

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 1, 2016**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 1, 2016, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Cecelia A. Martin, Chairman  
Carrol Mitchem, Vice Chair  
Martin Oakes  
Bill Beam

Commissioners Absent:

Alex E. Patton

Planning Board Members Present:

Christine Poinsette, Chairman  
Dr. Crystal Mitchem, Secretary  
Jeffrey Todd Burgin  
John Dancoff  
Floyd Dean  
Jamie Houser  
Keith Johnson  
Greg Smith  
Andrew Robinson

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Chair Cecelia Martin called the meeting to order. She led in a Moment of Silence and the Pledge of Allegiance.

**Adoption of Agenda:** Chair Martin presented the agenda for the Board's approval.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, August 1, 2016**  
**6:30 PM**

**James W. Warren Citizens Center**  
**115 West Main Street**  
**Lincolnton, North Carolina**

Call to Order - Chair Cecelia Martin

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Tax Request for Releases over \$100 - 6/16 - 7/15/16
  - Refund of Excise Tax
  - An Ordinance Declaring the Denver Christmas Parade to be a County Sponsored Event, Including Road Closures
3. Zoning Public Hearings - Randy Hawkins

ZMA #627 Lincoln Economic Development Association, applicant (Parcel ID# 90018) A request to rezone 0.38 acre from R-T (Transitional Residential) to I-G (General Industrial). The property is located on the east side of N.C. 16 Bypass about 200 feet west of Airlie Parkway and 1,300 feet south of Rufus Road in Catawba Springs Township.

ZMA #628 Daniel Williams Jr., applicant (Parcel ID# 89937) A request to rezone 16.7 acres from I-G (General Industrial) to R-T (Transitional Residential). The property is located on the east side of South Industrial Park Road about 2,400 feet south of Salem Church Road in Ironton Township.

PD #2016-4 Lawrence W. Mashburn & Assigns, applicant (Parcel ID# 86604, 34085, 58241, 32399, 32520, 32514, 34090, and 34096) A request to rezone 89.25 acres from R-SF (Residential Single-Family), R-T (Residential Transitional) and B-N CZ (Neighborhood Business Conditional Zoning) to PD-R (Planned Development-Residential) to permit a subdivision with up to 198 single-family detached homes. The property is located between N.C. 16 Business and Saint James Church Road about 2,700 feet south of their intersection in Catawba Springs Township.

PCUR #140-2A Westport Construction Partners, LLC (Parcel ID# 91829) A request to amend a conditional use planned development district to alter the layout of an area approved for 74 zero-lot-line houses and to allow 42 additional zero-lot-line houses in a portion of an area approved for 52 single-family detached houses, decreasing the number of single-family detached houses by 19. The request involves a 36.7-acre tract located south of Shanklin Lane and north of Lake Shore Road South in Catawba Springs Township.

CUP #357 Carol and José Mejia, applicants (Parcel ID# 26700) A request for a conditional use permit to operate a riding stable in the R-T (Transitional Residential) district. The 26-acre parcel is located at 1966 Magnolia Grove Road, on the east side of Magnolia Grove Road about 4,000 feet south of N.C. 27, in Ironton Township.

CUP #359 Christina McManus, applicant (Parcel ID# 27773) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) zoning district. The 0.6-acre parcel is located between Mack Ballard Road and N.C. 150, about 250 feet northwest of the intersection of Mack Ballard Road and Frank Dellinger Lane in Ironton Township.

CUP #360 Doug and Karen Lusk, applicants (Parcel ID# 91735) A request for a conditional use permit to allow a winery and a hall for hosting weddings, receptions, reunions, Christmas parties and other events in the R-T (Transitional Residential) district. The proposed 17.4-acre site is located on the west side of King Wilkinson Road at Mundy Road in Catawba Springs Township.

4. Presentation by 4H Representative to the North Carolina Association to County Commissioners Youth Summit - Ruth Perkins
5. Policy Revision to Current Drug and Alcohol Policy - Candy Burgin

6. Resolution to Amend Classification and Compensation Plan - Operations Manager - Leroy Buff

Emergency services radio system replacement and upgrades - Rodney Emmett

6a.

7. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)

8. Other Business

Recess to August 9, 2016 at 6:30 PM in the Commissioners Room for a joint meeting with the Soil and Water Conservation District Board to discuss conservation easements

**UPON MOTION** by Commissioner Beam, the Board voted unanimously to adopt the agenda moving Item 4 to Item 2a and adding 7a – Explanation of Sewer Spill.

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

- Tax Request for Releases over \$100 - 6/16 - 7/15/16

- Refund of Excise Tax

- An Ordinance Declaring the Denver Christmas Parade to be a County Sponsored Event, Including Road Closures

\*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

**Presentation by 4H Representative to the North Carolina Association to the County**

**Commissioner Youth Summit:** Ruth Perkins presented information concerning 4H activities in Lincoln County and thanked the Board for their support.

**New Business/Advertised Public Hearings:**

**ZMA #627 – Lincoln Economic Development Association:** Jeremiah Combs presented the following information:

The applicant is requesting the rezoning of a 0.38-acre lot from R-T (Residential Transitional) to I-G (General Industrial).

**Site Area & Description**

The property is located on the east side of N.C. 16 Bypass about 200 feet west of Airlie Parkway and 1,300 feet south of Rufus Road in Catawba Springs Township. It is adjoined by property zoned I-G and R-T. Land uses in this area include residential and industrial. The Lincoln County Land Use Plan designates this area as Industrial, suitable for future manufacturing and warehousing uses.

**Additional Information**

**Permitted uses**

Under current R-T zoning: site-built house, modular home, manufactured home, duplex

Under proposed I-G zoning: manufacturing, warehousing

**Adjoining zoning and uses**

East: zoned I-G, vacant.  
South: zoned R-T, residential use.  
West: (across N.C. 16) zoned I-G, vacant.  
North: zoned I-G, vacant.

Chair Martin opened the public hearing concerning ZMA #627 - Lincoln Economic Development Association, applicant.

Being no additional speakers, Chair Martin declared the public hearing closed.

**ZMA #628 – Daniel Williams, Jr., applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 16.7 acres from I-G (General Industrial) to R-T (Transitional Residential). This property is part of a 16.85-acre parcel, a small portion (0.17 acre) of which is zoned R-T.

#### Site Area & Description

The property is located on the east side of South Industrial Park Road about 2,400 feet south of Salem Church Road in Ironton Township. This property is adjoined by property zoned R-S (Residential Suburban), I-G, B-G (General Business) and R-T. Land uses in this area include residential, industrial, business and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

#### Additional Information

##### **Permitted uses**

Under current I-G zoning: manufacturing, warehousing, machine shop, offices, etc.  
Under proposed R-T zoning: manufactured home (singlewide or doublewide), modular home, site-built house, church.

##### **Adjoining zoning and uses**

East: zoned R-SF, undeveloped land.  
South: zoned R-T and R-S, residence.  
West: zoned I-G and B-G, residences and commercial building.  
North: zoned I-G, residence.  
Being no additional speakers, she declared the public hearing closed.

Chair Martin opened the public hearing concerning ZMA #628 – Daniel Williams, Jr.

Daniel Williams, 1737 South Industrial Park Road, said he recently bought this property from Harold Klutz and the purpose when he bought it is so his daughters can live on the property. He said it is connected to where his home is now.

Mike Williams, 1774 South Industrial Park Road, said he has no objections to the plan. He asked if his property values will be affected by this change.

Being no additional speakers, Chair Martin declared the public hearing closed.

**PD #2016-4 – Lawrence W. Mashburn & Assigns, applicant:** Josh Grant presented the following:

The applicant is requesting the rezoning of 89.25 acres from R-SF (Residential Single-Family), R-T (Residential Transitional), and B-N CZ (Neighborhood Business Conditional Zoning) to PD-R (Planned Development-Residential) to permit a subdivision with up to 198 single-family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the existing zoning districts.

A site plan and report, which outlines guidelines for the proposed development have been submitted as part of the rezoning application and would serve as the master plan and terms/conditions for the development if the rezoning request is approved. A traffic impact analysis has also been submitted.

#### SITE AREA AND DESCRIPTION

The property is located between N.C. 16 Business and Saint James Church Rd. about 2,700 feet south of their intersection in the Catawba Springs Township. It is adjoined by property zoned I-G (General Industrial), B-G (General Business) and B-N (Neighborhood Business), and R-T (Residential Transitional). Land uses in this area include residential, business commercial, religious and industrial. A very small portion of this property is located in a WS-IV Critical Area watershed district, however none of the homes are proposed to be located within that district. None of the property is located in a floodplain; although two creeks do traverse the property where 50' buffers are required to be established.

#### PLAN CONFORMANCE

The development site abuts a targeted focus area identified for a mixture of uses that make up the NC 16 Corridor Vision Plan's focus for a community center in downtown Denver. The uses for this area described by the corridor plan and uses in general that make up a community center are in many cases supported by residential on the fringe of the community.

The proposal also provides alternative transportation routes and connections to adjacent property in keeping with the Comprehensive Land Use Plan. In addition, as part of the walking trail improvements, the developer is going to reserve an easement for addition of a portion of the trail to the Carolina Thread Trail greenway corridor.

#### UDO COMPLIANCE

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. The master plan for the proposed Sylvan Creek development calls for approximately 38% recreation and open space. Subdivisions with more than 50 lots are required to have at least two access points.

This proposal calls for one access point on NC 16 Business and a second on St. James Church Rd. The plan also complies with the UDO's subdivision standards for internal connectivity, block length and cul-de-sac length.

As a condition of a rezoning, Section 9.8.7 of the UDO requires an applicant to provide road improvements to maintain the service level of an intersection if it is impacted by a proposed development. The traffic impact analysis for the Sylvan Creek development shows it would impact the N.C. 16 and St. James Church Rd. as well as NC 16 Business and St. James Church Rd./Will Proctor Street intersections. Based on the analysis, the applicant has proposed or arranged with NCDOT, improvements to offset the impact.

The proposed development will be served by Rock Springs Elementary School, North Lincoln Middle and North Lincoln High School. Based on the student generation rates through the model, there will be approximately 70 school aged children from K – 12 and at this time the schools in question have the capacity to handle them at this time.

The water system does have capacity to handle the development, sewer does not. The applicant is working with Public Works to address improvements needed.

Todd Burgin asked about the school impact on Rock Springs. Mr. Grant said the thought process is that the new school at Newton Crossing will be built by the time this development is ready.

Chair Martin opened the public hearing.

Larry Mashburn said he has been working on this project for a couple years. He said this property has a 2 acre pond on it and Forney Creek running on it. He said it is an outstanding piece of land, but the topography causes it to be more expensive to develop. Mr. Mashburn said Pulte Homes will be building pad lots and Peachtree Homes will be building the section of crawl space homes. There will be entrances on St. James Church Road and Highway 16,.

Commissioner Mitchem asked if Mr. Mashburn already owns the land. He answered that it is all under contract.

Commissioner Oakes asked about DOT offsite road improvements.

Mr. Mashburn said he will be required to put in turn lanes off the 2 main roads. They would like him to improve the limited bypass by increasing the collector section of the U-turn to accommodate more cars and to make it so you can go straight, at the plat of the 89<sup>th</sup> lot.

Commissioner Oakes said he is basically fixing a DOT mistake.

Being no additional speakers, Chair Martin declared the public hearing closed.

Mr. Deaton advised the Board on quasi-judicial matters.

**PCUR #140-2A – Westport Construction Partners, LLC, applicant:** Randy Hawkins presented the following information:

The residents would like this case postponed until all witnesses can be present, however Mr. Tom Daniel would like to proceed tonight.

Michael Jones said their principal witness is Sam Perkins, the Riverkeeper. Commissioner Oakes said there will still be a public hearing on the watershed conditional use permit that will not be held tonight.

Mr. Jones said Dave Cable, a tree expert and Sylvia and Ray Holmes

**UPON MOTION** by Commissioner Oakes, the Board voted to proceed with the case.

Randy Hawkins said any information presented in June can also be considered tonight. The applicant did as requested and met with the residents in July.

The applicant is requesting to amend a conditional use, planned development district to alter the layout of an area approved for zero-lot-line houses and to allow additional zero-lot-line houses in a portion of an area approved for single-family detached houses.

The approved plan calls for 74 zero-lot-line houses and 52 single-family detached houses, a total of 126 homes. The proposed amended plan, which has been revised following a June 6 public hearing, calls for 116 zero-lot-line houses and 33 single-family detached houses, a total of 149 homes, a net increase of 23 homes. This request involves a 64-acre planned development that was approved in a parallel conditional use rezoning in 2006.

In contrast to a single-family detached house, a zero-lot-line house is typically built on a significantly smaller lot with one side of the house abutting a property line. A total of 16 zero-lot-line houses have been completed or are under construction along Gold Springs Way off Shanklin Lane on the northern side of the development. A total of 21 single-family detached houses have been completed or are under construction on Shanklin Lane and Golf Course Drive South as part of this planned development.

A copy of the original plan and the proposed revised plan are included in this packet.

The revisions from the plan that was submitted at the June 6 hearing include:

- Zero-lot-line houses would be set back a minimum 25 feet from the property line of adjoining lots for single-family detached houses located along Shanklin Lane and along Lake Shore Road South, with a landscaped berm provided in the buffer area.
- A landscaped buffer/berm would be provided along both sides of the emergency access off Lake Shore Road South.
- Walking trails would be provided within the areas for zero-lot-line houses, connecting to the required sidewalks on one side of the streets.

- A storage area for boats and RVs would be provided in the Duke Power transmission right-of-way.

## ENVIRONMENTAL

This site is located in the Catawba River/Lake Norman WS-IV Critical Area. The proposed amended plan shows the area designated for zero-lot-line houses would have an impervious surface area of approximately 32.3% of the total acreage. If the amended plan is approved, the applicant would need to obtain a conditional use permit to exceed 24% impervious coverage under the high-density option. Engineered plans to control and treat stormwater runoff would need to be submitted and approved through a public hearing process.

This property is zoned CU PD-R (Conditional Use Planned Development-Residential) and is adjoined by property zoned R-14 (a single-family district with a minimum lot size of 14,000 square feet), R-SF (Residential Single-Family) and (Neighborhood Business). Land uses in this area include residential, recreational (golf course, tennis and swim club), institutional (church) and commercial. Public water and sewer are available in this area. This property is part of an area designated by the Land Use Plan as Suburban Residential, primarily single-family in character with options for a limited amount of town home or patio home development.

The applicant has also amended the site plan in the packet that calls for 7 fewer homes than proposed at the June hearing. It calls for a total of 116 zero lot line house and 33 single family detached houses, a net increase from the 2006 plan of 23 homes. The previous plan in June was a net increase of 30 homes.

There was a discussion with Mr. Daniel about the berm and setbacks.

Chair Martin opened the public hearing concerning PCUR #140-2A – Westport Construction Partners, LLC.

Tom Daniel said the meeting with residents was well worthwhile and around 40 people attended. He said about 75% of the residents were satisfied, and there around 25% of the people still with objection.

He reviewed the changes to the plan:

- Zero-line-lot houses would be set back a minimum 25 feet from the property line of adjoining lots for single-family detached houses located along Shanklin Lane and along Lake Shore Road South, with a landscaped berm provided in the buffer area.
- A landscaped buffer/berm would be provided along both sides of the emergency access off Lake Shore Road South.
- Walking trails would be provided within the areas for zero-lot-line houses, connecting to the required sidewalks on one side of the streets.
- A storage area for boats and RVs would be provided in the Duke Power transmission right-of-way.



Mr. Daniel said he met with residents who had runoff concerns and tried to help with the issues and also with a neighbor who asked them to keep as many trees as possible in the berm and landscape buffer.

Mr. Daniel presented information concerning home sales in the Westport area that have sold in the last six months.

Commissioner Beam asked how long Mr. Daniel has owned this property and if he bought it the same time the golf course was closed.

Mr. Daniel said he has been told the property values were in shambles and another resident thought his property had increased 30% in value since the golf course was improved.

Commissioner Beam asked if the golf course increases the value of the land Mr. Daniel wants to develop. Mr. Daniel said the golf course is the amenity to the property. He said this is a net increase of 23 homes over the original 126. Original plans were 74 active adult quadplexes. He said they came to the Board with 3 different conditional uses and the whole idea behind those was based on meetings with Westport residents. The concept for these homes was Westport residents wanting to downsize but stay in the community. He said he has a realtor here to testify that it is in harmony with homes in the area.

Mr. Deaton asked Mr. Daniel if his testimony is that he is meeting the 3<sup>rd</sup> element of the findings that there is no damage to the value of property because the lots in this subdivision are of a higher value than lots of adjacent. He said he is incorporating the Findings of Fact into his testimony.

Brad Baranowski, owner of Elle Bee Realty, said they specialize in the sale and marketing of older adult communities. He said the average price per square foot is between \$155 to \$180. The comparable sales for Westport for single family are between \$115 to \$135. This product is actually adding value to the current community.

Mr. Deaton asked if Mr. Baranowski's testimony is that because the homes in this area are a higher per square foot cost than the adjacent, that they will actually help the property values. He emphasized that the quality of construction – these are the nicest homes he has worked with and will bring more value to the area than the attached quad homes would have been.

Greg Smith asked if any analysis was done with adjacent homes that will be affected. Mr. Baranowski said a previous builder damaged the values more with poor quality of construction. He said people will not suffer a loss in value due to the change.

Cynthia Jones, 3244 Lakeshore Road South, spoke in opposition because of Item 4 in the findings of fact. She showed photographs to show that these homes will not be in harmony with the surrounding area and gave reasons she thought this would not be in

harmony with the area. She said people in this area typically replace trees when they have to remove them. Mrs. Jones presented pictures of zero lot line homes.

Commissioner Mitchem pointed out that whoever buys these houses will see that they are on small lots. Mrs. Jones said she understands this, but the adjacent neighbors currently there were expecting single family homes like the ones currently there.

Commissioner Mitchem asked what Westport looked like 50 years ago when it was developed and how many trees were cut down. Mrs. Jones said it was developed gradually, not all at once.

Mr. Keith Johnson said the original plan called for 74 zero lot line homes. It was pointed out that the plan was approved for quadplexes.

Commissioner Oakes asked if Mrs. Jones' property abuts this property and she answered it does not.

Floyd Dean said this will be in harmony with this neighborhood, maybe not where Mrs. Jones lives. He said on an appraisal there is a place where you check if the property is in harmony.

Michael Jones, 3244 Lakeshore Road South, said that Sam Perkins, the Riverkeeper, recommended that Mr. Daniel carry out minimal land clearing until all the sedimentation capture ponds and stormwater retention ponds are dug and stabilized. Mr. Jones presented his notes from the July 29, 2016 meeting with Tom Daniel, Sam Perkins, Ben Benoit, and Mike Jones.

Mr. Daniel said he agreed to this.

Mr. Jones said the construction entrance should be layered with properly sized rock and screens to remove mud and dirt from construction vehicle tires as they leave the site.

Andrew Bryant said this is covered by the Soil & Erosion Control permit.

Felicia Henry, planned to read a letter from Sue Nikodem concerning damage to her property from previous clearing and construction. Mr. Deaton advised that this would not be permissible due to the fact that she was not here and could not be cross examined.

In light of this, Felicia Henry, 2677 Lake Shore Road South, said there is water running off Shanklin Cove, down through her property, into the driveway next door to her. It washes across Lakeshore Road South.

Commissioner Oakes said there will be another public hearing for watershed and that is the time this information should be presented.

Patty Korn, 3165 Lakeshore Road South, presented copies of an email between she and Tom Daniel, which she asked to be admitted as evidence.

Ben Benoit, 4390 Lakeshore Road North, spoke concerning the buffers and findings of fact 3 and 4, damage to property values and in harmony with the surrounding area. He spoke about the vegetative buffer and gave a recommendation to preserve as many existing trees as possible and replant. He asked Mr. Daniel to do the right thing and go beyond.

Commissioner Oakes said this could be a condition.

Mr. Benoit spoke about the increase in traffic and asked for additional road improvements such as right and left turn lanes on Fairfield Forest Road and Highway 16.

Commissioner Oakes said NCDOT did a study and this cannot be changed unless there is a 15 to 20% increase in homes.

Katherine Lambert, 2730 Lakeshore Road South, said she lives in the old part of Westport and she thanked Mr. Daniel for the rescue of the golf course and the development. She asked Mr. Daniel to address the eyesore on Lakeshore Road South.

Being no additional speakers, she declared the public hearing closed.

CUP #357 – Carol and Jose’ Mejia, applicants: Jeremiah Combs presented the following:

The applicants are requesting a conditional use permit to operate a riding stable in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, a commercial riding stable is a conditional use in the R-T district, subject to certain standards.

#### **SITE AREA AND DESCRIPTION**

The 26-acre site is located at 1966 Magnolia Grove Road, on the east side of Magnolia Grove Road about 4,000 feet south of N.C. 27 in Ironton Township. The property is adjoined by property zoned R-T (Transitional Residential). Land uses in this area include residential and agricultural. This property is part of an area that is designated by the Lincoln County Land Use Plan as suburban residential, suitable for primarily singlefamily housing.

The following are UDO standards for riding stables:

#### **§4.4.18 Riding Stable**

**A.** Minimum Lot Area: 5 acres

**B.** All stalls or designated riding areas must be located at least 200 feet from any lot line.

**C.** All manure piles shall be located at least 200 feet from any lot line and shall be disposed of on a daily basis.

**D.** Adequate fencing must be placed on the lot to ensure that horses are prevented from roaming onto adjacent roads or lots.

**E.** Notwithstanding any other provision of this UDO, a riding stable may be located on a lot which also contains a principal single-family residential use.

**F.** A Class C buffer shall be established along any side of the property where the riding stable abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

Keith Johnson asked about the standard that manure piles shall be located at least 200 feet from any lot line and shall be disposed of on a daily basis. He asked if they would be willing to have limits on number of horses and operating hours.

Chair Martin opened the public hearing concerning CUP #357 –Carol and Jose’ Mejia, Applicants.

Carol Mejia said she will eventually live on this property if this request is approved. She said there are 7 stalls currently and she does not plan to have more horses than that. She also said she spreads manure every day. Ms. Mejia said she only does private lessons. She said she may board some horses and would agree to only have 10 horses.

Mike Hipp, 1966 Magnolia Grove Road, said he currently lives at this property and has boarded horses since 1983. He said his adjacent neighbor has a cow farm. He said he spreads his manure every day and thinks Mrs. Mejia would be a good resident and proprietor for Lincoln County.

Being no additional speakers, she declared the public hearing closed.

CUP # 359 – Christina McManus, applicant:

The applicant is requesting a conditional use permit to place a Class B manufactured home in the R-S (Residential Suburban) zoning district. A Class B manufactured home is a doublewide that meets the Unified Development Ordinance’s appearance standards. Under the UDO, a Class B manufactured home may be placed in the R-S district subject to the issuance of a conditional use permit.

**SITE AREA AND DESCRIPTION**

The 0.6-acre lot (Parcel# 27773) is located between Mack Ballard Road and N.C. 150, about 250 feet northwest of the intersection of Mack Ballard Road and Frank Dellinger Lane in Ironton Township. The property is adjoined by property zoned R-S. Land uses in this area include business, residential, and agricultural. This property is part of an area that is designated by the Lincoln County Land Use Plan as suburban residential, suitable for primarily single-family residential uses.

Todd Burgin asked about right of way for the property.

Chair Martin opened the public hearing concerning CUP #359 – Christina McManus, applicant.

Christina McManus said there is deeded access from 150 and Mack Ballard Road. She will be purchasing the adjacent parcel so she will have 1.6 acres. She said she has reviewed the Findings of Fact and presented this as part of her testimony.

Being no additional speakers, she declared the public hearing closed.

CUP #360 – Doug and Karen Lusk, applicants:

The applicants are requesting a conditional use permit to operate a winery and an events venue (a hall for hosting weddings, receptions, reunions, Christmas parties and other events) in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, a winery and an events venue (classified under civic uses as a private recreation facility) are conditional uses in the R-T district. A site plan has been submitted as part of the application.

**SITE AREA AND DESCRIPTION**

The proposed 17.4-acre site is located on the west side of King Wilkinson Road at Mundy Road in Catawba Springs Township. It is adjoined by property zoned R-T and RSF (Residential Single-Family). Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

**ORDINANCE STANDARDS**

No special standards for a private recreation facility are established by the UDO. The following standards apply to a winery:

**§4.4.26 Winery**

**A.** Minimum lot area: ten acres.

**B.** The facility must be operated in association with a vineyard located on the same property or on adjoining properties under the same ownership. Permitted accessory uses may include but shall not be limited to a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms.

**C.** All structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines or road rights-of-way.

Floyd Dean questioned why a 7 horse stable is a commercial use and this application is not a commercial use.

Commissioner Mitchem said the UDO should be looked at to address some of these issues.

Chair Martin opened the public hearing concerning CUP #360 – Doug and Karen Lusk, applicants.

Doug Lusk said he would like to open the wedding venue first, then plant the grapes, and then open a winery. He said his plan is to plant 4 to 6 acres as plan 2 and will plant muscadine and red grapes. He said there is nothing like this in the area. He owns Race City Steel and wants to pass this along to the people who have supported them in their steel company.

Being no additional speakers, she declared the public hearing closed.

The Planning Board recessed and reconvened in the Home Economics Kitchen on the first floor.

**Policy Revision to the Current Drug and Alcohol Policy:** Candy Burgin presented a policy revision to the Drug and Alcohol Policy to add verbage for non-tolerance.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Policy Revision.

**Resolution to Amend Classification and Compensation Plan:**  
**Leroy Buff presented the following information:**

In 2012, the Director of Communications requested and received approval from the Assistant County Manager to reclassify a telecommunication position, Operations Manager. The resolution was never presented to the BOC. The employee at the direction of the Director proceeded to assume the duties and responsibilities of the Operation Manager.

In the last four years, the position and employee have been needed and remain a vital part of the Comm Center every day operations. The employee is well suited for the position and has done an exemplary job.

Mr. Buff recommended the resolution be passed and the employee given a 2.5% salary increase for the added responsibilities and duties to begin with the next pay period.

**RESOLUTION TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN  
FOR  
LINCOLN COUNTY, NORTH CAROLINA**

**WHEREAS** the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

**WHEREAS**, the County Manager is charged with assuring the Plan remains current and up to date; and

**WHEREAS**, the Administrator of the Communications Department has proposed the revised job descript to better reflect the responsibilities and duties of this position and better

streamline the operation of the department. The changes have been reviewed with staff and approved by the County.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Amend the job title of one (1) Telecommunicator to Operations Manager.

Amend the job description to include the additional duties of: Maintaining and overseeing equipment installations/repairs at all communications tower sites. Scheduling vendors and overseeing all installations/repairs of communications equipment at the center. Maintaining, repairing and overseeing training and deployments of the Mobile Communication truck. Maintaining the CAD databases in regards to units, nature codes, response plans, alpha paging, etc.

Reclassify the Operations Manager job description from a pay grade of 11 to a pay grade of 16, plus a 2.5% increase, to maintain equality of this position.

That this resolution shall become effective on \_\_\_\_\_, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

LINCOLN COUNTY

By: \_\_\_\_\_  
Cecelia A. Martin, Chair  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board of Commissioners

**UPON MOTION** by Commissioner Beam, the Board voted unanimously to approve the Resolution for the Operations Manager for the Communications Department.

**Emergency Services Radio System Replacement and Upgrades:** Rodney Emmett and Bill Summers presented the following:

Sometime in the future, radios will be need to be replaced. Gaston County has recently moved to the Viper system and we stand a better chance of getting a grant for firefighter

radios by doing it regionally. The grant is a 90/10 match, so to replace firefighter radios will be \$1,328,665.89 and the grant would fund \$1,195,799.30 if awarded.

The Sheriff's Department is on a UHF system and fire, EMS, and rescue is on a VHF system, which will not talk to each other. Sometimes they need to communicate with each other.

This project has been fast forwarded due to the fact that the AFG Grant has not been funded past March and this may be the final opportunity to take advantage of the grant.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to pursue the grant and fund the whole system if we get the grant. If not, this will be reconsidered.

**Public Comments:** Chair Martin opened Public Comments.

Rudy Bauer, 8252 Blades Trail, asked if the horses on Highway 16 are there legally.

Being no additional speakers, Chair Martin closed Public Comments.

**Sewage Spill Information:** Don Chamblee said Commissioner Oakes had asked for information on how many leaks Lincoln County has had – there have been 1 to 3 spills per year. Some of these are small spills by contractor damage or lightning strikes.

The last failure was human error due to a pump being turned off. The investigation is ongoing as to how long the pump was off.

Commissioner Oakes asked why the SCADA monitoring system did not work. Mr. Chamblee said the Water and Sewer Plants and 2 lift stations.

**Recess:** **UPON MOTION** by Chair Martin, the Board voted unanimously to recess until August 9, 2016 at 6:30 PM in the Commissioners Room for a meeting with the Soil and Water Conservation Board.