

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 4, 2013**

The Lincoln County Board of County Commissioners met April 4, 2013 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

**Commissioners Present:**

Carl E. Robinson, Jr., Vice Chair  
James A. Klein  
Carrol D. Mitchem  
Cecelia A. Martin

**Commissioners Absent:**

Alex E. Patton, Chairman

**Others Present:**

George A. Wood, County Manager  
Martha W. Lide, Assistant County Manager  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Vice Chairman Robinson called the April 4, 2013 work session of the Lincoln County Board of Commissioners and Lincoln County Planning Board to order.

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

Lincoln County Board of Commissioners &  
Lincoln County Planning Board  
Joint Work Session Agenda

Thursday, April 4, 2013  
6:30pm-8:00pm  
James W. Warren Citizens' Center  
Third Floor, Commissioners' Room  
Lincolnton, North Carolina

1) Call to Order		
Lincoln County Board of Commissioners		Carl Robinson, Vice-Chair
2) Call to Order		
Lincoln County Planning Board		Christine Poinsette, Chair
3) Amendment to & Adoption of the Agenda		Mr. Robinson
4) Quasi-Judicial Update		Staff
Requested Action: Discussion Only		

- a) Speakers time
- b) Standing
- c) Evidence
- d) Findings of Fact
- e) Conflict of Interest
- f) Webpage

5) Planning Work Program Mrs. Poinsette  
Requested Action: Set two year work program for the Planning Board

- a) Purpose of Small Area and Corridor Plans
- b) Current Work Program Projects
- c) New Project Ideas
- d) Planning Effort Prioritization

6) Other Business

7) Adjournment Mrs. Poinsette

8) Adjournment Mr. Robinson

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Agenda.

## Quasi-Judicial Update

- g) Speakers time
- h) Standing
- i) Evidence
- j) Findings of Fact
- k) Conflict of Interest
- l) Webpage

Andrew Bryant, Director of Planning and Inspections, gave a Quasi-Judicial Update. Concerning speaker's time, we have been limiting people to three minutes. In Quasi-Judicial testimony, we cannot limit testimony from anyone who has standing in the case. The Chair can limit repetitious speech by someone if they keep rambling about the same thing. Having standing in a case means you are directly or indirectly affected by the case.

Evidence must be substantial, competent and material evidence must be put in the record. The decision should be made from the evidence provided. Witnesses are under oath, subject to cross-examination. There should be no discussion of the case outside of the hearing. Ex Parte communication should be avoided, but if it does happen, it should be disclosed.

Randy Williams, Principal Planner, said an example would be if an adjacent property owner came in and said his property value would be affected, it could not be used as

evidence. If he came in with an appraisal showing his property values would be lowered, that could be used as evidence.

The Board discussed the way public hearings are held with the Planning Board and how it saves applicants time and money by having one meeting.

With the Findings of Fact, evidence should be the basis of the decision. Facts based on evidence in staff reports and information presented at hearing. The following facts must be found in the affirmative:

- The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- The use meets all required conditions and specifications.
- The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity .
- The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

**Conflict of Interest:** Mr. Bryant explained a conflict of interest as the following direct and substantial financial interest, readily identifiable, coming in with a fixed opinion, Ex parte communication, and a close business or familial relationship.

**Goals and Objectives:** Mr. Bryant presented the following goals and objectives for FY 2013.

- FY 2013
  - NC 73 Corridor Study
  - 16/73 Small Area Plan
  - Triangle Small Area Plan
  - 16/150 Small Area Plan
  - ~~Woodcock Farms Small Area Plan~~
  - Comprehensive Zoning Database
  - ~~UDO Changes in light of adoption of ELDD~~
  - Continue obtaining citizen feedback opportunities
  - Work to improve customer service and community relations
  - Continue Inspector cross training where appropriate
  - Continue to assist with fire inspections of commercial structures

**Small Area Plans:** The purpose of a Small Area Plan is to provide land use and transportation policy guidance for new development, transportation improvements and capital improvements within the plan area. It is a community's shared vision for the future and it offers greater level of detail than Land Use Plan.

A small area plan is to identify and provide policies to address development

opportunities, but not create regulations or laws. It is to identify public and private investments needed to achieve vision, but not provide funding and implementation means overnight. It is to possibly recommend zoning changes in appropriate locations, but not rezone property. A small area plan is to guide more appropriate development but not halt development.

### **Corridor Plans:**

The purpose of a Corridor Plan is to create a vision for future land use and transportation (including pedestrian and bike) system development within the study area, which balances preservation of the rural character of a corridor with future growth and development.

The Boards discussed the lack of restaurants in the county and what can be done to recruit more.

The Board set the following priorities:

- 16/150 Small Area Plan
- 16 Bypass/Optimist Club Road Small Area Plan
- Triangle Small Area Plan
- NC 73 Corridor Study

Planning Board Chair Christine Poinsette asked for work sessions between the Planning Board and Commissioners every six months.

There was a discussion concerning the UDO.

Vice Chair Robinson thanked the Planning Board for their time and dedication.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adjourn.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners