

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 2, 2007**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 2, 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:

Stan B. Kiser, 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  
Steve Gilbert, Director of Public Utilities  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the April 2, 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 adding a Closed Session for a real estate matter and Report on Health Insurance under Other Business.

## **AGENDA**

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

**APRIL 2, 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>- March 19, 2007</li></ul></li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- February 26 – March 11, 2007</li></ul></li><li>- Budget Adjustment No. 75 - 77</li><li>- Sponsored Group Fees<ul style="list-style-type: none"><li>- Lincoln Park Head Start</li></ul></li></ul> |
| 3. | 6:35 PM | Resolution Honoring Kyle Yandle   |
| 4. | 6:40 PM | Report from the Planning Board – Jerry Geymont  |
| 5. | 6:45 PM | Zoning Public Hearings – Randy Hawkins  |

ZTA #550 Lincoln County, applicant. A proposal to amend the Lincoln County Zoning Ordinance by adding Chapter 18 to establish streamside buffer regulations for new development throughout the county's zoning jurisdiction. The proposal calls for a minimum 50-foot vegetative buffer along each side of any perennial or intermittent stream, including a 30-foot undisturbed buffer (or an undisturbed buffer the width of the 100-year flood plain).

ZMA #551 William Leonhardt, applicant (Parcel ID# 55000) A request to rezone a 0.24-acre lot from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is located on the north side of

Hwy. 150 about 1,000 feet west of Hwy. 150 Bypass in Lincolnton Township.

PCUR#152 John Gilbert, applicant (Parcel ID# 14211) A request to rezone 4.1 acres from R-SF (Residential Single-Family) to CU R-S (Conditional Use Residential Suburban) to permit the placement of a Class B (doublewide) mobile home. The property is located on Garrett Trail about 600 feet south of Hwy. 27 in Howards Creek Township.

6. 7:20 PM Lincoln County Industrial Park Sewer Contract Amendment No. 3 – Steve Gilbert
7. 7:25 PM Audit Proposal – Leon Harmon
8. 7:30 PM Other Business

Adjourn

**Consent Agenda:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Consent Agenda removing the Approval of Minutes for March 19, 2007.

- Tax Requests for Refunds – More than \$100
- February 26 – March 11, 2007

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (FEBRUARY 26, 2007-MARCH 11, 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
Costner, Grier W. II	2003-04	CITY	0138994	148.78
Fortkort, Peter T.	2002-06	BCFD	0141100	197.54
Scott, William P.	2006	ELFD/ELSD	0199163	148.52
<b>TOTAL</b>				<b>\$ 494.84</b>

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (FEBRUARY 26, 2007-MARCH 11, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
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DCFS Trust	2006	DFD/ELSD	0160697	112.31
Palmetto Trucking Co., Inc.	2006	ELFD/ELSD	0117068	102.59
TOTAL				\$214.90

- Budget Adjustment No. 75 – 77

No. 75: Adjust budget to cover expenses

No. 76: To budget \$100,000 for Inter Basin Transfer legal defense fund

No. 77: To budget \$6,000 to Denver Area businesses for July fireworks

- Sponsored Group Fees
- Lincoln Park Head Start

**Resolution Honoring Kyle Yandle:** Chairman Anderson read the following Resolution Honoring Kyle Yandle.

## **RESOLUTION**

**WHEREAS**, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

**WHEREAS**, **Kyle M. Yandle** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

**WHEREAS**, **Kyle M. Yandle** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

**BE IT RESOLVED**, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate **Kyle M. Yandle** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 2<sup>nd</sup> Day of April 2007 and given at the Boy Scouts of America Court of Honor at Holy Spirit Catholic Church, Denver, N.C. the 29<sup>th</sup> Day of April 2007.

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Thomas R. Anderson, PE  
Chairman

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Alex E. Patton  
Vice Chairman

\_\_\_\_\_  
Marie Moore  
Commissioner

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Bruce Carlton  
Commissioner

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James A. Klein  
Commissioner

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Resolution.

**Report from Planning Board:** Jerry Geymont, Chairman of the Planning Board, gave a monthly report from the Planning Board. He stated that the Planning Board has been

busy the past month addressing issues forthcoming in the county. There were 2 workshops in March. The first work session was with NCDOT representatives and addressed many issues including Level of Service. He expects to have a recommendation within a month or so concerning Level of Service.

### **New Business/Advertised Public Hearings:**

Chairman Anderson announced that this was the date, Monday, April 2, 2007 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on March 23, 2007 and March 30, 2007.

### **NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, April 2, 2007, at 6:30 p.m. to consider the following matters:

ZTA #550 Lincoln County, applicant. A proposal to amend the Lincoln County Zoning Ordinance by adding Chapter 18 to establish streamside buffer regulations for new development throughout the county's zoning jurisdiction. The proposal calls for a minimum 50-foot vegetative buffer along each side of any perennial or intermittent stream, including a 30-foot undisturbed buffer (or an undisturbed buffer the width of the 100-year flood plain).

ZMA #551 William Leonhardt, applicant (Parcel ID# 55000) A request to rezone a 0.24-acre lot from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is located on the north side of Hwy. 150 about 1,000 feet west of Hwy. 150 Bypass in Lincolnton Township.

PCUR#152 John Gilbert, applicant (Parcel ID# 14211) A request to rezone 4.1 acres from R-SF (Residential Single-Family) to CU R-S (Conditional Use Residential Suburban) to permit the placement of a Class B (doublewide) mobile home. The property is located on Garrett Trail about 600 feet south of Hwy. 27 in Howards Creek 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.

Chairman Anderson asked that ex parte discussions be revealed at the time cases are discussed.

**Zoning Text Amendment No. 550 – Lincoln County, applicant:** Stacy Yates presented this proposal to amend the Lincoln County Zoning Ordinance by adding Chapter 18 to establish streamside buffer regulations for new development throughout the county's zoning jurisdiction. The streamside buffer will be required in areas along identified perennial and intermittent waters. A minimum 50-foot vegetative buffer or and undisturbed vegetative cover the width of the 100-year flood plain is required, whichever has the greatest extent.

The minimum 50-foot vegetative buffer will consist of two zones. Zone one shall be a minimum of 30 feet from the top of the bank and shall remain undisturbed. Zone two shall be a minimum of 30 feet from the top of the bank and shall remain undisturbed.

Zone two shall be a 20-foot minimum area of managed vegetation. Zone two shall be vegetated by grasses, other ground cover or natural vegetation. The required buffers shall be shown with metes and bounds on all subdivision plats upon the adoption and effective date of this ordinance May 1, 2007.

The buffer rules on the Catawba River and Lake Norman will not be enforced by Lincoln County Building and Land Development Staff. The Streamside Buffer regulations will be in harmony with the Catawba River Buffer Rules in the same way Lincoln County's current watershed ordinance is in agreement with the rules.

The streamside buffer regulations will not apply to agriculture and forestry operations. The North Carolina Department of Agriculture and Consumer Services, as well as the North Carolina Forestry Service, enforce and administer their own regulations. Any suspected forestry violations – may be forwarded to Elizabeth Snyder with the NC Forest Service. Any suspected agriculture violations may be forwarded to Rick McSwain with Lincoln County Soil and Water Conservation.

Chairman Anderson opened the public hearing concerning Zoning Text Amendment No. 550 – Lincoln County, applicant.

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

**Zoning Map Amendment No. 551 – William Leonhardt, applicant:** A request to rezone a 0.24-acre lot from R-S (Residential Suburban) to B-N (Neighborhood Business). The property has been the site of businesses in the past, but it does not qualify to be grandfathered as a nonconforming use.

The property is located on the north side of Hwy. 150 about 1,000 feet west of Hwy. 150 Bypass in Lincolnton Township. It is adjoined on all sides by property zoned R-S. Property zoned I-G (General Industrial) is located within 150 feet on the opposite side of the highway. County water is available at this site. This property is not located in one of the areas designated by the Lincoln County Land Use Plan as most suitable for concentrating non-residential development. It lies about 1,200 feet outside an area designated as an employment and commercial center.

Randy Hawkins stated that this property does not qualify for grandfathering due to the fact that it was being used as a residence when zoning was put into place. This came into the office not as a complaint, but through a code enforcement case in the area. He said the current tenant sells baked goods there.

Commissioner Klein asked why staff recommended this rezoning since it is completely surrounded by Residential Suburban. Mr. Hawkins gave the following reasons for recommending this request: the building has been used as business, zoning already in area, limited uses in the Neighborhood Business area, and location on a major highway.

Larry Craig pointed out the businesses already in this same area.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 551 – William Leonhardt, applicant.

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

**Parallel Conditional Use Request No. 152 – John Gilbert, applicant:** A request to rezone 4.1 acres from R-SF (Residential Single-Family) to CU R-S (Conditional Use Residential Suburban) to permit the placement of a Class B (doublewide) mobile home. The property is part of a 10.9-acre parcel that contains an existing doublewide. The parcel has been subdivided as a family subdivision to create a separate lot for the existing doublewide. The area proposed for rezoning includes that lot plus a two-acre site for the proposed doublewide for the applicant's grandson.

The property is located on Garrett Trail about 600 feet south of Hwy. 27 in Howard's Creek Township. It is adjoined by property zoned R-S and R-SF. This property is not located in one of the areas designated by the Lincoln County Land Use Plan as most suitable for concentrating non-residential development, meaning it is suitable for residential development. Goal 4 of the Land Use Plan states: "In order to encourage a housing mix that provides housing choices for all economic levels, permit a variety of residential uses – single-family, multi-family and manufactured homes – at appropriate locations and under prescribed conditions."

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 152 – John Gilbert, applicant.

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

The Planning Board recessed their meeting on the 2<sup>nd</sup> floor balcony.

Chairman Anderson called for a 5 minute recess and called the meeting back to order.

**Lincoln County Industrial Park Sewer Contract Amendment No. 3 – Steve Gilbert:** Steve Gilbert presented the following Amendment.

Amendment No. 3 provides amended services in the following areas of work:

- Meetings with the City for review and coordination of flow acceptance
- Evaluation of design alternatives to accommodate City capacity limitations
- Revising pump design parameter from 750 GPM (1108 GPM future) to 400 GPM (550 GPM future) to mesh with City's downstream capacities
- Revising 12-inch force main to 8-inch and revising 15-inch gravity line to 12-inch to mesh with City's downstream capacities.

- Addition of hydraulic sewage grinder and monorail hoist system at pump station
- Revision of right of way documents to reflect changes in line sizes

This amendment also includes certain reduction in fees associated with previous elimination of unused field survey and design services associated with the Clark Creek gravity sewer option that was changed to the current configuration. The fees in this contract are to be changed as follows:

- Surveying and Mapping – Reduced from \$27,700.00 to \$13,296.00 (lump sum)
- Clarks Creek Design – Reduced for \$59,200.00 to \$6,908.55 (lump sum)
- Force Main & Sewer Design – Increased from \$48,520.00 to \$50,020.00 (lump sum)
- Pump Station Design – Increased from \$18,700.00 to \$27,200.00 (lump sum)

These changes will result in a total decrease in the Contract from \$207,070.00 to \$150,375.00, or a net reduction of \$56,965.00.

The Public Works Department recommends approval of the attached Contract Amendment No. 3, covering services necessary for the additional work as described above decreasing the contract amount by a total of \$56,965.00

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Lincoln County Industrial Park Sewer Contract Amendment No. 3.

**Audit Proposal – Leon Harmon:** Leon Harmon stated that after two request for proposal processes, emails and phone calls to six firms and posting the proposal on our website, they have only received one proposal to provide auditing services. The proposal received was from Martin Starnes.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the recommendation of the Finance Director to accept the proposal from Martin Starnes for doing the County's audit work.

**Other Business:** Chairman Anderson stated that the Board is having a workshop concerning APFO in May. He stated that he thinks it would be a good idea at this workshop for staff to present the pro and cons of conditional use zoning, highway overlays, and specifically a unified development ordinance. He asked staff to prepare this information. It was the consensus of the Board to proceed with this.

Chairman Anderson advised the Board of the NCACC District meetings.

Audrey Setzer spoke to the Board concerning the health insurance renewal date. The health insurance plan for Lincoln County employees currently has a renewal date of



January 1. Staff was directed to provide information on the impact changing the renewal date of the County's Health Insurance Plan from January 1 to July 1. She asked if the Board would like to get price quotes and said that there was a very close time-frame if the board would like to proceed.

It was the consensus of the Board to move forward with seeking outside quotes on moving the renewal date to July 1.

**Closed Session:** UPON MOTION by Commissioner Carlton, the Board voted unanimously to enter into closed session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Chairman Anderson advised that the Board took no action in closed session.

**Adjourn:** UPON MOTION by Commissioner Klein, 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