

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 2, 2006

The Lincoln County Board of County Commissioners and the Planning Board
met in a joint session on October 2, 2006,
at the James W. Warren Citizens Center, Commissioners Room,
115 West Main Street, Lincolnton, North Carolina,
at 6:30 p.m..

Commissioners Present:

Thomas R. Anderson, PE, Chairman
James Buddy Funderburk, Vice Chairman
Marie Moore
Alex E. Patton

Commissioner Absent:

Carrol D. Mitchem

Planning Board Members Present:

Jerry Geymont, Chairman
John Pagel, Vice Chairman
Terry Whitener, Secretary
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 & Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Review Officer
Amy Brown, Clerk to the Planning Board
Steve Gilbert, Director of Public Works
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the October 2, 2006, meeting of the Lincoln County Board of Commissioners to order.

Invocation – Commissioner Marie Moore: Commissioner Moore gave the invocation.

Pledge of Allegiance: Commissioner Moore led in the Pledge of Allegiance.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

OCTOBER 2, 2006

| | | |
|----|---------|--|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Marie Moore |
| | 6:34 PM | Pledge of Allegiance |
| 1. | 6:35 PM | Adoption of Agenda |
| 2. | 6:37 PM | Consent Agenda - Approval of Minutes - September 18, 2006 - Tax Requests for Releases – More than \$100 - August 16 – September 15, 2006 - Tax Requests for Refunds – More than \$100 - August 28 – September 4, 2006 - Budget Adjustment 28 - Waived Fees - Piedmont Council of Boy Scouts - Lincoln County Community Development Block Grant - Release of Letter of Credit 47 |
| 3. | 6:40 PM | Zoning Public Hearings |

ZMA #537 Randy Brendle, applicant (Parcel ID# 11704) A request to rezone a 0.9-acre parcel from R-R (Rural Residential) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 18 about 2,200 feet north of Hwy. 27 in North Brook Township.

ZMA #538 SLT Enterprises LLC (Parcel ID# 34844) A request to rezone a 0.4-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the east side of Hwy. 16 about 800 feet north of the Gaston County line in Catawba Springs Township.

ZMA #539 L.C. Dellinger, applicant (Parcel ID# 32828) A request to rezone a 1.7-acre parcel from R-SF (Residential Single-Family) to R-S (Residential Suburban). The property is located at the end of Secluded Lane in Catawba Springs Township.

CUP #238A Edwin McDonald, applicant (Parcel ID# 33038) A request to amend a conditional use permit to allow a 1,540-square-foot addition to an animal kennel. The 1.3-acre parcel, zoned B-N (Neighborhood Business), is located on the west side of Hwy. 16 about 500 feet north of Commerce Drive in Catawba Springs Township.

CUP #276 Gary Dellinger, applicant (Parcel ID# 79328) A request for a conditional use permit to establish a concrete plant in the I-G (General Industrial) district. The 28-acre parcel is located on the west side of Hwy. 16 about 1,800 feet north of Mundy Road in Catawba Springs Township.

CUP #277 David Pharr, applicant (Parcel ID# 31402) A request for a conditional use permit to allow a private residential storage building to be located on a lot without a home in the R-SF (Residential Single-Family) district. The 0.7-acre lot is located on Luckey Cove Lane just off Shipps Lane in Catawba Springs Township.

CUP #278 Doug Ehmann, applicant (Parcel ID# 55553, 29997, 51156, 84601, 29605, 51157) A request for a conditional use permit to develop 33 condominium units and a restaurant on a 5.5-acre site in the R-CR (Residential and Commercial Recreational) district. The property is located on Water Oaks Drive and Blackwood Road in Catawba Springs Township.

PCUR #142 Lincoln Harris Inc., applicant (Parcel ID# 02441) A request to rezone 12 acres from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit a shopping center with buildings totaling 96,329 square feet. The property is located on the southwest corner of Hwy. 73 and Little Egypt Road in Catawba Springs Township.

PCUR #143 Steve Maggs, applicant (Parcel ID# 34149 and 29690) A request to rezone 2.5 acres from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit mini-warehouses. The property is located on the west side of Hwy. 16 about 1,000 feet south of Hickory Creek Drive in Catawba Springs Township.

PCUR #145 Reliable Insulation Inc., applicant (Parcel ID# 25014)
A request to rezone 1.2 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit an office/storage building. The property is located on the east side of Hwy. 27 and north side of Cinnabar Lane in Ironton Township.

4 8:30 PM 2006 – 2007 Secondary Roads Paving Program - NCDOT

5. 8:45 PM Water Plant Expansion – Steve Gilbert

6. 8:55 PM Other Business

Adjourn

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

Consent Agenda:

- Approval of Minutes
 - September 18, 2006
- Tax Requests for Releases – More than \$100
 - August 16 – September 15, 2006

| NAME | YEAR | A/C NO | AMOUNT |
|------------------------------|------|---------|-----------|
| Associates Leasing Inc. | 2005 | 0121812 | \$ 193.64 |
| Bradford, Sandra Mason | 2006 | 0195414 | \$ 381.88 |
| Cranford, Jeremy Clayton | 2006 | 0177063 | \$ 158.66 |
| Dickson, Larry Wayne | 2006 | 0176334 | \$ 108.75 |
| Emerson, David L. | 2006 | 13157 | \$ 132.74 |
| Garrett, Vivian Hord | 2006 | 0171829 | \$ 109.14 |
| Hall, Melissa Sundblade | 2006 | 0195437 | \$ 250.15 |
| Hartzoge, Jason Michael | 2006 | 0156894 | \$ 250.50 |
| Hill, William Albert | 2006 | 0194841 | \$ 115.04 |
| Hollingsworth, Asayne Lucas | 2006 | 0196690 | \$ 300.46 |
| Jones, Daniel H. | 2006 | 0103793 | \$ 172.49 |
| Jordan, Marsha Hosey | 2006 | 0116692 | \$ 237.09 |
| Lalley, Maryann | 2006 | 0194729 | \$ 283.02 |
| Lynn, Steven Jr. | 2006 | 0194530 | \$ 163.19 |
| Mason, Daniel Patrick | 2006 | 0182303 | \$ 117.20 |
| Matt McCall Motorsports Inc. | 2006 | 0195795 | \$ 164.98 |

| | | | |
|----------------------------|---------|--------------|--------------------|
| McLaren, Keith J. | 2005 | 0126394 | \$ 208.72 |
| Nanney, Eric Wayne | 2006 | 0193806 | \$ 262.08 |
| Parker, Paul E. | 2005/06 | 0062350 | \$ 369.05 |
| Robinson, Alba Mac | 2006 | 0195536 | \$ 414.30 |
| Rodriguez, Rafael Esquivel | 2006 | 0089667 | \$ 125.13 |
| The Jarrett/Favre Driving | | | |
| Adve | 2006 | 0145341 | \$ 191.51 |
| Williams, Kattia A. | 2006 | 0160103 | \$ 183.31 |
| Wilson, Kristin Anne | 2006 | 0194568 | \$ 136.59 |
| | | TOTAL | \$ 5,029.62 |

| NAME | YEAR | A/C NO | AMOUNT |
|-------------------------|-------------|---------------|--------------------|
| Adamson, Bruce | 2006 | 0196019 | \$ 227.11 |
| B & G Grading | 2005/06 | 0170183 | \$ 663.02 |
| Casey, Carol | 2006 | 0196045 | \$ 136.60 |
| Cooper, Charles | 2006 | 0196049 | \$ 124.26 |
| Craven & Richardson | 2006 | 0157307 | \$ 446.06 |
| Currier, Michael | 2006 | 0196050 | \$ 124.00 |
| Duncan, Billy D. | 2006 | 0164886 | \$ 464.40 |
| Frye, Roy | 1995-06 | 27326 | \$ 562.72 |
| Gibson, Roger Scott | 2006 | 0196056 | \$ 380.81 |
| Harrison, Sherri | 2006 | 0196058 | \$ 354.03 |
| Henley Motor Sales | 2006 | 0192758 | \$ 186.19 |
| Joines, Kenneth Brian | 2006 | 0185881 | \$ 185.63 |
| Jones, Coy Otha Sr. | 2004/05 | 0060237 | \$ 138.00 |
| Keith, Robert | 2006 | 0196064 | \$ 149.05 |
| Kohlenstein, Erik | 2006 | 0196066 | \$ 138.78 |
| Mackey, Ottis Wayne | 2006 | 20058 | \$ 166.16 |
| Mauldin, Bernard D. | 2006 | 20266 | \$ 114.11 |
| Mullins, Danny | 2001 | 0144116 | \$ 165.07 |
| Norman Estates Property | 2006 | 0178472 | \$ 351.29 |
| Ostrowski, Tom | 2006 | 0177695 | \$ 158.72 |
| Poindexter, Mindy Dawn | 2006 | 0160976 | \$ 101.28 |
| Sanders, Lewis Author | 2001-03 | 0133897 | \$ 111.41 |
| Sinclair Place LLC | 2006 | 0177398 | \$ 345.00 |
| Walker, Anthem A. | 2001-06 | 0151830 | \$ 702.91 |
| Watts, Ray | 2006 | 0196100 | \$ 116.49 |
| Westport Arborist Tree | 2006 | 44020 | \$ 132.90 |
| Westport Tree & | | | |
| Landscaping | 2006 | 0071420 | \$ 471.22 |
| Williamson, Tommy Duke | | | |
| Jr. | 2006 | 0161868 | \$ 180.49 |
| | | TOTAL | \$ 7,397.71 |

- Tax Requests for Refunds – More than \$100
- August 28 – September 4, 2006

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (August 28, 2006-September 4, 2006)

G.S. #105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100 (and) #105-325 including (A) (6)

| NAME | YR | DIST | A/C# | AMOUNT |
|----------------------|-----------|-------------|--------------|------------------|
| Callaway, Myrlene K. | 2006 | SFFD | 0131364 | 195.89 |
| | | | TOTAL | \$ 195.89 |

- Budget Adjustment 28
 - Re: Refund unspent JCPC Funds from FY 05-06
- Waived Fees
 - Piedmont Council of Boy Scouts
- Lincoln County Community Development Block Grant
- Release of Letter of Credit 47

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

Zoning Cases – Randy Hawkins:

Zoning Map Amendment #537 – Randy Brendle, applicant: A request to rezone a 0.9-acre parcel from R-R (Rural Residential) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 18 about 2,200 feet north of Hwy. 27 in North Brook Township.

It is adjoined by property zoned R-R. Property zoned B-G (General Business) is located about 1,600 feet to the south. This property lies about a half-mile south of an area designated by the Lincoln County Land Use Plan as a rural community center, suitable for concentrating primarily residential development surrounding small-scale retail, civic, and institutional uses serving the local area.

This request comes after the applicant has opened a business there selling pottery. No complaints were received, the applicant came in to get a building permit for a small storage building and found out the property was zoned residential.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 537.

Randy Brendle, 9282 Mull Road, Vale, NC, stated that he regrets the matter that has come up and would appreciate the Board approving it.

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

Zoning Map Amendment #538 – SLT Enterprises LLC, applicant: A request to rezone a 0.4-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the east side of Hwy. 16 about 800 feet north of the Gaston County line in Catawba Springs Township.

Commissioner Moore asked the intent of this.

Randy Hawkins stated that a house currently on the site will be converted to an office. Offices and retail sales are options in B-N. It would not allow a car lot unless the applicant applied for a Conditional Use Permit.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 538.

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

Zoning Map Amendment #539 L.C. Dellinger, applicant: A request to rezone a 1.7-acre parcel from R-SF (Residential Single-Family) to R-S (Residential Suburban). Duplexes are a permitted use by right in the R-S district. The owner of the property has authorized the rezoning request.

The property is located at the end of Secluded Lane in the Country Valley subdivision in Catawba Springs Township. It is adjoined by property zoned R-SF and R-S. Duplexes are located on two lots adjoining this property. County water and sewer are available at this location. This property is not located in an area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

The intent is to subdivide the lot and have 2 duplex units. The existing duplexes there were built before the Zoning Ordinance went into effect.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 539.

L.C. Dellinger stated that the property is joined on two sides by duplexes and this will fit with the neighborhood.

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

Conditional Use Permit #238A – Edwin McDonald, applicant: A request to amend a conditional use permit to allow a 1,540-square-foot addition to an animal kennel. The Conditional Use Permit for this kennel was approved on June 21, 2004. This property is zoned B-N (Neighborhood Business).

The property is located on the west side of Hwy 16 about 500 feet north of Commerce Drive. It is adjoined by property zoned B-N, I-G (General Industrial) and R-SF (Residential Single-Family). A county ambulance base and the East Lincoln Rescue Squad base are located on the north side of this property. County water and sewer are available at this location.

Chairman Anderson opened the public hearing for Conditional Use Permit #238A.

Michael Cooney, 2696 Allison Court, urged the Board to grant approval. He stated that Barking Buddies is an asset to the community, which employs local citizens, supports charities, and takes the utmost care of the appearance of their business.

Rena Keller stated that she lives close to Barking Buddies and reiterates what Mr. Cooney said. She stated that they take a great deal of pride in their services and the kennel itself. She asked the Board to grant them permission to continue the service they provide.

Clement Woolwrite stated that his wife and he own a Harelequin Great Dane, a dog of great value. He stated that they would not leave the dog anywhere else.

Edwin McDonald stated that he and his wife are the owners of Barking Buddies. He stated that their facility is kept clean. He stated that he cannot see the business devaluing their neighbors, because their property looks as good or better than other businesses. He presented pictures of the building. Mr. McDonald stated that Barking Buddies was named the #1 boarding Kennel out of four counties by the Lake Norman Times readers.

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

Conditional Use Permit #276 – Gary Dellinger, applicant: A request for a conditional use permit to establish a concrete plant in the I-G (General Industrial) district. A Conditional Use Permit to manufacture concrete products was approved for this property in 2002.

The property is located on the west side of Hwy. 16 about 1800 feet north of Mundy Road in Catawba Springs Township. It is adjoined by property zoned I-G, B-N (Neighborhood Business) and R-SF (Residential Single-Family). County water is available at this site. This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Commissioner Moore asked if this was the same case that came before the Board a few months ago. She stated that at that time she specifically asked if they were setting up a concrete plant and the answer was no.

Randy Hawkins stated that there was an amendment to the original Conditional Use Permit to allow an expansion to the manufacture of concrete products. He stated that the intent of this is to supply only the concrete manufacturing operation, currently the

concrete is trucked there from another concrete plant. The intent of this proposal is to reduce those trips from off-site and produce the concrete on site. It is not to sell concrete to the public.

Chairman Anderson opened the public hearing for Conditional Use Permit #276.

Gary Dellinger, 7982 Malibu Pointe Lane, stated that he got a permit to build the plant originally, then got a Conditional Use Permit to double the size of the plant. He stated that their batching plant is currently on Webbs Road and there are 18 – 20 trucks per day out of there. He stated that it has gotten to be so dangerous on that road with all the development that they want to bring the batch plant to other facility. He stated that at the time of the previous Conditional Use Permit, he hadn't planned on doing this. He stated that this change will cut out time and take these trucks off the road. Mr. Dellinger stated that the air quality has to be monitored and a permit has to be issued from NC Air Quality Division. He said that the site has to be inspected by the State, run-off has to go into a sedimentation pit. Mr. Dellinger said that he does not think this will impact property values. He said that they now use 80 yards per day and will stay between 80 and 100 yards per day.

Chairman Anderson asked the future of the batch plant on Webbs Road. Mr. Dellinger stated that he will keep this as a backup plant in case the new one goes down.

Commissioner Funderburk asked if this will decrease the traffic in and out of the site. Mr. Dellinger stated that they will be bringing in less sand and cement and not hauling any out.

Bill Walton stated that the amount of dust created by zoning allowed here so far is already bad. He stated that when you drive up 16 behind one of those trucks, you are virtually blinded by the dust created when these trucks go in and out of the facility. He encouraged the Board to drive up Hwy. 16 and see what's going on.

Gary Dellinger stated that he has already started paving and has spent \$140,000. He stated that it will be paved to the road by the end of the year and he will spend close to \$250,000 for this.

Connie Zmijewski stated that she has concerns with any development. She said that everyone should have to submit a plan even if it's industrial. She stated that there needs to be planning. She stated that she wants to see Hwy. 16 developed in a positive way.

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

Conditional Use Permit #277 – David Pharr, applicant: A request for a conditional use permit to allow a private residential storage building to be located on a lot without a home in the R-SF (Residential Single-Family) district. Under the Lincoln County Zoning Ordinance, a Conditional Use Permit, a conditional use permit is required in order for a storage building to be located on an otherwise vacant lot less than two acres in size. The applicant has a house on an adjacent lot.

The 0.7-acre lot is located on Luckey Cove Lane just off Shipps Lane in the Catawba Springs Township. It is adjoined by property zoned R-SF. The applicant's adjacent lot is located on Lake Norman.

Randy Hawkins presented letters from property owners to the north and south saying they have no objection to this.

Chairman Anderson asked if there were any limitations as to what can be stored there. Randy Hawkins stated that it would be a private storage building that could house personal items, vehicles, boats, etc.

Chairman Anderson opened the public hearing for Conditional Use Permit #277.

Harriet Pharr, 2540 Sherwood Avenue, Charlotte, assured the Board that they will comply with all standards. She said their intent is to keep their boats there in winter months and to have a workshop for her husband.

Audra Lattimore, Shipps Lane, asked if there are any specifications or dimensions for the building.

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

Conditional Use Permit #278 – Doug Ehmann, applicant: The applicant is requesting the rezoning of 3.7 acres from R-T (Transitional Residential) and R-CR (Residential and Commercial Recreational) to CU R-CR (Conditional Use Residential and Commercial Recreational) to permit 24 condominium units. Multi-family dwellings are allowed in the R-CR district subject to the issuance of a conditional use permit. Under the R-CR regulations, the maximum density for multi-family dwellings is 10 units per acre. The Lincoln County Land Use Plan states: “Multi-family and higher density residential development will be encouraged at a density range of three to seven units per gross acre and will be guided to locations in which adequate water and wastewater disposal services and sufficient road systems are available.” The proposed density in this case is 6.5 units per acre.

The property is located on the south side of Water Oaks Drive about 750 feet east of Blackwood Road. It is adjoined by property zoned R-CR and B-N (Neighborhood Business). This property is located in the East Lincoln Sewer District. County water would be extended from Hwy. 16. This property is located at the edge of an area designated by the Lincoln County Land Use Plan as a neighborhood center.

Chairman Anderson stated that the Board initially had a second request from this applicant for this same type of development.

Randy Hawkins stated that the other Parallel Conditional Use Permit request has been withdrawn.

Chairman Anderson stated that between the restaurant and townhome parking, there are 120 total parking spaces. He stated that Water Oaks Drive connects to Hwy. 16 within a block or two of where North Pilot Knob Road enters 16. He asked if there was any indication from DOT as to the traffic improvements needed since this is a pretty congested area.

Randy Hawkins stated that DOT does not require a traffic study for 57 (at the time) condos and a restaurant.

Jerry Geymont asked about stormwater runoff from the parking lot.

Randy Hawkins stated that they have talked about level spreaders and sheet flow through the buffer zone to the lake.

Veronica Westingdorf, with Environmental Design, stated that they produced the site plan and have looked at it with surveys, calculating exact impervious area that is already there, being very careful with calculations and design to stay out of the 50' vegetative buffer. They want to make sure that everyone has good views and not infringe on the neighbors. She stated that they are blessed with slope on this site, so you actually look at 2 ½ stories on the 3 story units. Ms. Westingdorf stated that they are only proposing 2 buildings.

Doug Ehmann, developer, stated that it is his intent to go through and adhere to the ordinance as written. He stated that from the parking lot you will not be able to see 3 stories. He stated that the structure will be brick/stucco – there will be no vinyl on the buildings.

Chairman Anderson asked if the developer has spoken with the East Lincoln Fire Department. He would like to be sure they have a truck that would reach these units.

Commissioner Moore asked how far back from the water this will be. Ms. Westingdorf stated that there is 1 corner is 2 – 3 feet from the 50 foot buffer and there is a boardwalk outside.

Ms. Westingdorf stated that they are estimating 10 trips per residential unit per day.

Doug Ehmann stated that the Lee Boy's relocation has greatly reduced the amount of traffic in the area.

Chairman Anderson opened the public hearing for Conditional Use Permit #278.

Audra Benton stated that she owns the land. She stated that this will be excellent for the area. Ms. Benton presented some aerial photographs.

Donnie Martin, 7876 Blackwood Road, stated that they have dealt with a Marina that showed up overnight and has expanded. He stated that the boating traffic and highway traffic are bad. Mr. Martin asked the Board to come visit their cove.

Michael Cooney stated that he supports the subject development, but wants the Board to take into careful consideration the effects this will have on the neighborhood and the lake.

Doug Ehmann stated that he has no intention of building docks or boat access to the community. They will not facilitate boat storage or boat slips, the residents can use the marina for that purpose.

Jean Durham, 8023 Blackwood Road, asked the Board to deny the permit and at the very least ask for modifications. She spoke concerning the traffic, water and sewer concerns, and water runoff issues.

Doug Thompson voiced concerns that there were not enough studies done on this, especially the traffic and water runoff.

Marsha Hunter, 7805 Blackwood Road, stated that she lives directly across from the development and is not for or against, but would like to see more traffic studies. She stated that she is concerned about the height of the buildings.

Lou Thompson stated that she approves of the development and thinks it is more tasteful than what's there now. She stated that she would like to see more studies done about traffic.

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

Parallel Conditional Use Request #142 – Lincoln Harris Inc., applicant: A request to rezone 12 acres from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit a shopping center with buildings totaling 96,329 square feet.

The property is located on the southwest corner of Hwy. 73 and Little Egypt Road. It is adjoined by property zoned P-R (Planned Residential), B-N and R-SF (Residential Single-family). County water and sewer are available at this location. This property is located in an area designated by the Land Use Plan as a commercial and employment center.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 142.

John Harris stated that he is a representative of Lincoln Harris Company and was approached by the Clark family to develop this site. He stated that the grocer store will be around 48,000 square feet and the site will have a drug store, bank services, and possibly a neighborhood restaurant.

Andrew Johnson stated that he is a property owner on S. Little Egypt Road and has concerns about this development. He stated that the infrastructure there is showing signs of strain. He stated that this is a well-traveled intersection. He asked the Board to postpone this request, giving infrastructure a chance to catch up.

Cindy Vetter stated that she lives in the Catawba Springs Development, and is very unhappy to hear that another shopping center is going in near her neighborhood. She stated that a shopping center across from the high school will create an unsafe traffic situation. She stated that she does not see the need for another grocery store.

John Harris stated that there is a connection between the Pulte Homes development and this neighborhood shopping area. He stated that the project will move forward in the next 18 – 24 months.

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

Parallel Conditional Use Request #143 – Steve Maggs, applicant: A request to rezone 2.5 acres from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit mini-warehouses.

The property is located on the west side of Hwy. 16 about 1,000 feet south of Hickory Creek Drive in the Catawba Springs Township. It is adjoined by property zoned B-N and R-SF (Residential Single-Family). County water and sewer are available at this location. This property is not located in one of the areas designated by the Lincoln County Land Use Plan as most suitable for concentrating commercial development. Goal 3 of the Land Use Plan states: “Commercial development....will be encouraged at locations with adequate water and wastewater disposal services and with sufficient access to major highway.”

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 143.

Mr. Hawkins stated that he got a call from Randy Herron , who objects to this request saying there are too many mini-storage units. Mr. Herron also voiced concerns about an increase in crime.

Danielle Snyder stated that she and Steve Maggs are both residents and business owners in Denver. She sated that they created a design based on aesthetic appeal. She stated that the area is growing rapidly and there is a need for more storage facilities.

Phyllis Edwards stated that she has lived in Denver for 20 years and has seen Denver and Highway 16 grow. She stated that they do not need any more mini-warehouses or empty strip malls. She stated that they need businesses to come into the empty strip malls.

Robert Watts stated that it is not necessary to have more storage units. He stated that he is already working on a project for mini-warehouses near this site. He stated that his site is correctly zoned for this.

Connie Zmijewski stated that she thinks this issue has continued to grow, not go away. She stated that the businesses on Hwy. 16 cannot survive with mini-warehouses and used car lots.

Danielle Snyder stated that the storage units will have 24 hour surveillance. She stated that they feel like they are meeting the need for storage space in the classiest way.

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

Parallel Conditional Use Request #145 – Reliable Insulation Inc., applicant: A request to rezone 1.2 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit a 6,240-square-foot office/storage building. The proposed site would be subdivided from a 2.9-acre parcel. Because the applicant has opted to apply for a conditional use rezoning, a site plan is included and would be binding if the rezoning is approved.

The property is located on the east side of Hwy. 27 and north side of Cinnabar Lane in the Ironton Township. It is surrounded by property zoned R-SF. This property is not located in an area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development. Goal 5 of the Land Use Plan states: “The residential integrity of existing residential areas will be maintained by discouraging the encroachment of incompatible non-residential land uses in such areas.”

Commissioner Moore stated that she has spoken to someone and referred them to Randy concerning this case.

Planning Board member Larry Craig stated that he has spoken with the applicant and his sister.

Chairman Anderson stated that this site is completely surrounded by property zoned residential single-family. He asked the Board to go back and look at definition of spot zoning.

Randy Hawkins stated that he will not deny that this is spot zoning. He stated that in North Carolina, there must be a reasonable basis to zone property different than the surrounding area.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 145.

Lloyd Hoyle, 257 Flat Stone Drive, Clover, SC, stated that he is an employee and representative of Reliable Insulation. He stated that their company is growing and has outgrown their current location. He stated that they need an office and warehouse to store materials in. He stated that business is done over the computer and telephone. The only people working there will be office people. Deliveries are made to job sites. Mr. Hoyle said that Rebecca Wilson, President of Reliable Insulation, has spoken to neighbors at the site. He stated that they have a nice building planned.

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

Chairman Anderson called a brief recess.

Chairman Anderson called the meeting back to order.

The Planning Board recessed their meeting on the 2nd floor balcony.

Water Plant Expansion – Steve Gilbert: Steve Gilbert presented the following information.

The expansion of the Water Plant to 6.0 MGD capacity is awaiting engineering report approval from the State. From the beginning, the design for the water plant expansion included the installation of Tube settlers in the sediment basins. These tubes increase the detention time and provide more opportunity for sediment to settle out of the raw water. The plan, based on results at other locations, is that we could avoid construction of additional sediment basins at this time. The State had balked at this idea in their initial reviews and were about to require us to construct more basins. This would have required a revision to the current plans and another amendment to the design contract for the revision.

Now, after a meeting two weeks ago at the water plant with State review personnel, the State has relented and agreed to allow us to do a pilot study of the tube settlers if we can get them installed in time so the study can be done while the water is still cool – in other words, before spring. There are more problems with high turbidity in the cool months than in warm weather, so the winter months would be the worst case on water quality. Results in other locations, with lower quality raw water than we have, have allowed other plants to be rated for much higher flows. Our engineers think with our relatively good raw water we could easily be approved for a rating of up to 4.5 to 5 MGD. If that is the case, we would only need an additional raw water pump, some piping and an additional finish water pump to accommodate those flows. The State has also told us if the tube settlers are installed, we could go up to 3.99 MGD immediately if we can pump that much. We can not pump that much without some pump and piping modifications, but that avoids the wait on the Engineering Report that was necessary to increase capacity by more than 1.0 MGD over the 3.0 MGD we are at now. Because we are treating nearly 3.0 MGD almost every day during the summer, we are currently purchasing as much as 1.0 MGD from the City to meet demands, although demand does go down in the fall and winter.

State purchasing regulations allow us to receive informal bids on equipment purchases of under \$90,000. The engineer's estimate on the tube settlers is \$85,000. The lead time on delivery is under 90 days, which would give us time to obtain informal quotes from contractors to install the tubes as soon as they arrive, which would get them in service by the end of January for the pilot study. We are asking only to spend this money sooner than it was going to be spent in the overall project, but by spending it sooner, we can get the expanded capacity in place before next summer. The advantage of doing this will save us money on additional sediment basins and will save time to get the capacity up to 3.99 MGD as soon as the tubes are installed and we can get the pump and piping modifications done. We still need to get the ER approved to move beyond 3.99 MGD, but this will help us cope with the demand next spring and summer much better than waiting on the report and the full formal bidding on the entire plant project. Any money saved on this project will be set aside for the design and construction of the NC 73 water line and storage tank that are needed to help the central zone flow issues that we are beginning to see.

Our engineer has obtained two informal quotes for the purchase of the tube settlers, which are attached for your information. The low quote is from Brentwood Industries in the amount of \$79,750.00, with a delivery time of 6-8 weeks.

If this is approved we will move to obtain the services of a contractor to install the settlers when they are delivered and to obtain quotes on the additional pumping that can get us up to 3.99 MGD by next spring.

Recommendation:

It is recommended that the Board approve the purchase of a tube settler from Brentwood Industries in the amount of \$79,750.00.

Chairman Anderson stated that if we can avoid having to construct these sediment basins, we will be way ahead.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the purchase of the tube settlers as recommended by Public Utilities.

Other Business: Commissioner Funderburk stated that he had another contractor look over the plans for the Farmer's Market and he received a price of \$325,000 (which includes a bathroom facility, but not the clock tower) He stated that he is on the Carolina Land and Lakes RC&D Council. He stated that this Council takes on projects and tries to find grant funds available. He asked if the Board would be interested. There is a small fee, which is a percentage of the grant money received.

UPON MOTION by Commissioner Patton, the Board voted unanimously to submit the project of construction of a Farmer's Market in Lincolnton to Carolina Lands and Lakes RC&D for grants.

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

Amy S. Atkins, Clerk to the
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners