

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 7, 2016

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on November 7, 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
Alex E. Patton

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
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, November 7, 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
 - Vehicle Tax Systems Refunds
 - Resolution of Support for Centralina Mobility Management
 - Proclamation Honoring Veterans Day 2016
3. Public Hearing - FY 18 Enhanced Mobility of Seniors and Individuals with Disabilities Program for Senior Services Transportation (5310) application
 - Approval of NCDOT Public Transportation 5310 Application in the sum of \$50,000
 - Adoption of Public Transportation Capital Call for Projects Program Resolution
4. Zoning Public Hearings - Randy Hawkins

PA #39 Eric Tucker, applicant (Parcel ID# 29741) A request for plat review/sketch plan approval for an 11-lot subdivision involving the extension of approximately 960 linear feet of new roadway

into the subject property. The property is located on the north side of Kemp Dellinger Road approximately 1,000 feet east of the intersection with Lee Moore Road in Ironton Township.

CUP #361 Tom and Michelle Sain, applicant (Parcel ID# 92909) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The property is located on the west side of Cat Square Road about 800 feet north of Wells Road in Howards Creek Township.

ZMA #629 Scott Gizowski, applicant (Parcel ID# 11529) A request to rezone 5.7 acres from R-R (Rural Residential) to I-L (Light Industrial). The property is located on the west side of Sam Houser Road about 300 feet south of Henry Road in North Brook Township.

UDO Proposed Amendments #2016-4 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 3.5.2 of the Lincoln County Unified Development Ordinance to provide additional options for the subdivision of property along roads classified by NCDOT as an arterial or major collector.

CZ #2016-3 Seth Lehman, applicant (Parcel ID# 75924) A request to rezone 1.1 acres from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle service and repair and offices. The property is located on the east side of N.C. 16 Business about 800 feet north of Smith Harbour Drive in Catawba Springs Township.

PD #2016-5 Hawthorne Development Group, LLC, applicant (Parcel ID# 32848, 32850 and 89714) A request to rezone 73 acres from R-T (Residential Transitional) and R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to

180

single-family detached homes. The property borders Triangle Circle, Rufus Road and Airlie Parkway in Catawba Springs Township.

PD #2016-6 Queen City Land, LLC, applicant (Parcel ID# 85285) A request to rezone 19.2 acres from R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit an age-restricted subdivision with up to 72 single-family detached homes. The property is located on the south side of Natalie Commons Drive about 1,200 feet west of N.C. 16 Business in Catawba Springs Township.

~~PD #2016-8 RHH Land Investors, LLC, applicant (Parcel ID# 34808, 34839, 34840 and 54084) A request to rezone 81.2 acres from R-T (Transitional Residential) to PD-R (Planned Development Residential) to permit a subdivision with up to 230 single-family detached homes. The property is located on the west side of Little Egypt Road about 3,600 feet south of Optimist Club Road in Catawba Springs Township.~~

5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Approval of \$10,000 Bosch Community Fund Grant for the Library for fiscal year 2016-2017 - Jennifer Sackett
7. Approval of the Agreement with the NC 911 Board for the Acceptance of the \$2,000,000 grant for the construction of a new Communications Center - Bill Gibbs
8. Resolution for Amendment to Appointment Policy to Boards, Commissions and Committees
9. Other Business
 - Appointments to ABC Board
10. Closed Session Pursuant to NCGS § 143-318.11. (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Adjourn

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

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

- Vehicle Tax Systems Refunds
- Resolution of Support for Centralina Mobility Management
- Proclamation Honoring Veterans Day 2016

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

Commissioner Patton read the Proclamation Honoring Veterans Day 2016.

Public Hearing - FY 18 Enhanced Mobility of Seniors and Individuals with Disabilities Program for Senior Services Transportation (5310) application

Tabitha Thomas, Senior Services Director, presented the following.

This is a \$50,000 grant for additional transportation for individuals 65 and older and individuals with disabilities. This will include travel to medical appointments, nutritional sites and other locations to carry out essential daily living tasks. This does require a 10% local and state match. Senior Services will use Home and Community Care Block Grant funds to meet this match. These funds will provide about 3,333 additional one way trips with TLC for these individuals.

Chair Martin opened the public hearing. Being no speakers, she closed the public hearing.

Commissioner Oakes questioned the wording of Lincoln County Senior Services Transportation. It was confirmed that this wording has been used in the past.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the NCDOT Public Transportation 5310 application in the sum of \$50,000 and the Public Transportation Consolidated Capital Call for Projects Program Resolution.

New Business/Advertised Public Hearings:

PA #39 Eric Tucker, applicant: Jeremiah Combs presented the following information:

The applicant is requesting preliminary plat review/ sketch plan approval for an 11 lot subdivision along Kemp Dellinger Road. The subdivision extends a new roadway approximately 960 linear feet into the subject property, including street trees and sidewalks. The Lincoln County Unified Development Ordinance states in Article 9.6, all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing for approval, disapproval or approval with conditions.

The 12.5-acre site is located on the north side of Kemp Dellinger Road approximately 1000 feet east of the intersection with Lee Moore Road in Ironton Township. The subject property is zoned R-S (Suburban Residential), and is adjoined by property zoned R-S, RSF (Residential Single Family) and R-T (Transitional Residential). The subdivision will be served by private wells and septic systems.

The Lincoln County Land Use plan designates this area as Suburban Residential. Residential development, especially development that is single-family in character, with a density of 1-2 units per acre is encouraged in these areas.

Commissioner Oakes asked if the road will be turned over to DOT. Mr. Combs responded that to his knowledge, he did not think so, but the representative for the applicant could answer questions.

Chair Martin opened the public hearing concerning PA #39 – Eric Tucker, applicant.

Chuck Poovey, 3704 Hwy 16 Denver, speaking on behalf of the applicant, said the road will be maintained by a HOA once it is developed and the developer until that HOA is formed.

Commissioner Oakes said there has been a problem in the past with developers half way developing a subdivision and then leaving the county. Mr. Poovey said he understands and sees this also, but this developer was born and raised in Lincoln County. He said the road will be designed to state standards and has to meet UDO requirements. He said he imagines build out will be pretty quick. He said there will be 11 lots on this road.

Andrew Bryant said the developer or the HOA will be tied to that private road. He said this is a requirement in the UDO.

Mike Patton, 4680 Crossfield Court, said his biggest concern is the road. He said they had a difficult time when their developer walked out and they had to get DOT to take over their road.

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

CUP #361 – Tom and Michelle Sain, applicant: Jeremiah Combs presented the following:

The applicants are requesting a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) 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.

A temporary zoning permit was approved on September 16, 2016, to permit the temporary placement of a Class B (doublewide) manufactured home on this property for use as care provider housing, subject to the standards found in Section 4.7.3.A of the Unified Development Ordinance. This temporary zoning permit is only valid for a period of one year, but it may be renewed annually upon determining that there has not been a substantive change in pertinent conditions or facts. Issuance of a conditional use permit for the placement of a Class B (doublewide) manufactured home would eliminate the need for annual renewal of this temporary zoning permit.

The proposed 2.57-acre site is located on the west side of Cat Square about 800 feet north of Wells Road in Howards Creek Township. The site is adjoined by property zoned R-S and R-T (Transitional Residential). Land uses in this area include residential, agricultural, and industrial (freight trucking). This property is part of an area designated by the Lincoln County Land Use Plan as Rural Preservation, suitable for low-density residential uses.

Chair Martin opened the public hearing concerning CUP #361 – Tom and Michelle Sain, applicant.

Michelle Sain, applicant, said she would be happy to answer any questions.

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

ZMA #629 – Scott Gizowski, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 5.7 acres from R-R (Rural Residential) to IL (Light Industrial). This property is part of an 18.3-acre parcel.

The property is located on the west side of Sam Houser Road about 300 feet south of Henry Road in North Brook Township. It is adjoined on all sides by property zoned RR. Property zoned I-G (General Industrial) is located about 600 feet to the north. Land uses in this area include residential, agricultural and industrial (trucking company). This property is part of an area designated by the Lincoln County Land Use Plan as Rural Preservation, suitable for low-density residential uses and limited small-scale commercial and/or industrial uses that blend in well with rural environments.

Under current R-R zoning: manufactured homes, modular homes, site-built homes, church. Under proposed R-T zoning: light manufacturing, including manufacturing of hardware, machine shop, vehicle service, etc.

Adjoining zoning and uses East (opposite side of Sam Houser Road): zoned R-R, residential uses. South: zoned R-R, agricultural use. West: zoned R-R, agricultural use. North: zoned R-R, agricultural and residential uses.

Chair Martin opened the public hearing.

Scott Gizowski, applicant, said he will be manufacturing spinning inserts and parts for archery arrows. There will also be office space in this building.

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

UDO Proposed Amendments #2016-4 – Lincoln County Planning and Inspections
Department, applicant: Andrew Bryant presented the following information:

Staff is proposing amendments to the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Sections 3.5.2 to allow for the subdivision of lots along a principal arterial, minor arterial or a major collector if a shared access point or driveway is utilized.
- 2) Amend Sections 3.5.2 to allow for a provision that permits one additional access to residentially zoned properties along principal arterial, minor arterial or a major collector which as road frontage in excess of 300 feet but less than 600 feet.

Lincoln County has had Access Management standards which originated in the Zoning and Subdivision Ordinances. These standards sought to limit the creation of additional driveway cuts along high traffic corridors. The Zoning and Subdivision Ordinances limited subdivision along all numbers routes in the county as well as a list of other heavily travelled secondary roads. The former standard allowed subdivision of property along these corridors only in the case where the resultant lot shared a single access. The UDO brought forth a revised standard that referenced NCDOT's Functional Classification System, a more dynamic approach, and limited access along principal arterial, minor arterial or a major collector. The revised standard also provided an option for lots to be subdivided and have individual access where each lot had 300 feet of frontage.

The proposed standard would provide an opportunity for residentially zoned properties that fall along these corridors and have between 300 and 600 feet of frontage to be granted a driveway for each of the two lots that are to be subdivided.

The proposed amendment also reinstitutes that former standard from the Zoning and Subdivision Ordinances that allows property to be subdivided along one of these corridors if a shared access point or driveway is utilized.

UDO Proposed Amendments #2016-4 Proposed added text is underlined.

3.5.2 Access to Thoroughfares

A. Where a tract of land to be subdivided adjoins a principal arterial, minor arterial or a major collector as designated on the Functional Classification Maps for Lincoln County prepared by NCDOT, the subdivider shall:

1. Provide a major collector road parallel to the principal or minor arterial or major collector; or

2. Utilize reverse frontage on a minor street for the lots to be developed adjacent to the principal or minor arterial or major collector.

Where a tract of land to be developed adjoins a principal or minor arterial or a major collector and any other public road, the road with the lower traffic volume shall be utilized for primary access and access to the road with the higher traffic volume shall be limited to right-in, right-out movements only, unless additional access is approved by the Board of Commissioners as part of a major site plan review.

B. In addition, the Director may recommend and the Board of Commissioners may require that along other roads with identified capacities at 20 percent or greater, the subdivider shall provide a collector road parallel to the State road or utilize reverse frontage on a minor street.

C. In lieu of providing a parallel collector road or utilizing reverse frontage, lots may be subdivided if each of the resultant lots has at least 300 feet of road frontage along the arterial or identified collector or the lots may share a single access point or driveway.

D. On residentially zoned property that has greater than 300 feet but less than 600 feet of frontage on a principal arterial, minor arterial or a major collector the subdivider shall be allowed to have one additional point of access to the road.

Commissioner Mitchem asked if he has 500 feet on the corridor and wants to sell 300 feet, he could not access his property with a driveway. Andrew Bryant said he could not with a sole access, he would have to share a driveway with the subdivided lot.

Floyd Dean said there is also a burden when 2 homes are built by family on the same parcel.

Chair Martin opened the public hearing concerning UDO Proposed Amendments #2016-4 – Lincoln County Planning and Inspections Department, applicant.

Being no speakers, she declared the public hearing closed.

CZ #2016-3: Seth Lehman, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 1.1-acre lot from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle repair, vehicle storage and office units. Vehicle repair (major repairs, painting) is permitted only in the I-G district and is a conditional use in the Eastern Lincoln Development District (ELDD). Vehicle service (oil change, tire change, tune-up, etc.) is a conditional use in the

ELDD. A site plan has been submitted as part of the rezoning application. An existing driveway that is shared by the properties on each side of the driveway would be used to access this property.

This property is located on the east side of N.C. 16 Business about 800 feet north of Smith Harbour Drive. It is adjoined by property zoned B-N, PD-MU (Planned Development Mixed Use) and CZ I-G. Land uses in this area include industrial (two existing auto body shops), business, institutional (charter school) and residential. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes.

Under current zoning: retail sales, offices, personal services, restaurant, etc. Under proposed zoning: vehicle repair, vehicle service and office units. Adjoining zoning and uses East: zoned PD-MU, common open space area, part of Smithstone development. South: zoned B-N, vacant commercial building. West: zoned B-N, retail store and (opposite side of N.C. 16 Business) charter school. North: zoned CZ I-G, auto body shop.

This property is located in the WS-IV Critical Area of the Catawba River/Lake Norman watershed. The site plan shows the proposed development would have an impervious surface area of approximately 40% of the acreage. If the rezoning 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.

Chair Martin opened the public hearing concerning CZ #2016-3: Seth Lehman, applicant.

Seth Lehman stated this will be British classic car restorations. He said there is a maintenance agreement for the shared drive. He said he found other locations that this business could have been, but the prices were not in his range.

Commissioner Oakes asked if Mr. Lehman is aware that DOT plans to make Highway 16 Business 4 lane within the next five years and this could cause the steep drive issues. Mr. Lehman said he will have to get the site engineer to look into this, because he was not aware of this.

Mr. Lehman said he may paint ten or twelve vehicles per year. He said some quicker repairs and service will be done also and he may do a few hundred of those in a year.

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

PD #2016-5: Hawthorne Development Group, LLC, applicant:

The applicant is requesting the rezoning of 73 acres from R-T (Transitional Residential) and R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a subdivision with up to 180 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 R-T and R-SF districts. A concept plan and guidelines for the proposed development, Brookdale, have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A traffic impact analysis has also been submitted.

The property borders Triangle Circle, Rufus Road and Airlie Parkway in Catawba Springs Township. It is adjoined by property zoned R-T, R-SF, PD-MU (Planned Development Mixed Use) and I-G (General Industrial). Land uses in the area include residential, business and industrial. This property is adjacent to the site of the planned Rivercross mixed-use development. One of the accesses to Brookdale would be via a connection to Rivercross and its planned entrance off Triangle Circle. Other access points would be located on Rufus Road and Airlie Parkway.

Airlie Business Park is located to the west of this property on the opposite side of Airlie Parkway, and a potential future phase of the business park is located to the south. Brookdale would be served by county water and sewer. Existing lines are located in this area. A stream and a Duke Energy transmission right-of-way cross the eastern portion of this property. A stream also impacts the western portion of the property to a lesser degree. This property is not located in a water-supply watershed. No portion of this property is located in a 100-year floodplain.

This property is part of an area designated by the Lincoln County Land Use Plan for future industrial development. However, its industrial potential is limited by the streams and other site constraints, according to the Lincoln Economic Development Association (see following page). The NC 16 Corridor Vision Plan calls for a new road network in this area that would provide alternate travel routes between N.C. 16 Business and Optimist Club Road, Rufus Road and Triangle Circle. In combination with the planned Rivercross development, this proposed development would accomplish that goal.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 25% of the acreage in Brookdale would be reserved as recreation and open space. The proposed plan also complies with the UDO's subdivision standards for external access, internal connectivity, block length and cul-de-sac length. As a condition of rezoning, Section 9.8.7 of the UDO requires a developer to provide road improvements to maintain the service level of any/all legs of an intersection if it would be lowered by a proposed development. The traffic impact analysis for the Brookdale development shows it would lower the service level of two legs of the N.C. 16 Bypass/Optimist Club Road intersection in the a.m. peak hours. Staff has asked the applicant to propose improvements to maintain the service level or to provide a thorough explanation of why the developer shouldn't be required to do so. The information had not been received at the time of this report.

The developer has agreed to contribute \$150,000 for traffic improvements including improvements at NC 16 and Optimist Club. The contribution will be made before the plat for phase 2 is recorded or when NCDOT has an approved project at that interchange.

Chair Martin opened the public hearing concerning PD #2016-5: Hawthorne Development Group, LLC, applicant.

Robert Davis started by thanking Chair Martin and Commissioner Patton for their service and contributions to Lincoln County. He introduced Steve Bailey of Hawthorne Development.

Steve Bailey with Hawthorne Development presented the following:
They are proposing Wildbrook Subdivision and rezoning from R-T and R-SF to PD-R. This will be a total of around 73 acres with up to 180 single family detached units planned or around 2.5 per acre. The minimum lot width is proposed at 50' with front setbacks of 10' (20' to garage), 5' side and 10' rear. Open space will be 25%, double the 12.5% required. Sidewalks shall be provided on one side of all proposed streets. There is a driveway connection to Airlie and 2 to Rufus Road and 1 across from Rivercross apartment site, which will disperse the traffic. A traffic study was done which studied six existing intersections including their 4 driveways and came up with they will deteriorate the traffic at South Triangle and Business 16 and add additional traffic to Hwy. 16 and Optimist Club. In lieu of band aid fixes, they would like to contribute \$150,000 to DOT towards a larger, more comprehensive fix for traffic.

Commissioner Beam asked about placing this high density housing development next to the highest industrial use possible. He said he would like for potential homebuyers to be made aware that the industrial park is there.

Mr. Bailey said there will be a buffer left to separate the homes from the Industrial Park. He said they hope some workers from the Industrial Park will be buying homes in this development.

Mr. Bailey said Concept Homes from Charlotte will be building the homes in this development.

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

PD #2016-6 Queen City Land, LLC, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 19.2 acres from R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit an age-restricted subdivision with up to 72 lots for 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 R-SF district. A

concept plan and guidelines for the proposed development, Laurelwood, have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. Laurelwood would be age restricted in compliance with the Housing for Older Persons Act (HOPA), which requires that at least 80% of the homes be occupied by persons 55 years of age or older. A traffic impact analysis is not required in this case because the proposed development would generate less than 100 peak hour trips.

The property is located on the south side of Natalie Commons Drive about 1,200 feet west of N.C. 16 Business in Catawba Springs Township. It is part of a 34-acre undeveloped parcel that extends to Optimist Club Road. Only the northern portion of the parcel extending from Natalie Commons Drive to a creek is involved in the rezoning request. The site is adjoined by property zoned I-G (General Industrial) and R-SF. Land uses in this area include residential, business and institutional. A Duke Energy transmission right-of-way and the Villages of Denver residential development are located to the west of this property. Denver Canine Club, a dog boarding facility, is located on the opposite side of Natalie Commons Drive. Lake Norman Lutheran Church, Denver Defense and an undeveloped tract are located to the east. This property is not located in a water-supply watershed. No portion of this property is located in a 100-year floodplain.

This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 units per acre depending on the provision of utilities. The proposed subdivision would be served by county water and sewer. The proposed density is 3.75 homes per acre.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 12.9% of the acreage in Laurelwood Park would be reserved as recreation and open space. The proposed plan also complies with the UDO's subdivision standards for external access, internal connectivity, block length and cul-de-sac length.

A traffic impact study was not required, but the applicant paid for one which showed a signal was warranted at Natalie Commons and Highway 16 Business. The applicant has agreed to pay for this signal, which will be done before the lots are recorded.

This is approximately 3 and $\frac{3}{4}$ homes per acres.

Chair Martin opened the public hearing concerning PD #2016-6: Queen City Land, LLC, applicant.

Robert Davis, stated that currently Business 16 and Natalie Commons is a failing intersection, but they have agreed to provide a signal at this intersection. They will also help Villages of Denver with speed bumps. He said age restricted is the lowest traffic usage.

Dave Lutz presented the following:

Laurelwood is a proposed age-restricted residential community, subject to HOPA requirements, located in East Lincoln County and will feature 72 homes on approximately 20 acres and will be accessed from Natalie Commons Drive. Essex Homes will develop both the site and build the houses.

The proposed Laurelwood development meets or exceeds all sections of the current Lincoln County UDO and East Lincoln Development District requirements. This request would rezone the property from R-SF to Planned Development Residential (PD-R). This project is not located in a watershed or flood zone.

Site Amenities:

- Exceeds the open space requirement of 12.5%
- Formal landscaped entrance
- 5 ft. sidewalk and street trees along proposed streets
- Community gathering area 0.83 acres
- Walking trails and park benches
- A 20 ft. landscaped perimeter buffer

Phase 1 will be in 2017 with phase 2 within 18 months.

The developer has agreed to install the signal when construction starts.

Commissioner Beam asked if there was water and sewer. Mr. Hawkins said there is water and sewer. He said they believe there is sufficient capacity in that area. A sewer lift station will be installed.

Commissioner Beam voiced concerns about the density of homes in this development. He said there won't be room to park cars on these lots.

Mr. Davis said the studies show this is the type of desirable housing in this area.

Commissioner Mitchem suggested making a minimum lot size of half acre to slow down growth.

Andrew Robinson, Planning Board member, asked about the gun range located close to this property. Mr. Davis said they have helped mitigate some of the noise concerns. Mr. Hawkins said the range has taken some steps to reduce the noise from the facility.

Donna Nichol said she is concerned she will not be able to get out of her development, Natalie Commons.

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.

Public Comments: Chair Martin opened Public Comments.

Barry Harbison spoke concerning lots he purchased in Glenn Oaks that had been combined at some point. He would like to split these lots again and build on both lots, but this is not allowed. He asked for the Board's consideration of a change in the Ordinance that would allow this.

Ola Mae Foster, speaking on the Coalition of Churches, thanked the Board, especially Chair Martin and Commissioner Patton, for seeing how much Oaklawn School means to the black community. She said once they are in there and the museum is set up, they would like to invite the Board to come see it. She thanked Chair Martin and Commissioner Patton for their service.

Dennis Poston said he will be taking over as President of the Coalition and is just here to support Ola Mae tonight.

Being no additional speakers, Chair Martin closed Public Comments.

Approval of \$10,000 Bosch Community Fund Grant for the Library for fiscal year 2016-2017: Jennifer Sackett presented the following information:

The Lincoln County Public Library has been awarded a \$10,000 grant from the Bosch Community Foundation to expand STEAM programing. The library will use these funds to purchase technology and supplies that support STEAM education.

The Bosch Community Fund focuses its grant making in three main areas, with an emphasis on K-12 hands-on learning opportunities in all three: science, technology, engineering, mathematics, energy, and environmental education, the environment, and the combination of STEM and environment we call Eco+STEM.

The grant does not require a match.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the \$10,000 Bosch Community Fund Grant for the Library.

Approval of the Agreement with the NC 911 Board for the Acceptance of the \$2,000,000 grant for the construction of a new Communications Center: Bill Gibbs requested approval of an Agreement with the NC 911 Board for the Acceptance of the \$2,000,000 grant for the construction of a new Communication Center.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Agreement with the NC 911 Board for the Acceptance of the \$2,000,000 grant for the construction of a new Communication Center.

Appointments: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to make the following appointments:

ABC Board

Appoint:

- Gene Poinsette to a term ending 10/31/18
- Brent Brown to a term ending 10/31/17

Reappoint:

- Marty Mull (term 11/1/16 – 10/31/19)

Appoint Marty Mull as Chairman

Commissioner Mitchem suggested presenting plaques to Mike Baker and Mike Davis thanking them for their service on the ABC Board.

Resolution for Amendment to Appointment Policy to Boards, Commissions and Committees: Commissioner Patton presented the following Resolution for the Boards approval.

**RESOLUTION FOR AMENDMENT TO APPOINTMENT POLICY TO BOARDS,
COMMISSIONS AND COMMITTEES**

WHEREAS, it is the statutory duty of the Lincoln County Board of Commissioners, as the Governing Body of Lincoln County, to appoint persons to various boards, commissions, committees or authorities, to assist in the operation of County Government; and

WHEREAS, the Board of Commissioners wishes to appoint qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees or authorities, and to that end solicits the interest and input of the citizens of Lincoln County in making said appointments;

WHEREAS, the Clerk to the Board will advertise vacancies and present all applications received to the Lincoln County Board of Commissioners for their consideration; and

WHEREAS, the Board desires to amend its previous appointment policy as provided below.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that it deletes its previous appointment policy in its entirety and replaces said policy with the following:

Section 1: The policy of Lincoln County governing appointments to the various boards, commissions, committees or authorities made by the Board of County Commissioners is as follows:

- A. Any citizen of Lincoln County is eligible to serve on the appointed boards, commissions, committees or authorities of the County when such appointment is not prohibited by State statute.
- B. All appointments will be made according to the North Carolina General Statutes or Federal Appointments Statute, Ordinance or Bylaws that create that board, commission, committee or authority.
- C. No citizen of Lincoln County may serve in more than two (2) appointed positions at one time for which the Lincoln County Board of Commissioners is the appointing authority.
- D. Unless otherwise provided by Statute, or Bylaws, all terms of office where terms of office are determined by the Board of County Commissioners, shall be three (3) years, and appointees are permitted to serve no more than two continuous terms, except as otherwise provided by law or provided herein. Appointment to fill an unexpired term will not count toward terms of service or the term limit. To the extent not otherwise prohibited by law, the Board may waive a term limit in individual cases the Board of Commissioners find that (1) reasonable efforts have been made to locate another qualified citizen to fill the vacancy in question; (2) said efforts have been unsuccessful and (3) waiver of the term limit in the particular instance is necessary for the continuity and efficient operation of the board or committee in question.
- E. All appointed bodies shall be broad based and represent the diversity of Lincoln County Citizens.
- F. All appointments shall be timed to allow for an orderly transition and continuity.
- G. Terms of appointment shall be staggered and fixed by beginning and ending dates.

Section 2: Attendance Requirement:

Any member who fails to attend at least 75% of the regular meetings, except for excused illness, or other extraordinary circumstances, of the commission, committee, board or authority during any one calendar year period shall be removed from said commission, committee, board or authority. Each commission, committee, board or authority is hereby empowered to define the term "extraordinary circumstances" on a case-by-case basis and to excuse absences because of illness and extraordinary circumstances. The Chairman of each commission, committee, board or authority shall notify the Commissioners of any member whose absences exceed 25% of the regular meetings. Members not meeting this 75% attendance requirement may be removed by action of the Board of County Commissioners and replaced by another interested individual.

Section 3: Authority to Appoint and Remove:

Pursuant to NCGS §153A-76, the Board of Commissioners shall have the authority to appoint and remove members of appointed boards, commissions, committees, or authorities, unless such authority is prohibited by North Carolina state law or federal law.

This Resolution replaces all previous appointment policies.

ATTEST:

Cecelia A. Martin, Chair
Lincoln County Board of Commissioners

Amy S. Atkins, Clerk to the Board

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

Other Business: Mr. Atkins said he and Mr. Deaton have worked with the school system to complete the contract for the sale of the Startown Road property and will proceed so the schools take ownership of the property. This has already been voted on by the Board, this is only for information.

Mr. Atkins said Lincoln County is now under voluntary restrictions for water usage due to the drought.

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. Closed sessions.
(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Chair Martin announced that no action was taken in Closed Session,

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