Yates, Associate Planner  
Amy Brown, Clerk to the Planning Board  
Barry McKinnon, Utility Engineer  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the August 6, 2007 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Commissioner Carlton gave the Invocation, and led in the Pledge of Allegiance.

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

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

## **AGENDA**

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

**AUGUST 6, 2007**

- |    |         |   |
|----|---------|---|
|    | 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. | 6:34 PM | Consent Agenda <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- July 16, 2007</li><li>- July 20, 2007</li></ul></li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- July 2 – 8, 2007</li></ul></li><li>- Tax Requests for Releases – More than \$100<ul style="list-style-type: none"><li>- June 16 – July 15, 2007</li></ul></li><li>- Budget Adjustment No. 7, 8, 10 – 18</li><li>- Capital Project Ordinance – Industrial Park</li></ul> |
| 3. | 6:36 PM | Report from the Planning Board – Jerry Geymont  |
| 4. | 6:40 PM | Zoning Public Hearings – Randy Hawkins  |

ZMA #554 Jeff Smiley, applicant (Parcel ID# 60253) A request to rezone 4.3 acres from R-T (Transitional Residential) to B-G (General Business). The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township.

CUP #281 John Leatherman, applicant (Parcel ID# 13382) A request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.76-acre site is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howards Creek Township.

CUP #282 Alltel Communications Inc., applicant (Parcel ID# 23954) A request for a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. The 16-acre tract is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township.

PCUR #154 B.V. Hedrick Gravel and Sand Co., applicant (Parcel ID# 02862, 52621, 02860, 34252, 30239, 78253, 73724, 02861, 74885, 78254, 31188, 52622, 84029, 85905 and 56506) A request to rezone 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a conditional use permit that would also apply to the existing quarry operation. The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in Catawba Springs Township.

PCUR #140A Westport Lakeside Development LLC, applicant (Parcel ID# 02324 and 85974) A request to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district, approved for 52 single-family homes and 74 condominiums, is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township.

PCUR #147A Westport Lakeside Development LLC, applicant (Parcel ID# 83152, 71252, 81941, 81940 and 55119) A request to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district, approved for 69 single-family homes and 120 condominiums, is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township.

5. 8:00 PM Public Hearing – Comprehensive Land Use Plan
6. 8:30 PM Flood Damage Prevention Ordinance Revision – Andrew Bryant
7. 8:40 PM Public Comments
8. 8:55 PM Designation of Voting Delegate to NCACC Annual Conference
9. 9:00 PM 20 Year CIP Update Engineer Selection & Contract – Steve Gilbert
10. 9:10 PM Presentation of Indian Creek Industrial Park Infrastructure Study – Steve Gilbert
11. 9:30 PM Other Business

## Adjourn

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

### Consent Agenda

- Approval of Minutes
  - July 16, 2007
  - July 20, 2007
- Tax Requests for Refunds – More than \$100
  - July 2 – 8, 2007

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

### REQUEST FOR REFUNDS

PERIOD COVERED (July 2, 2007-July 8, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Fahs, Keith L. Sr.				231.00

**TOTAL     \$ 231.00**

- Tax Requests for Releases – More than \$100
  - June 16 – July 15, 2007

- Budget Adjustment No. 7, 8, 10 – 18

No. 07: Carry over remaining 06-07 balance 06-07 to help with cost of orthophotography project

No. 08: Encumbrances June 2007 – Funds collected and remitted to State

No. 10: Carry over Library gift fund balances from previous year

No. 11: Carry over balances for school capital projects

No. 12: Carry over prior year balances in CIP Fund

No. 13: Carry over prior balances in Sewer CIP

No. 14: Carry over prior balances in Sewer CIP

No. 15: Transfer funds from Ambulance CIP to general fund debt svc. to cover debt payment on new Stretchers

No. 16: Encumber funds to repair roof at Shanklin Library branch

No. 17: Encumber funds for repair security system BOA building \$7,500 and remove stairway from Courthouse Clerk of Court office \$10,000

No. 18: Carry over balance of Register of Deeds automation funds per GS 161-11.3

Capital Project Ordinance  
Industrial Park 321 N. Business Sewer Line  
Revision #1

BE IT ORDAINED by the Lincoln County Commissioners,  
that pursuant to Section 13.2 of Chapter 159 of the General

Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a sewer line to serve the Finger Mill Industrial Park and provide sewer capacity for economic development along Business Highway 321 North.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 197,975
Construction	1,574,195
Contingency	25,000
Total	\$1,797,170

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from General Fund	\$1,797,170
Total	\$1,797,170

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this <sup>th</sup> day of , 2007

**Report from the Planning Board – Jerry Geymont:** Jerry Geymont, Chairman of the Planning Board, gave a monthly report from the Planning Board, saying that the new Land Use Plan is before the Board of Commissioners tonight. He stated that they have been working very hard on transportation issues in the county.

**Zoning Public Hearings – Randy Hawkins:**

Chairman Anderson announced that this was the date, Monday, August 6, 2007 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on July 27, 2007 and August 3, 2007.

**NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, August 6, 2007, at 6:30 p.m. to consider the following matters:  
ZMA #554 Jeff Smiley, applicant (Parcel ID# 60253) A request to rezone 4.3 acres from R-T (Transitional Residential) to B-G (General Business). The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township.

CUP #281 John Leatherman, applicant (Parcel ID# 13382) A request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.76-acre site is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howards Creek Township.

CUP #282 Alltel Communications Inc., applicant (Parcel ID# 23954) A request for a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. The 16-acre tract is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township.

PCUR #154 B.V. Hedrick Gravel and Sand Co., applicant (Parcel ID# 02862, 52621, 02860, 34252, 30239, 78253, 73724, 02861, 74885, 78254, 31188, 52622, 84029, 85905 and 56506) A request to rezone 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a conditional use permit that would also apply to the existing quarry operation. The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in Catawba Springs Township.

PCUR #140A Westport Lakeside Development LLC, applicant (Parcel ID# 02324 and 85974) A request to amend a conditional use district to allow the use of private sewage systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district, approved for 52 single-family homes and 74 condominiums, is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township.

PCUR #147A Westport Lakeside Development LLC, applicant (Parcel ID# 83152, 71252, 81941, 81940 and 55119) A request to amend a conditional use district to allow the use of private sewage systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district, approved for 69 single-family homes and 120

condominiums, is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township.

The public is invited to attend this meeting, 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 Department of Building and Land Development at (704) 736-8440.

2T: July 27, August 3, 2007

Chairman Anderson asked that ex parte discussions be revealed at the time cases are discussed, and none were given.

**Zoning Map Amendment No. 554 – Jeff Smiley, applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 4.28 acres from R-T (Transitional Residential) to B-G (General Business). The property is part of a .74-acre parcel, the remainder of which is already zoned B-G.

The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township. The adjacent property to the north is zoned R-T. Property to the south is zoned B-G. Property to the east is zoned B-G and R-T. (An adjoining parcel to the east is also owned by the applicant and is the site of Climatech Heating & cooling.) Property to the west is zoned R-T. Land uses in this area are a mixture of commercial, vacant parcels and residential. This area is not one of the areas designated by the 2001 Lincoln County Land Use Plan as most suitable for concentrating commercial development. The new Land Use Plan as currently proposed would classify this area as Neighborhood Business, an area appropriate for small-scale retail and service establishments.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 554 – Jeff Smiley, applicant.

Jeffrey D. Smiley stated that the Duke Power transmission line right of way goes over a majority of the property. He stated that he is looking to put a building on the lower section of the property. He said that he is looking to move some of the trailers off site and clean up the property.

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

**Conditional Use Permit No. 281 – John Leatherman, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. A Class E mobile home is one with a metal roof and/or metal siding that was located in Lincoln County as of Sept. 23, 2002, when new appearance requirements were adopted. Under the Zoning Ordinance,

Class E mobile homes are permitted in the R-S district subject to the issuance of a conditional use permit.

The proposed 0.76-acre site, to be subdivided from a 5.7-acre parcel, is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howard Creek Township. It is adjoined on the sides and rear by property zoned R-S. Property zoned B-N (Neighborhood Business) is located on the opposite side of Hwy. 27. Land Uses in this area are a mixture of residential, agricultural, commercial and vacant parcels.

This property is located in an area designated by the 2001 Lincoln County Land Use Plan as a rural community center, an area suitable for concentrating primarily residential development, surrounding small-scale retail, civic and institutional uses serving the local area. Goal 4 of the Land Use Plan states: "In order to encourage a housing mix that provides housing choice for all economic levels, (the county should) permit a variety of residential uses – single-family, multi-family and manufactured homes – at appropriate locations and under prescribed conditions."

The new Land Use Plan as currently proposed would classify this area as Rural Preservation, an area where low-density residential uses would be encouraged.

Jerry Geymont stated that this is a piece of property in the farm the family currently owns.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 281 – John Leatherman, applicant.

John Leatherman, 226 Cat Square Road, stated that there was a mobile home there previously, the septic tank and water hook up are there, and all neighbors said it was fine.

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

**Conditional Use Permit No. 282 – Alltel Communications Inc., applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. Under the Zoning Ordinance, telecommunications towers with a maximum height of 325 feet are permitted in the R-T district subject to the issuance of a Conditional Use Permit. Towers must be set back from all property lines at least 110 percent of the tower's height. Other requirements must also be met.

The 16-acre parcel is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township. It is surrounded by property zoned R-T. The 2001 Lincoln County Land Use Plan designates this area as residential. The new Land Use Plan as currently proposed would classify this area as Rural Residential.



## CELL PHONE TOWER APPLICATION REQUIREMENTS

Section 8.35 requires an applicant to:

- Provide a map or description of the service area for the proposed tower antenna, identify all other possible alternatives considered within the service area for the proposed antenna, and explain why existing towers and structures cannot accommodate the proposed antenna.
- Provide a certificate of insurance showing that the tower owner has general liability coverage of at least \$1 million
- Make provisions for the removal of the tower in the event its use is discontinued, and provide a performance bond or other security in an amount equal to 1.25 times the estimated cost of dismantling and removal.

Jill House, spoke representing Alltel Communications. She stated that a significant need was identified on Highway 73 and 27. They have looked at the possibility of collocation and that is not an option. She reviewed the findings of fact.

Leslie Neeley, Site Acquisition Specialist stated that she is here to answer any questions the Board may have.

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

**Parallel Conditional Use Request No. 154 – B.V. Hedrick Gravel and Sand Co., applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a Conditional Use Permit that would also apply to the exiting quarry operation. A mining operation such as a quarry is permitted in the I-G district subject to the issuance of a Conditional Use Permit. This quarry was in operation before the Zoning Ordinance was enacted in this area, so it was grandfathered. The proposed parallel conditional use rezoning would bring the existing quarry operation into conformity with the ordinance and permit its expansion onto adjoining parcels.

The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in the Catawba Springs Township. The adjoining property to the north is zoned P-R (Planned Residential). Property to the south is zoned R-T and I-G. Property to the east and west is zoned I-G. Land uses in this area are a combination of industrial and residential. This property is located in an area designated by the 2001 Lincoln County Land Use Plan as a commercial and employment center. The new Land Use Plan as currently proposed would classify this area as industrial.

He reviewed buffer regulations for this facility.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Permit No. 154 – B.V. Hedrick Gravel and Sand Co., applicant.

Craig Justus, Attorney for Hedrick Gravel and Sand, spoke concerning the agreement with Pulte Homes. He stated that their plans are consistent with the Land Use Plan and are in compliance with all county ordinances.

Mr. Jason Connor, Environmental Director of Land Resources for B.V. Hedrick Gravel and Sand Company, spoke concerning their site.

Chairman Anderson asked Mr. Connor to meet with Bill Howard and discuss concerns with him before this comes back before the board.

Commissioner Moore stated that she saw rocks flying off trucks pulling out of this facility recently.

JT Rendleman stated that he is here from Gold Hill Missionary Baptist Church.

Michael Geis, representing Blum Inc., stated that they recently became aware of the zoning request. He stated that the concern they have is for their investment, which is a sizable investment. Their concern is about the location of blasting, which is closer to where they are. He asked for a meeting with B.V. Hedrick. Mr. Geis stated that at this point they are opposed to the change.

Chairman Anderson asked Mr. Connor to meet with Mr. Geis and would like the Board to know the outcome of this meeting and the meeting with Mr. Howard before the vote on this item.

Commissioner Klein asked for a letter from Blum after the meeting.

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

**Parallel Conditional Use Request No. 140A – Westport Lakeside Development LLC, applicant:** Randy Hawkins presented the following:

The applicant is requesting to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district was approved on Sept. 18, 2006, to permit 52 single-family homes and 74 condominiums. The county's Sewer Use Ordinance and Subdivision Ordinance allow the use of private sewage systems when sewer service is not available or feasible. However, because this would be a substantial change in the approved development plan, it would require the approval of the Board of Commissioners.

The property is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township. It is adjoined primarily by property zoned RL-14.

This property is located within the East Lincoln Sewer District. County water is available at this location. In general, soils in this area are moderately suited for septic systems. The 2001 Lincoln County Land Use Plan designates this area as suitable for residential development.

Randy Hawkins stated that the state will not accept a dry line.

Barry McKinnon said that the state will not give a permit for future use.

The Board discussed lot sizes and using septic tanks on these lots.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Permit No. 147A – Westport Lakeside Development, LLC, applicant.

Tom Daniel, developer, stated that this project was approved in September of 2006 with the condition that this would have to receive a flow capacity letter from Lincoln County Public Works. This planned residential district consisted of 74 patio condominiums for senior active adult lifestyles and the 52 single family homes. Out of the 126 units, the original 19 permits were issued. He stated that they have tried to work their way through this.

Maggie Dollar, Director of the Health Department, stated that she is concerned with precedence this could set that might impact homeowners, health and staff. She stated that they have four specialist positions dealing with septic tanks and two of those positions are currently vacant. She stated that her concern is acreage,  $\frac{3}{4}$  is a reasonable amount of land to make a septic tank work.

Henry Fogle, 8112 Blades Trail, stated that he is a Lake Norman Covekeeper, Vice-Chair of LNRC, and President of Westport Community Organization. He stated that he first heard about this he was dead set against this and called Tom Daniel to say they cannot support this. He recommended the Board approving septic tanks for the single family residence lots where the lots are large enough for a septic tank. He said this is Watershed IV, which is critical watershed. He asked the Board to stipulate that these septic tanks be replaced at the time when sewer is available or within a reasonable length of time. He also recommended that all existing septic tanks be phased out in this critical watershed area when sewer capacity is available.

Lyn Severensen stated that his concern is the problem that many of the people that have come in there were expressly told that they had to meet certain minimums to develop their property. He stated that at the end of Lakeshore Road South, where it enters 16, homes along that road are downhill from this proposed development. He asked if there is a problem if there is enough room for repair.

Dean Nichols, 7935 N. Golf Course Drive, thanked Mr. Daniel for what he's done with the golf course. He stated that he doesn't have a problem with septic tanks, but does have

a problem with the runoff in the critical watershed. He asked the Board to help Mr. Daniel with septic tanks on ¾ acre lots.

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

Commissioner Klein suggested tabling this issue to allow these people time to meet and get the issues worked out.

Chairman Anderson stated that he feels like tabling may cause delays that are burdensome to the developer. The Planning Board will have two weeks to come back with their recommendation.

**Parallel Conditional Use Request No. 147A – Westport Lakeside Development LLC, applicant:** Randy Hawkins presented the following:

The applicant is requesting to amend a Conditional Use District to allow the use of a private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district was approved on Nov. 20, 2006, to permit 69 single-family homes and 120 condominiums. The county's Sewer Use Ordinance and Subdivision Ordinance allow the use of private sewage systems when sewer service is not available or feasible. However, because this would be a substantial change in the approved development plan, it would require the approval of the Board of Commissioners.

The property is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township. It is adjoined by property zoned R-SF, RL-20, P-MU (Planned Mixed Use), and B-G. Only a small portion of this property is located within the East Lincoln Sewer District. County water is available at this location. In general, soils in this area are moderately suited for septic systems. The 2001 Lincoln County Land Use Plan designates this area as suitable for residential development.

Randy Hawkins stated that this request does not include the townhome section.

Chairman Anderson opened the public hearing on Parallel Conditional Use Permit No. 147A.

Tom Daniel stated that the north side is anticipated as a second phase. He stated that if availability does not become open, this provides a means for the project to move forward. He stated that this project is not under contract.

Commissioner Klein asked if Mr. Daniel could reconfigure lot sizes if it becomes a need. Mr. Daniel stated that it still is a preliminary site plan and not under contract, so he has more flexibility there.

Ray Holmes, 2820 Lakeshore Road South, stated that he would like to say that the situation to most people in eastern Lincoln County is despicable that we are in the situation of having no sewer capacity for developers. He stated that something will be put into place to keep count of what goes on so the new plant does not go out of capacity. He stated that with this particular parcel, he has concerns over the topography, that it drains distinctly into the Blades Trail area. He asked the Board to do everything to preserve the watershed of Lake Norman and the environment.

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

**Public Hearing – Comprehensive Land Use Plan:** Bill Duston presented Land Use Plan.

The Board discussed the area at 150/16 being zoned industrial.

Chairman Anderson opened the Public Hearing concerning the Comprehensive Land Use Plan.

Raymond Holmes stated that although he wasn't a member of official steering committee, he attended most of the meetings and public hearings and saw the input from citizens. He commended the steering committee and the people who gave input in the Land Use Plan. He stated that he hopes the future Boards of Commissioners will have much more backbone and concern for the growth in Lincoln County than to just accept developers needs or wants over the wishes of the citizens of Lincoln County.

Sylvia Holmes, member of Recreation Commission, stated that she has very good first impressions to see greenways in there, bicycle trails, and scenic byways. She voiced concerns about the RPO plans road improvements, no improvement plan for Optimist Club Road, recreation concerns, old Hwy. 16 and emergency exits at the McGuire Nuclear Plant.

David Dupree asked about the Optimist Club Road Interchange.

Joe DePinto asked the Board to consider Pilot Knob Road area as neighborhood business instead of residential. He presented letters from neighbors in support of this change.

Judith Farris stated that nothing has changed since the rezoning on Pilot Knob Road was turned down. She stated that the traffic is tremendously bad. Ms. Farris stated that she has lived on this property her whole life, it is her heritage, and she does not want to see it business.

Teresa Dearnley stated that she was here too that night when the rezoning on Pilot Knob Road was on the agenda. She stated that she would not like that at all if Pilot Knob Road and Hagers Ferry changed. She said there are major traffic problems in this area and she is against this.

Joann Henley stated that her property adjoins this property. She stated that the traffic is really bad, you cannot get in and out, and they do not need commercial in that area under any circumstances.

Renee Duckworth stated that she have owned her property for 40 years and 40 years ago, this was a beautiful homesite. She stated that they now see the back of commercial structures and are forced to keep their blinds closed to keep car lights from shining of lights in their windows.

Jim Robinette stated that he lives at Pilot Knob Road and inherited a small piece of this property. He stated that he could not sell his property as a residence and would like to see it considered as business.

Commissioner Moore stated that she knows this area and is aware of it. She stated that after what has been done on Highway 16, this is a good dividing line between commercial and residential.

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

**Flood Damage Prevention Ordinance Revision – Andrew Bryant:** Andrew Bryant presented FEMA's changes to Flood Damage Prevention Ordinance.

Chairman Anderson opened the public hearing concerning the Flood Damage Prevention Ordinance. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

The Planning Board reconvened to the second floor balcony to continue their meeting.

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

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

Martin Oakes stated that Pulte Homes came by the fire department to talk about the new fire station and there appears to be a serious misconception about what type of fire station Pulte Homes will put up. He stated that there seems to be a problem looming.

Pete Bynum stated that his family has lived on Magnolia Grove Road for a long time and he is concerned with all the development going on all over the county. He's concerned there will be problems with groundwater due to the fact that the majority of developments are having wells put in.

Being no additional speakers, Chairman Anderson declared the public comments section closed.

**Recommendation from the Planning – Flood Damage Prevention Ordinance:**

Andrew Bryant stated that the Planning Board voted unanimously to approve the Flood Damage Prevention Ordinance.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept the Planning Board's recommendation and approve the Flood Damage Prevention Ordinance.

**Designation of Voting Delegate to NCACC Annual Conference:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to designate Commissioner Klein as the voting delegate to the NCACC Annual Conference.

**20 year Capital Improvement Plan Update – Selection & Contract:** Barry McKinnon stated that this past May, the Public Works Department requested Qualification Packages from several engineering firms for the update of the 20-Year Capital Improvement Plan for Water & Sewer that was adopted in 2004. The plan was prepared at that time by Olver, Inc., of Charlotte. Packages were received from Olver, WK Dickson & Co., of Charlotte, and McGill Associates of Hickory. The packages were reviewed by County staff from Public Works and Building & Land Development, and scores were assigned to each firm. While all three firms scored well, the clear choice was made to select Olver to prepare the update.

Mr. McKinnon requested approval of an Engineering Services Contract with Olver, Inc. of Charlotte for a lump sum amount of \$16,500.00 as outlined in their proposal letter dated July 10, 2007.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the recommendation of the Utilities Department and approve the Engineering Services Contract with Olver, Inc. of Charlotte for a lump sum amount of \$16,500.00 as outlined in their proposal letter dated July 10, 2007.

**Presentation of Indian Creek Industrial Park Infrastructure Study – Barry McKinnon:** Barry McKinnon stated that last September, an Engineering Services Contract was approved with McGill Associates of Hickory for the analysis of the water, sewer and fire protection systems that serve the Indian Creek Industrial Park. Their primary tasks were to analyze the current capacities and future expansion capabilities for these systems. These tasks involved an in-depth study of the existing infrastructure and its capabilities, and involved extensive staff input from both Lincoln County and the City of Lincolnton.

Andy Lovingood with McGill Associates presented the Engineering Evaluation for the Water and Sewer System for the Indian Creek Industrial Park.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners





**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 6, 2007**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 6, 2007, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
Alex E. Patton, Vice Chairman  
Bruce Carlton  
James A. Klein  
Marie Moore

Planning Board Members Present:

Jerry Geymont, Chairman  
John Pagel, Vice Chairman  
Terry Whitener, Secretary  
George Arena  
Clyde Brown  
Larry Craig  
Darrell Harkey  
Harold Howard Jr.  
Louis McConnell

Others Present:

Martha Lide, Acting County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building and Land Development  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Associate Planner  
Stacy Yates, Associate Planner  
Amy Brown, Clerk to the Planning Board  
Barry McKinnon, Utility Engineer  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the August 6, 2007 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Commissioner Carlton gave the Invocation, and led in the Pledge of Allegiance.

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

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

## **AGENDA**

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

**AUGUST 6, 2007**

- |    |         |   |
|----|---------|---|
|    | 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. | 6:34 PM | Consent Agenda <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- July 16, 2007</li><li>- July 20, 2007</li></ul></li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- July 2 – 8, 2007</li></ul></li><li>- Tax Requests for Releases – More than \$100<ul style="list-style-type: none"><li>- June 16 – July 15, 2007</li></ul></li><li>- Budget Adjustment No. 7, 8, 10 – 18</li><li>- Capital Project Ordinance – Industrial Park</li></ul> |
| 3. | 6:36 PM | Report from the Planning Board – Jerry Geymont  |
| 4. | 6:40 PM | Zoning Public Hearings – Randy Hawkins  |

ZMA #554 Jeff Smiley, applicant (Parcel ID# 60253) A request to rezone 4.3 acres from R-T (Transitional Residential) to B-G (General Business). The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township.

CUP #281 John Leatherman, applicant (Parcel ID# 13382) A request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.76-acre site is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howards Creek Township.

CUP #282 Alltel Communications Inc., applicant (Parcel ID# 23954) A request for a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. The 16-acre tract is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township.

PCUR #154 B.V. Hedrick Gravel and Sand Co., applicant (Parcel ID# 02862, 52621, 02860, 34252, 30239, 78253, 73724, 02861, 74885, 78254, 31188, 52622, 84029, 85905 and 56506) A request to rezone 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a conditional use permit that would also apply to the existing quarry operation. The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in Catawba Springs Township.

PCUR #140A Westport Lakeside Development LLC, applicant (Parcel ID# 02324 and 85974) A request to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district, approved for 52 single-family homes and 74 condominiums, is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township.

PCUR #147A Westport Lakeside Development LLC, applicant (Parcel ID# 83152, 71252, 81941, 81940 and 55119) A request to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district, approved for 69 single-family homes and 120 condominiums, is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township.

- |     |         |   |
|-----|---------|---|
| 5.  | 8:00 PM | Public Hearing – Comprehensive Land Use Plan                                      |
| 6.  | 8:30 PM | Flood Damage Prevention Ordinance Revision – Andrew Bryant                        |
| 7.  | 8:40 PM | Public Comments   |
| 8.  | 8:55 PM | Designation of Voting Delegate to NCACC Annual Conference                         |
| 9.  | 9:00 PM | 20 Year CIP Update Engineer Selection & Contract – Steve Gilbert                  |
| 10. | 9:10 PM | Presentation of Indian Creek Industrial Park Infrastructure Study – Steve Gilbert |
| 11. | 9:30 PM | Other Business  |

## Adjourn

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

### Consent Agenda

- Approval of Minutes
  - July 16, 2007
  - July 20, 2007
- Tax Requests for Refunds – More than \$100
  - July 2 – 8, 2007

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

### REQUEST FOR REFUNDS

PERIOD COVERED (July 2, 2007-July 8, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Fahs, Keith L. Sr.				231.00

**TOTAL     \$ 231.00**

- Tax Requests for Releases – More than \$100
  - June 16 – July 15, 2007

- Budget Adjustment No. 7, 8, 10 – 18

No. 07: Carry over remaining 06-07 balance 06-07 to help with cost of orthophotography project

No. 08: Encumbrances June 2007 – Funds collected and remitted to State

No. 10: Carry over Library gift fund balances from previous year

No. 11: Carry over balances for school capital projects

No. 12: Carry over prior year balances in CIP Fund

No. 13: Carry over prior balances in Sewer CIP

No. 14: Carry over prior balances in Sewer CIP

No. 15: Transfer funds from Ambulance CIP to general fund debt svc. to cover debt payment on new Stretchers

No. 16: Encumber funds to repair roof at Shanklin Library branch

No. 17: Encumber funds for repair security system BOA building \$7,500 and remove stairway from Courthouse Clerk of Court office \$10,000

No. 18: Carry over balance of Register of Deeds automation funds per GS 161-11.3

Capital Project Ordinance  
Industrial Park 321 N. Business Sewer Line  
Revision #1

BE IT ORDAINED by the Lincoln County Commissioners,  
that pursuant to Section 13.2 of Chapter 159 of the General

Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a sewer line to serve the Finger Mill Industrial Park and provide sewer capacity for economic development along Business Highway 321 North.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 197,975
Construction	1,574,195
Contingency	25,000
Total	\$1,797,170

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from General Fund	\$1,797,170
Total	\$1,797,170

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this <sup>th</sup> day of , 2007

**Report from the Planning Board – Jerry Geymont:** Jerry Geymont, Chairman of the Planning Board, gave a monthly report from the Planning Board, saying that the new Land Use Plan is before the Board of Commissioners tonight. He stated that they have been working very hard on transportation issues in the county.

**Zoning Public Hearings – Randy Hawkins:**

Chairman Anderson announced that this was the date, Monday, August 6, 2007 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on July 27, 2007 and August 3, 2007.

**NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, August 6, 2007, at 6:30 p.m. to consider the following matters:  
ZMA #554 Jeff Smiley, applicant (Parcel ID# 60253) A request to rezone 4.3 acres from R-T (Transitional Residential) to B-G (General Business). The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township.

CUP #281 John Leatherman, applicant (Parcel ID# 13382) A request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. The proposed 0.76-acre site is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howards Creek Township.

CUP #282 Alltel Communications Inc., applicant (Parcel ID# 23954) A request for a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. The 16-acre tract is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township.

PCUR #154 B.V. Hedrick Gravel and Sand Co., applicant (Parcel ID# 02862, 52621, 02860, 34252, 30239, 78253, 73724, 02861, 74885, 78254, 31188, 52622, 84029, 85905 and 56506) A request to rezone 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a conditional use permit that would also apply to the existing quarry operation. The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in Catawba Springs Township.

PCUR #140A Westport Lakeside Development LLC, applicant (Parcel ID# 02324 and 85974) A request to amend a conditional use district to allow the use of private sewage systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district, approved for 52 single-family homes and 74 condominiums, is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township.

PCUR #147A Westport Lakeside Development LLC, applicant (Parcel ID# 83152, 71252, 81941, 81940 and 55119) A request to amend a conditional use district to allow the use of private sewage systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district, approved for 69 single-family homes and 120

condominiums, is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township.

The public is invited to attend this meeting, 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 Department of Building and Land Development at (704) 736-8440.

2T: July 27, August 3, 2007

Chairman Anderson asked that ex parte discussions be revealed at the time cases are discussed, and none were given.

**Zoning Map Amendment No. 554 – Jeff Smiley, applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 4.28 acres from R-T (Transitional Residential) to B-G (General Business). The property is part of a .74-acre parcel, the remainder of which is already zoned B-G.

The property is located about 700 feet north of Campground Road and 500 feet east of Dusty Ridge Court in Catawba Springs Township. The adjacent property to the north is zoned R-T. Property to the south is zoned B-G. Property to the east is zoned B-G and R-T. (An adjoining parcel to the east is also owned by the applicant and is the site of Climatech Heating & cooling.) Property to the west is zoned R-T. Land uses in this area are a mixture of commercial, vacant parcels and residential. This area is not one of the areas designated by the 2001 Lincoln County Land Use Plan as most suitable for concentrating commercial development. The new Land Use Plan as currently proposed would classify this area as Neighborhood Business, an area appropriate for small-scale retail and service establishments.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 554 – Jeff Smiley, applicant.

Jeffrey D. Smiley stated that the Duke Power transmission line right of way goes over a majority of the property. He stated that he is looking to put a building on the lower section of the property. He said that he is looking to move some of the trailers off site and clean up the property.

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

**Conditional Use Permit No. 281 – John Leatherman, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. A Class E mobile home is one with a metal roof and/or metal siding that was located in Lincoln County as of Sept. 23, 2002, when new appearance requirements were adopted. Under the Zoning Ordinance,

Class E mobile homes are permitted in the R-S district subject to the issuance of a conditional use permit.

The proposed 0.76-acre site, to be subdivided from a 5.7-acre parcel, is located on the north side of Hwy. 27 about 875 feet east of Cat Square Road in Howard Creek Township. It is adjoined on the sides and rear by property zoned R-S. Property zoned B-N (Neighborhood Business) is located on the opposite side of Hwy. 27. Land Uses in this area are a mixture of residential, agricultural, commercial and vacant parcels.

This property is located in an area designated by the 2001 Lincoln County Land Use Plan as a rural community center, an area suitable for concentrating primarily residential development, surrounding small-scale retail, civic and institutional uses serving the local area. Goal 4 of the Land Use Plan states: "In order to encourage a housing mix that provides housing choice for all economic levels, (the county should) permit a variety of residential uses – single-family, multi-family and manufactured homes – at appropriate locations and under prescribed conditions."

The new Land Use Plan as currently proposed would classify this area as Rural Preservation, an area where low-density residential uses would be encouraged.

Jerry Geymont stated that this is a piece of property in the farm the family currently owns.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 281 – John Leatherman, applicant.

John Leatherman, 226 Cat Square Road, stated that there was a mobile home there previously, the septic tank and water hook up are there, and all neighbors said it was fine.

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

**Conditional Use Permit No. 282 – Alltel Communications Inc., applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to place a 230-foot telecommunications tower in the R-T (Transitional Residential) district. Under the Zoning Ordinance, telecommunications towers with a maximum height of 325 feet are permitted in the R-T district subject to the issuance of a Conditional Use Permit. Towers must be set back from all property lines at least 110 percent of the tower's height. Other requirements must also be met.

The 16-acre parcel is located on the north side of Orchard Road about 500 feet west of Branton Drive in Ironton Township. It is surrounded by property zoned R-T. The 2001 Lincoln County Land Use Plan designates this area as residential. The new Land Use Plan as currently proposed would classify this area as Rural Residential.



## CELL PHONE TOWER APPLICATION REQUIREMENTS

Section 8.35 requires an applicant to:

- Provide a map or description of the service area for the proposed tower antenna, identify all other possible alternatives considered within the service area for the proposed antenna, and explain why existing towers and structures cannot accommodate the proposed antenna.
- Provide a certificate of insurance showing that the tower owner has general liability coverage of at least \$1 million
- Make provisions for the removal of the tower in the event its use is discontinued, and provide a performance bond or other security in an amount equal to 1.25 times the estimated cost of dismantling and removal.

Jill House, spoke representing Alltel Communications. She stated that a significant need was identified on Highway 73 and 27. They have looked at the possibility of collocation and that is not an option. She reviewed the findings of fact.

Leslie Neeley, Site Acquisition Specialist stated that she is here to answer any questions the Board may have.

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

**Parallel Conditional Use Request No. 154 – B.V. Hedrick Gravel and Sand Co., applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 498 acres from I-G (General Industrial) and R-T (Transitional Residential) to CU I-G (Conditional Use General Industrial) to allow the expansion of a quarry under a Conditional Use Permit that would also apply to the exiting quarry operation. A mining operation such as a quarry is permitted in the I-G district subject to the issuance of a Conditional Use Permit. This quarry was in operation before the Zoning Ordinance was enacted in this area, so it was grandfathered. The proposed parallel conditional use rezoning would bring the existing quarry operation into conformity with the ordinance and permit its expansion onto adjoining parcels.

The property is located about 3,000 feet west of Hwy. 16 and 4,500 feet north of Old Plank Road in the Catawba Springs Township. The adjoining property to the north is zoned P-R (Planned Residential). Property to the south is zoned R-T and I-G. Property to the east and west is zoned I-G. Land uses in this area are a combination of industrial and residential. This property is located in an area designated by the 2001 Lincoln County Land Use Plan as a commercial and employment center. The new Land Use Plan as currently proposed would classify this area as industrial.

He reviewed buffer regulations for this facility.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Permit No. 154 – B.V. Hedrick Gravel and Sand Co., applicant.

Craig Justus, Attorney for Hedrick Gravel and Sand, spoke concerning the agreement with Pulte Homes. He stated that their plans are consistent with the Land Use Plan and are in compliance with all county ordinances.

Mr. Jason Connor, Environmental Director of Land Resources for B.V. Hedrick Gravel and Sand Company, spoke concerning their site.

Chairman Anderson asked Mr. Connor to meet with Bill Howard and discuss concerns with him before this comes back before the board.

Commissioner Moore stated that she saw rocks flying off trucks pulling out of this facility recently.

JT Rendleman stated that he is here from Gold Hill Missionary Baptist Church.

Michael Geis, representing Blum Inc., stated that they recently became aware of the zoning request. He stated that the concern they have is for their investment, which is a sizable investment. Their concern is about the location of blasting, which is closer to where they are. He asked for a meeting with B.V. Hedrick. Mr. Geis stated that at this point they are opposed to the change.

Chairman Anderson asked Mr. Connor to meet with Mr. Geis and would like the Board to know the outcome of this meeting and the meeting with Mr. Howard before the vote on this item.

Commissioner Klein asked for a letter from Blum after the meeting.

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

**Parallel Conditional Use Request No. 140A – Westport Lakeside Development LLC, applicant:** Randy Hawkins presented the following:

The applicant is requesting to amend a conditional use district to allow the use of private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 64-acre P-R (Planned Residential) district was approved on Sept. 18, 2006, to permit 52 single-family homes and 74 condominiums. The county's Sewer Use Ordinance and Subdivision Ordinance allow the use of private sewage systems when sewer service is not available or feasible. However, because this would be a substantial change in the approved development plan, it would require the approval of the Board of Commissioners.

The property is located south of Golf Course Drive South and north of Lake Shore Drive South in Catawba Springs Township. It is adjoined primarily by property zoned RL-14.

This property is located within the East Lincoln Sewer District. County water is available at this location. In general, soils in this area are moderately suited for septic systems. The 2001 Lincoln County Land Use Plan designates this area as suitable for residential development.

Randy Hawkins stated that the state will not accept a dry line.

Barry McKinnon said that the state will not give a permit for future use.

The Board discussed lot sizes and using septic tanks on these lots.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Permit No. 147A – Westport Lakeside Development, LLC, applicant.

Tom Daniel, developer, stated that this project was approved in September of 2006 with the condition that this would have to receive a flow capacity letter from Lincoln County Public Works. This planned residential district consisted of 74 patio condominiums for senior active adult lifestyles and the 52 single family homes. Out of the 126 units, the original 19 permits were issued. He stated that they have tried to work their way through this.

Maggie Dollar, Director of the Health Department, stated that she is concerned with precedence this could set that might impact homeowners, health and staff. She stated that they have four specialist positions dealing with septic tanks and two of those positions are currently vacant. She stated that her concern is acreage,  $\frac{3}{4}$  is a reasonable amount of land to make a septic tank work.

Henry Fogle, 8112 Blades Trail, stated that he is a Lake Norman Covekeeper, Vice-Chair of LNRC, and President of Westport Community Organization. He stated that he first heard about this he was dead set against this and called Tom Daniel to say they cannot support this. He recommended the Board approving septic tanks for the single family residence lots where the lots are large enough for a septic tank. He said this is Watershed IV, which is critical watershed. He asked the Board to stipulate that these septic tanks be replaced at the time when sewer is available or within a reasonable length of time. He also recommended that all existing septic tanks be phased out in this critical watershed area when sewer capacity is available.

Lyn Severensen stated that his concern is the problem that many of the people that have come in there were expressly told that they had to meet certain minimums to develop their property. He stated that at the end of Lakeshore Road South, where it enters 16, homes along that road are downhill from this proposed development. He asked if there is a problem if there is enough room for repair.

Dean Nichols, 7935 N. Golf Course Drive, thanked Mr. Daniel for what he's done with the golf course. He stated that he doesn't have a problem with septic tanks, but does have

a problem with the runoff in the critical watershed. He asked the Board to help Mr. Daniel with septic tanks on ¾ acre lots.

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

Commissioner Klein suggested tabling this issue to allow these people time to meet and get the issues worked out.

Chairman Anderson stated that he feels like tabling may cause delays that are burdensome to the developer. The Planning Board will have two weeks to come back with their recommendation.

**Parallel Conditional Use Request No. 147A – Westport Lakeside Development LLC, applicant:** Randy Hawkins presented the following:

The applicant is requesting to amend a Conditional Use District to allow the use of a private septic systems, subject to the approval of the Lincoln County Health Department, in a development planned for public sewer service, due to the unavailability of public service. The 82-acre P-R (Planned Residential) district was approved on Nov. 20, 2006, to permit 69 single-family homes and 120 condominiums. The county's Sewer Use Ordinance and Subdivision Ordinance allow the use of private sewage systems when sewer service is not available or feasible. However, because this would be a substantial change in the approved development plan, it would require the approval of the Board of Commissioners.

The property is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township. It is adjoined by property zoned R-SF, RL-20, P-MU (Planned Mixed Use), and B-G. Only a small portion of this property is located within the East Lincoln Sewer District. County water is available at this location. In general, soils in this area are moderately suited for septic systems. The 2001 Lincoln County Land Use Plan designates this area as suitable for residential development.

Randy Hawkins stated that this request does not include the townhome section.

Chairman Anderson opened the public hearing on Parallel Conditional Use Permit No. 147A.

Tom Daniel stated that the north side is anticipated as a second phase. He stated that if availability does not become open, this provides a means for the project to move forward. He stated that this project is not under contract.

Commissioner Klein asked if Mr. Daniel could reconfigure lot sizes if it becomes a need. Mr. Daniel stated that it still is a preliminary site plan and not under contract, so he has more flexibility there.

Ray Holmes, 2820 Lakeshore Road South, stated that he would like to say that the situation to most people in eastern Lincoln County is despicable that we are in the situation of having no sewer capacity for developers. He stated that something will be put into place to keep count of what goes on so the new plant does not go out of capacity. He stated that with this particular parcel, he has concerns over the topography, that it drains distinctly into the Blades Trail area. He asked the Board to do everything to preserve the watershed of Lake Norman and the environment.

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

**Public Hearing – Comprehensive Land Use Plan:** Bill Duston presented Land Use Plan.

The Board discussed the area at 150/16 being zoned industrial.

Chairman Anderson opened the Public Hearing concerning the Comprehensive Land Use Plan.

Raymond Holmes stated that although he wasn't a member of official steering committee, he attended most of the meetings and public hearings and saw the input from citizens. He commended the steering committee and the people who gave input in the Land Use Plan. He stated that he hopes the future Boards of Commissioners will have much more backbone and concern for the growth in Lincoln County than to just accept developers needs or wants over the wishes of the citizens of Lincoln County.

Sylvia Holmes, member of Recreation Commission, stated that she has very good first impressions to see greenways in there, bicycle trails, and scenic byways. She voiced concerns about the RPO plans road improvements, no improvement plan for Optimist Club Road, recreation concerns, old Hwy. 16 and emergency exits at the McGuire Nuclear Plant.

David Dupree asked about the Optimist Club Road Interchange.

Joe DePinto asked the Board to consider Pilot Knob Road area as neighborhood business instead of residential. He presented letters from neighbors in support of this change.

Judith Farris stated that nothing has changed since the rezoning on Pilot Knob Road was turned down. She stated that the traffic is tremendously bad. Ms. Farris stated that she has lived on this property her whole life, it is her heritage, and she does not want to see it business.

Teresa Dearnley stated that she was here too that night when the rezoning on Pilot Knob Road was on the agenda. She stated that she would not like that at all if Pilot Knob Road and Hagers Ferry changed. She said there are major traffic problems in this area and she is against this.

Joann Henley stated that her property adjoins this property. She stated that the traffic is really bad, you cannot get in and out, and they do not need commercial in that area under any circumstances.

Renee Duckworth stated that she have owned her property for 40 years and 40 years ago, this was a beautiful homesite. She stated that they now see the back of commercial structures and are forced to keep their blinds closed to keep car lights from shining of lights in their windows.

Jim Robinette stated that he lives at Pilot Knob Road and inherited a small piece of this property. He stated that he could not sell his property as a residence and would like to see it considered as business.

Commissioner Moore stated that she knows this area and is aware of it. She stated that after what has been done on Highway 16, this is a good dividing line between commercial and residential.

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

**Flood Damage Prevention Ordinance Revision – Andrew Bryant:** Andrew Bryant presented FEMA's changes to Flood Damage Prevention Ordinance.

Chairman Anderson opened the public hearing concerning the Flood Damage Prevention Ordinance. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

The Planning Board reconvened to the second floor balcony to continue their meeting.

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

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

Martin Oakes stated that Pulte Homes came by the fire department to talk about the new fire station and there appears to be a serious misconception about what type of fire station Pulte Homes will put up. He stated that there seems to be a problem looming.

Pete Bynum stated that his family has lived on Magnolia Grove Road for a long time and he is concerned with all the development going on all over the county. He's concerned there will be problems with groundwater due to the fact that the majority of developments are having wells put in.

Being no additional speakers, Chairman Anderson declared the public comments section closed.

**Recommendation from the Planning – Flood Damage Prevention Ordinance:**

Andrew Bryant stated that the Planning Board voted unanimously to approve the Flood Damage Prevention Ordinance.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept the Planning Board's recommendation and approve the Flood Damage Prevention Ordinance.

**Designation of Voting Delegate to NCACC Annual Conference:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to designate Commissioner Klein as the voting delegate to the NCACC Annual Conference.

**20 year Capital Improvement Plan Update – Selection & Contract:** Barry McKinnon stated that this past May, the Public Works Department requested Qualification Packages from several engineering firms for the update of the 20-Year Capital Improvement Plan for Water & Sewer that was adopted in 2004. The plan was prepared at that time by Olver, Inc., of Charlotte. Packages were received from Olver, WK Dickson & Co., of Charlotte, and McGill Associates of Hickory. The packages were reviewed by County staff from Public Works and Building & Land Development, and scores were assigned to each firm. While all three firms scored well, the clear choice was made to select Olver to prepare the update.

Mr. McKinnon requested approval of an Engineering Services Contract with Olver, Inc. of Charlotte for a lump sum amount of \$16,500.00 as outlined in their proposal letter dated July 10, 2007.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the recommendation of the Utilities Department and approve the Engineering Services Contract with Olver, Inc. of Charlotte for a lump sum amount of \$16,500.00 as outlined in their proposal letter dated July 10, 2007.

**Presentation of Indian Creek Industrial Park Infrastructure Study – Barry McKinnon:** Barry McKinnon stated that last September, an Engineering Services Contract was approved with McGill Associates of Hickory for the analysis of the water, sewer and fire protection systems that serve the Indian Creek Industrial Park. Their primary tasks were to analyze the current capacities and future expansion capabilities for these systems. These tasks involved an in-depth study of the existing infrastructure and its capabilities, and involved extensive staff input from both Lincoln County and the City of Lincolnton.

Andy Lovingood with McGill Associates presented the Engineering Evaluation for the Water and Sewer System for the Indian Creek Industrial Park.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners

