

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 7, 2006**

The Lincoln County Board of County Commissioners and the Planning Board  
met in a joint session on August 7, 2006,  
at the James W. Warren Citizens Center, Commissioners Room,  
115 West Main Street, Lincolnton, North Carolina,  
at 7.00 p.m..

Commissioners Present:

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

Planning Board Members Present:

Jerry Geymont, Chairman  
John Pagel, Vice Chairman  
Terry Whitener, Secretary  
George Arena  
Clyde Brown  
Larry Craig  
Darrell Harkey  
Harold Howard Jr.  
Louis McConnell

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building & 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 August 7, 2006, meeting of the Lincoln County Board of Commissioners to order.

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

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**AUGUST 7, 2006**

- 7:00 PM      Call to Order
1.      7:02 PM      Adoption of Agenda
2.      7:05 PM      Consent Agenda
- Approval of Minutes
    - July 17, 2006
  - Budget Adjustment No. 16 - 19
  - Tax Requests for Releases – More than \$100
    - June 16 – July 15, 2006
  - Tax Requests for Refunds – More than \$100
    - July 3 - July 16, 2006
  - Waived fees or Sponsored Group
    - Joy FM Gospel Concert
    - Gospel Jubilee 2006
  - Sponsored Group Status
    - Chamber of Commerce
  - 2007 Employee Holiday Schedule
  - North Brook Fire Insurance District
  - Resolution Supporting the Extension of the Lincoln County Parkway in the Lincoln County Industrial Park
3.      7:10 PM      Recommendation from the Planning Board
- Conditional Use Permit No. 272 – Cherry Enterprises, Inc.
4.      7:20 PM      Public Hearings – Zoning – Randy Hawkins

SOA #27 Lincoln County, applicant. A proposal to amend Sections 109 and 404.3 of the Lincoln County Subdivision Ordinance to provide a definition for drainage easements and to require the placement of drainage easements on a recorded plat.

ZMA #531 Glenn and Mabel Moffatt, applicants (Parcel ID# 30829) A request to request a 0.43-acre parcel from R-SF (Residential Single-Family) to B-G (General Business). The property is located at 2569 N. Hwy. 16 in Catawba Springs Township.

ZMA #532 John Clark, applicant (Parcel ID# 29525 and 02468) A request to rezone 4.4 acres from B-N (Neighborhood Business) to B-G (General Business). The property is located on the west side of Hwy. 16 about 500 south of Forest Oak Drive in Catawba Springs Township.

ZMA #533 Lincoln Economic Development Association, applicant (Parcel ID# 17338, 17321 and 17329) A request to rezone 49 acres from R-R (Rural Residential) to I-G (General Industrial). The property is located on the south side of Hatchett Road and east side of U.S. 321 in Lincolnton Township.

ZMA #534 S & L Sawmill Inc. applicant (Parcel ID# 32528 and 81281) A request to rezone 26 acres from R-SF (Residential Single-Family) to I-G (General Industrial). The property is located about 1,000 feet east of Hwy. 16 and 2,400 feet north of Webbs Road in Catawba Springs Township.

ZMA #535 Don Cherry Jr., applicant (Parcel# 31159 and 58118) A request to rezone 3.2 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the south side of Hwy. 73 about 500 feet west of Hunters Bluff Drive in Catawba Springs Township.

CUP #273 Christine Barker, applicant (Parcel ID# 84672) A request for a conditional use permit to place a Class B (doublewide) mobile home in the R-S (Residential Suburban) district. The 5.8- acre parcel is located on the south side of Hwy. 150 about 400 feet east of McCorkle Road in Ironton Township.

PCUR #76AA Westport Lakeside Development LLC, applicant (Parcel ID# 34325) A request to amend a conditional use district that was approved in 2001, permitting a Planned Mixed Use (P-MU) development. The proposed amendment involves a 28-acre tract located on the east side of Fairfield Forest Road about 1,000 feet east of Hwy. 16 in Catawba Springs Township. The tract is approved for 52 townhouses and 27 single-family homes. The applicant is proposing changes in the form and style of the townhouse buildings and changes in the vehicular access and circulation. The approved plan shows groups of 3-4 townhouses connected in a staggered manner and situated along two cul-de-sacs. The proposed amended plan shows groups of 3-5 townhouses, with detached garages along an alleyway at the rear of the homes, situated inside a loop with two connecting streets and on-street parking.

PCUR #136 Robert Dedmon and David Poovey, applicants (Parcel ID# 33246, 30136 and 33170) A request to rezone 1.15 acres from R-SF (Residential Single-Family) and B-N (Neighborhood Business) to CU B-N (Conditional Use Neighborhood Business) to permit an office building. The property is located on the south side of Grassy Creek Road about 900 feet east of Hwy. 16 in Catawba Springs Township.

PCUR #137 William Adkins, applicant (Parcel ID# 26816 and 71497) A request to rezone 87 acres from R-S (Residential Suburban) to CU P-R (Conditional Use Planned Residential) to permit the development of 76 lots for single-family homes. The property is located on the north side of Hwy. 150 about 2,800 feet east of Old Mill Road in Ironton Township.

WSCUP #9 Balsom Ridge LLC, applicant (Parcel ID# 50203, 33829, 33830, 33692 and 33823) A request for a conditional use permit to allow the use of the high-density option in the WS-IV Protected Area of the Catawba/Lake Norman Watershed. The applicant is proposing to develop 56 acres located on the east side of Hwy. 16 about 550 feet north of Mundy Road as a business park. The high-density option would allow the development to have a built-upon surface area of up to 70 percent of the acreage with the use of engineered stormwater controls.

5. 9:20 PM Public Hearing – Forest Ridge Subdivision Leash Law
6. 9:30 PM Public Hearing - Prospect Hill Subdivision Leash Law
7. 9:40 PM Environmental Assessment and Socioeconomics and Environmental Justice Impacts of the Proposed Water System Improvements, including installation of a 500,000 Gallon Water Storage Tank, Water Booster Pump Station, and 50,850 LF of 16-inch Water Line along NC 73 in Eastern Lincoln County
8. 9:50 PM Environmental Assessment and Socioeconomics and Environmental Justice Impacts of the Proposed Improvements to the Lincoln County Water Treatment Facility, including Necessary Pumping, Piping and other Related Facilities to Increase the Capacity of the plant from 3.0 MGD to 6.0 MGD.
9. 10:00 PM Indian Creek Industrial Park – Recommendation for Engineering Study
10. 10:10 PM Other Business

11. 10:15 PM Closed Session

Adjourn

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to adopt the agenda moving North Brook Fire Insurance District out of the consent agenda and after the zoning cases.

**Consent Agenda:**

- Approval of Minutes
  - July 17, 2006
- Budget Adjustment No. 16 – 19

Budget Adjustment No. 16 for Social Services to increase expenditure and revenue line items for allocation received from FEMA for Emergency Food and Shelter program. No county funds involved.

Budget Adjustment No. 17 for Social Services to increase expenditure and revenue line items for funds received for Special Children's Adoption Fund – no county funds involved.

Budget Adjustment No. 18 for encumbrances for DSS for repairs – vehicle, Special Children's Adoption Fund, Work First DOT Funds, and FEMA.

Budget Adjustment No. 19 for Emergency Management to increase revenue and expenditure from Duke Discretionary Funds.

- Tax Requests for Releases – More than \$100
  - June 16 – July 15, 2006

NAME	YEAR	A/C NO	AMOUNT
Aldridge, Christopher James	2005	0186216	\$ 192.70
Benton, Johnny Edward	2005	0136994	\$ 158.00
Carolina Metal Buildings Inc.	2005/06	0065332	\$ 295.14
Chupp, Grady Jason	2006	0193815	\$ 252.95
Crawford, Danny Michael	2006	0193813	\$ 387.27
Dale Jarrett Racing Adventure	2005	0167874	\$ 106.48
Hedrick, Karen Renee	2005	0166732	\$ 132.09
Hernandez, Marvin L.	2005	0177850	\$ 154.00
McKinney, Brian Lawrence	2005	0191398	\$ 116.77
Nagim Corp.	2006	0096397	\$ 213.28
Nicholson, Lillian Elvira	2006	0192993	\$ 434.36
Popik, Matthew G.	2006	0174449	\$ 158.89
Steele, Justin A.	2005	0149347	\$ 110.42
The Jarrett/Favre Driving Adv.	2005/06	0145341	\$ 153.37
Town Square Ford Inc. Rental	2006	0089603	\$ 220.19
Trumbauer, Robert Matthew	2005	0192257	\$ 191.27

Turnmire, Dale A.	2005/06	08871	\$ 608.96
Wilson, William D.	2006	0149627	\$ 163.42
		<b>TOTAL</b>	<b>\$ 4,049.56</b>

NAME	YEAR	A/C NO	AMOUNT
C F Robinett Construction	2006	0170194	\$ 378.95
			\$
Campbell, Donna H.	2006	0148177 161.25	
Citicapital Trailer Rental	2006	0157719	\$ 615.18
			\$
Dona Rosa Bakery	2006	0187388 440.82	
Envy Landscape Service	2005/06	0179075	\$ 890.75
Jackson, Samuel Dwayne	2005	0174437	\$ 724.06
Jones, James Paul	2006	0077950	\$ 127.35
Keever, Randy Farm Eqpt	2005	0180557	\$ 308.50
Lakeshore Pediatric Center	2006	0183699	\$ 677.19
McClure, Norman A.	2006	16949	\$ 1,288.81
Norton Street Properties	2006	0193070	\$ 212.10
Priestley, John	1995-06	42302	\$ 2,726.77
Racetrac Gas #598	2005	0132502	\$ 122.30
Reynolds, Jack Sanchez	2006	0185765	\$ 141.30
Reyvar Inc.	2006	0193118	\$ 699.18
Ruffin, Richard G.	2006	0126194	\$ 271.58
Schiefen, Joseph J	2005/06	0189050	\$ 363.24
Sigmon, Milton Hall	2006	0121664	\$ 176.09
Waterside Crossing Town	2005/06	0150911	\$ 138.00
Witches Brew Coffee House	2006	0193072	\$ 172.20
			\$
Wood, Hal Nelson Farm Eqpt	2006	0180596 263.34	
		<b>TOTAL</b>	<b>\$ 10,898.96</b>

- Tax Requests for Refunds – More than \$100  
- July 3 - July 16, 2006

LINCOLN COUNTY TAX DEPARTMENT  
**REFUNDS**  
MOTOR VEHICLES

**REQUEST FOR**

PERIOD COVERED (July 03, 2006 – July 16, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Lexus Financial Services	2005	BCFD	0165028	170.65
Nissan-Infiniti LT	2005	City	0176627	195.98

System Valve Services, Inc.	2005	N321	0121124	129.73
Williams, Leonard D.	2005	ELFD/ELSD	0082568	289.85

**TOTAL** **\$786.21**

- Waived fees or Sponsored Group
  - Joy FM Gospel Concert
  - Gospel Jubilee 2006
- Sponsored Group Status
  - Chamber of Commerce
- 2007 Employee Holiday Schedule
- North Brook Fire Insurance District
- Resolution Supporting the Extension of the Lincoln County Parkway in the Lincoln County Industrial Park

## **RESOLUTION SUPPORTING THE EXTENSION OF THE LINCOLN COUNTY**

### **PARKWAY IN THE LINCOLN COUNTY INDUSTRIAL PARK**

**WHEREAS**, the Lincoln County Board of Commissioners believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development through the recruitment of new industries; and

**WHEREAS**, the Lincoln County Industrial Park plays a critical role in recruiting new industry and expanding existing industry in Lincoln County; and

**WHEREAS**, the Sabo, USA plans to construct a new manufacturing facility in the Lincoln County Industrial Park; and

**WHEREAS**, the Lincoln County Commissioners support the extension of the Lincoln County Parkway to serve the new Sabo facility; and

**WHEREAS**, the Department of Transportation has funding to construct roads of this type.

**NOW THEREFORE BE IT RESOLVED** that the Lincoln County Board of Commissioners fully support the expenditure of Department of Transportation's Economic Development funds (SB622) to partially fund the extension of the Lincoln County Parkway to provide access for Sabo.

Approved this 7<sup>th</sup> day of August 2006.

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Thomas R. Anderson, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins

Clerk to the Board of Commissioners

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

**Recommendation from the Planning Board – Conditional Use Permit No. 272 –**

Randy Hawkins presented the cost estimate received from DOT for the traffic improvements on Unity Church Road.

Chairman Anderson asked if any Board member has had ex parte' discussions concerning this case, due to the amount of time that has passed since it was before the board. No Board member responded.

Commissioner Patton stated that the Board is no closer to a cost estimate than before, because the drawing from DOT does not include right of ways, etc.

**A MOTION** by Commissioner Patton to approve Conditional Use Permit No. 272 with condition No. 6 because conditions have to be fair and reasonable and an unknown cost is in no way fair and reasonable. Vote: 4 -1 AYES: Patton, Anderson, Funderburk, Mitchem

NOES: Moore

**A MOTION** by Commissioner Mitchem to approve Conditional Use Permit No. 272. Vote: 4 – 1 AYES: Patton, Anderson, Funderburk, Mitchem  
NOES: Moore

**Zoning Cases – Randy Hawkins:**

Chairman Anderson announced there would be a three minute time rule for anyone speaking, if someone is speaking for a group, they will have five minutes. He asked if there were any ex parte' discussion on any of the zoning cases.

**Subdivision Ordinance Amendment #27 – Lincoln County, applicant:** Andrew Bryant presented the following:

This is a proposal to amend Sections 109 and 404.3 of the Lincoln County Subdivision Ordinance. The amendment to section 109 would provide a definition of a drainage easement. The amendment to section 404.3 would require that a drainage easement of no less than ten (10) feet run concurrent with the 10' utility easement along all side and rear lot lines on either side of the lot line and that additional easements may be required as conditions warrant. This amendment would also require that the bearings and distances of each drainage easement be shown on the plat. The purpose of this amendment is to aid in the on site handling of runoff and drainage from a property.

Chairman Anderson opened the public hearing concerning Subdivision Ordinance Amendment No. 27 – Lincoln County, applicant.

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



**Zoning Map Amendment #531 – Glen and Mabel Moffatt, applicants:** Randy Hawkins presented the following:

This is a request to rezone a 0.43-acre parcel from R-SF (Residential Single-Family) to B-G (General Business). The property is the site of an 8,000 square-foot commercial building that was built in 1968 and that is grandfathered under the Zoning Ordinance as a pre-existing nonconforming use. The applicants want to bring the property into conformity.

The property is located at 2569 N. Hwy. 16 in Catawba Springs Township. It is adjoined by property zoned B-G and R-SF. County water and sewer are available at this location. This property is not located in one of the areas designated by the Land Use Plan as most suitable for concentrating commercial development.

Chairman Anderson opened the public hearing for Zoning Map Amendment #531.

**Glen Moffatt** stated that he inherited this property from his father, who ran a business there since 1966. He stated that it was his understanding that this property was supposed to be grandfathered in when zoning came in. He stated that he does not understand how this property was overlooked when zoning was put into place.

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

**Zoning Map Amendment #532 – John Clark, applicant:** A request to rezone 4.4 acres from B-N (Neighborhood Business) to B-G (General Business).

The property is located on the west side of Hwy. 16 about 500 feet south of Forest Oak Drive in the Catawba Springs Township. It is adjoined by property zoned B-N and L-I (Light Industrial). County water and sewer are available at this location. The property is located in an area designated by the Lincoln County Land Use Plan as a neighborhood center, suitable for concentrating primarily non-residential development. Goal 3 of the Land Use Plan calls for encouraging commercial development at locations with adequate water and sewer service and sufficient access to a major highway.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #532 – John Clark, applicant.

**Larry Rogers** stated that he lives in the neighborhood behind this property. He stated that the businesses are running them out and he does not agree with this. He stated that the business there now was supposed to put a berm up, but have not done that. Mr. Rogers said he was speaking for four families.

Randy Hawkins stated that a berm is not required. The medical center has plans for another building closer to the residential area and will put in landscaping when it is built.

Mr. Rogers stated that when the medical center went in, they were promised on the telephone by Randy Hawkins that a berm would be put in. He stated that this has destroyed their community.

Chairman Anderson asked Randy Hawkins to look into the development of a berm.

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

**Zoning Map Amendment #533 – Lincoln Economic Development Association., applicant:** A request to rezone 49 acres from R-R (Rural Residential) to I-G (General Industrial). The owner of the property has authorized the rezoning request.

The property is located on the south side of Hatchett Road and east side of U.S. 321. It is adjoined by property zoned I-G and R-R. This property would be added to the Lincoln County Industrial Park. County water and sewer are available in this area. This property is located in an area designated by the Lincoln County Land Use Plan as an employment and commercial center.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #533 – Lincoln Economic Development Association, applicant.

**Jim Wilson** stated that he owns property on the north and south side of Hatchett Road. He stated that the map is not correct. He stated that the industrial park is effecting traffic due to semi trucks turning around there. He stated that they will be backing thru a residential area and the park needs to be able to maintain semi trucks internally.

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

**Zoning Map Amendment #534 - S & L Sawmill Inc., applicant:** A request to rezone 26 acres from R-SF (Residential Single-Family) to I-G (General Industrial). This property is part of a 41-acre tract that has long been the site of a sawmill. About 15 acres of the tract is already zoned I-G. Part of the existing storage area for timber and lumber is located on the acreage requested to be rezoned.

The property is located about 1,000 feet east of Hwy. 16 and 2,400 feet north of Webbs Road in Catawba Springs Township. It is adjoined by property zoned R-SF and I-G. One side of the property adjoins a railroad. County water and sewer are available in this area. This property is not located in one of the areas designated by the Land Use Plan as most suitable for concentrating commercial development.

The applicant has agreed to amend the rezoning request – they've agreed to move the zoning line away from the residential subdivision behind it to create a 50 foot buffer across part of it (upper portion) and to bring the rezoning line out and create a 300 foot buffer in other areas.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #534 – S & L Sawmill Inc., applicant.

Chairman Anderson stated that since this is a Zoning Map Amendment, no conditions can be placed. He asked why a 50 foot buffer was placed in some areas and 300 foot in others. Mr. Hawkins stated that the 50 foot buffer area has some usable land, the 300 foot is mostly gullies and land that will not be used.

Commissioner Patton stated that he had a number of phone calls and emails from people opposed to this. Chairman Anderson stated that he received a number of emails in opposition.

Commissioner Moore asked what the applicant wants to use this for. Randy Hawkins stated that the applicant says he will use it for parking of vehicles and storage of logs.

George Arena asked why the applicant applied for a Zoning Map Amendment instead of Conditional Use Permit.

Candi Cornwell presented letters from residents against the rezoning.

**Randy Miller** stated that he has requested this rezoning. He stated that the sawmill has been there for 35 years and there have been no complaints from neighbors. He said they make noise like any other industrial place, but there is a train that comes through making more noise than they do. He stated that they are asking to rezone this property that they have used for years to put logs on. Mr. Miller said that they would like to stack lumber on this property that they are asking to have rezoned. He stated that he understands the developments concerns, but would like to move the logs back off the main highway. He stated that this will not create any more noise, OSHA requires them to purchase quieter machines.

Chairman Anderson stated that one of issues is that once you rezone to I-G, while it's rezoned for a specific use it can be changed later. Randy Hawkins reviewed the list of what I-G could be used for. If this property is rezoned, it can be used for any of these uses without coming back before the board, since it's a straight rezoning.

Commissioner Funderburk asked if this could have been done as a Conditional Use Permit. Mr. Hawkins stated that they have discussed that option with the applicant.

**Danny Fisher**, developer of Webbs Chapel Cove and representative of the Homeowner's Association Board, spoke against the rezoning of this property. He spoke of the dangerous situation associated with the stacking of logs near the development. He presented the following concerns: 1 – These applications were apparently filed, in part, to cure zoning violations already in existence and to legitimize uses Applicants have already created on the Parcels; 2 – Approval of these applications will bring dangerous conditions to the edge of an existing single family subdivision; 3 – Approval of the application will result in an immediate increase in noise, vibration, and other disruptions

to the quality of life surrounding residential owners reasonably expected based on the current R-SF zoning; 4 – The proposed change in zoning is inconsistent with the County’s Comprehensive Land Use Plan; and 5 – Approval of these applications will open the door for ALL the uses permitted in I-G Districts.

**Michael Muckler** stated that he is a general dentist in Lincoln County and is building home in Webbs Chapel Cove. He stated that when he first started building his house, there was sawmill noise there, but it was not objectionable. He stated that he is opposed to expanding the operation of the sawmill. Mr. Muckler said that Randy Hawkins pointed out earlier that the back portion of the property has not been disturbed, but it is significantly louder than it has been. He stated that much of the property in the back has been cleared, he flew over in his personal aircraft and saw this. He stated that he is concerned about the safety and noise and asked the Board to vote against this.

**Cynthia Jones**, Lakekeeper for Lincoln County, stated that this property is in immediate watershed for Lake Norman. She pointed out the water intake on the map. She stated that this should be watershed critical or protected. A creek goes through the property and she is concerned about this usage of it. She asked what the point of having a Land Use Plan is if it is not followed.

**Ralph Sherrill** stated that he ran the sawmill for 35 years and was using the parcel on the east side for 35 years. He stated that in 2002, he bought the piece of property on the west side from Danny Fisher. He stated that he is only wanting to stack lumber on property. He stated that he has been there longer than any of these people. Mr. Sherrill stated that he does not think that any of the property has been cleared.

**Bernel Degrace** stated that he owns property in the development and has numerous concerns about noise. He stated that he spent an hour in Webbs Chapel Cove and it was very noisy, the noise level was very high, even with limited activity. Mr. Degrace stated that Webbs Chapel Cove is an asset to the community, with assured aesthetics in the community and to grant this rezoning would be a disservice to people who are investing in the community.

**Doug McCurry** stated that he owns lot 44 and his parcel touches both parcels up for rezoning. He stated that he is going to build his family’s house there, but is concerned about the noise. He stated that he knew about the sawmill when he purchased the property, but saw residential zoning behind the property. He stated that he appreciates the Board not allowing this to go forward.

**Chris Mozeley** stated that he is an 18 year resident of Lincoln County. He stated that he purchased lot 42, which under this plan has a 50’ buffer. He stated that he bought the property to build a personal home. He stated that he did his research, he knew the sawmill was there, but knew there was a lot of R-SF property between the sawmill and his lot.

**Wendy Mozeley** stated that her lot touches the 50' buffer area. She stated that she hopes the Board will take into consideration the quality of life issue the wrong decision will make.

**Dan Watson** stated that he owns lot 38 and after hearing the S&L Sawmill people, he is more concerned. He stated that he feels like if it is permitted, the buffer has to be more than 50 feet. He stated that he is in opposition of the expansion. Mr. Watson said that he moved from Charlotte, has 4 kids, and is concerned about the sawmill and the future.

**Steve Austin** stated that he respects Mr. Sherrill and Mr. Miller's hard work. He stated that he is a west Lincoln boy and has searched for years before choosing a place to build a home. He stated that he would like peace and quiet. He asked the applicants to consider the 300 foot buffer for the whole property. He asked the Board to vote against this request.

**Bonnie O'Rourke** stated that she owns property in Webbs Chapel Cove. She echoed her neighbors concerns about what could go on the property if it was sold and concerns for the kid's safety as well as noise levels. She stated that the neighborhood is done so nicely and environmentally conscious, it is peaceful and serene gazing at the lake. She stated that she hopes it will stay the same. Ms. O'Rourke asked the Board to vote no.

**John O'Rourke** stated that he is getting ready to move into Webbs Chapel Cove. He stated that he has 2 kids and wants to give them a place to get out and do things. He stated that the other categories in I-G speak as to what could happen there. Mr. O'Rourke stated that his number one concern is the safety of the children. He commented that this rezoning changes the environment they thought they were coming into.

**Gary Mauney** stated that he appreciates the fact that the sawmill owners bought the property and are asking for the change. He stated that the residents purchased property with thought that the property would stay the same. He stated that there are risks safety-wise from sawmills in operation. With wood dust, there is a real risk of explosion.

**Connie Zmijewski** stated that she saw this when she got information in email. She stated that she lives near a lumber yard near Unity Church Road and her concern is that what is projected might be larger in coming years. She stated that there is an Issue of fairness here – these people bought this land as residential – owners knew it was residential. She stated that the County needs to be careful in continuing to change zoning on property.

**Sharon Voglar** stated that Mr. Sherrill has been there 35 years, but when he bought this property from Danny Fisher, he knew it was zoned Residential. He stated that you have to get written permission to cut trees down in Webbs Chapel Cove. She stated that backing up Industrial Zoning against Residential opens the door for too much. She stated that there is a tremendous increase in the noise from the sawmill.

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

**Zoning Map Amendment #535 - Don Cherry Jr., applicant:** A request to rezone 3.2 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business).

The property is located on the south side of Hwy. 73 about 500 feet west of Hunters Bluff Drive in Catawba Springs Township. It is adjoined by property zoned R-S (Residential Suburban) and R-SF. This property is bordered on the sides and rear by the Hunters Bluff subdivision. The Prospect Hills subdivision is located on the opposite side of Hwy. 73. Property zoned B-N is located about 1,800 feet to the west at the intersection of Little Egypt Road. County water and sewer are available at this site. This property is located in an area designated by the Lincoln County Land Use Plan as an employment and commercial center, suitable for concentrating primarily non-residential 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 Patton asked what type of business would be there.

Randy Hawkins stated that there is not a specific plan, they would like to market the property as business.

Commissioner Moore, Commissioner Patton, and Chairman Anderson stated that they had received phone calls against this.

Chairman Anderson stated that this looks like it could be spot zoning. Randy Hawkins stated that he does not disagree.

Candi Cornwell presented a letter against this rezoning.

Chairman Anderson stated that since this is a straight rezoning, the Board cannot place conditions on it.

John Pagel asked the reason the property cannot be used for residential. Randy Hawkins stated that the homes would front on Highway 73 and this would not be the most desirable use to the applicant.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #535 – Don Cherry, Jr, applicant.

**Don Cherry** stated that he was going to move his business to this property before zoning and never did. He stated that the zoning could go either way. He stated that he spoke with real estate agents that said that no one would want to buy the property as residential due to the fact that it fronts busy Highway 73.

**Tony Matthews** stated that traffic already backs up to this location from the 16/73 stoplight. He spoke concerning the traffic problems and the fact that another business would worsen it. He spoke concerning the need factor with so much business space

already open. The closing of more buildings will occur after WalMart and Lowes open. Mr. Matthews presented pictures of open office space in the area. He stated that if this were approved, the front and back of his home would be lit up 24/7.

**Greg Coffey** presented a petition against this request. He stated that Mr. Cherry's property backs up to eleven pieces of property in Hunter's Bluff including his. There are 81 homes in Hunters Bluff that are zoned Residential. Prospect Hills is across the road from this property, it is also zoned Residential. Mr. Coffey read Goal 5 of the Land Use Plan – "the residential integrity of existing residential areas will be maintained by discouraging the encroachment of incompatible non-residential land uses in such areas." He asked the Board to deny this request.

**Robert Carroll**, resident of Hunters Bluff, spoke against this rezoning. He asked for the property to be sold to the people who adjoin it or for it to be used for something else. He stated that there are hundreds of offices in the area for rent. Mr. Carroll stated that there is already an extremely dangerous situation with traffic.

**Liz Craig** stated that she lives in Prospect Hill. She pointed out issues regarding traffic safety with Walmart and Lowes being built. She asked how this will affect Prospect Hills entrance and how the county will impose conditions.

**Tracy Horton** stated that she is has been a resident of East Lincoln for 10 years. She spoke in opposition to the request, saying that business of any kind not appropriate due to being adjoined on all sides by residential. She asked the Board to uphold Goal 5 of the Land Use Plan.

**Carol White**, a resident of Prospect Hills, stated that she was assured that land across the road from the development was zoned Residential. She asked the Board to respect the zoning. She spoke concerning all the vacant building space in east Lincoln.

**Bruce White** stated that he lives in Prospect Hills. He stated that the business is in a location that could cause problems having to put in turning lanes there. He asked that the request be turned down.

**Merlileen Johnson**, Board Member of Prospect Hill Homeowner's Association, spoke against the rezoning. She stated that she sat at the entrance for 15 minutes trying to make a left hand turn. She urged the Board to deny the request.

**Nicole Deltorro**, President Of Prospect Hill Homeowner's Association, urged the Board to turn down the request. She presented a request against this.

**Charles Reid** stated that he moved to Prospect Hill 7 years ago. He spoke against the request, saying there was plenty of business space already available.

**William Barker** stated that he retired and moved here a year ago. He stated that the traffic is getting to be a nightmare. He said his biggest concern is traffic and kids at school. He stated that a business at this location is not a good idea.

**Joyce Reid** stated that she is a victim of accident on Hwy. 73. She asked the Board to deny the request.

**Susan Purrell** stated that she is a 16 year resident of Prospect Hill and agrees with everything that has been said. She pleaded with the Board to enforce Goal 5 of the Land Use Plan.

**Rich Purrell** stated that everything said tonight has been important. He asked the Board to please enforce Goal 5 of the Land Use Plan.

**Melaine Brock** stated that she moved here 7 years ago after her husband was killed in a car wreck on his way to work. She stated that this is an unsafe intersection and she would hate to see anyone else go through what she has.

**Andrew Michael** stated that he is a 10 year resident and spoke against the request.

**Cathy Kasem** stated that she can attest to the traffic problems. She stated that it takes 15 to 20 minutes to make a right turn out of her development.

**Anthony Horton** stated that he spoke with Chairman Anderson, Commissioner Moore and Commissioner Patton. He stated that he has lived in Prospect Hill for 10 years. He stated that if the Board grants the rezoning request, it would not be in harmony or integrity. He asked the Board to maintain Goal 5 of the Land Use Plan.

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

**Conditional Use Permit #273 - Christine Barker, applicant:** A request for a conditional use permit to place a Class B (doublewide) mobile home in the R-S (Residential Suburban) district.

The 5.8- acre parcel is located on the south side of Hwy. 150 about 400 feet east of McCorkle Road in Ironton Township. It is surrounded by property zoned R-S. County water is available at this location. This area is not designated by Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

Chairman Anderson opened the public hearing concerning Conditional Use Permit #273 – Christine Barker, applicant.

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



**Parallel Conditional Use Request #76AA - Westport Lakeside Development LLC,**

**applicant:** A request to amend a conditional use district that was approved in 2001, permitting a Planned Mixed Use (P-MU) development. The proposed amendment involves a 28-acre tract, one of three portions of the P-MU district. The tract is approved for 52 townhouses and 27 single-family homes. The applicant is proposing changes in the form and style of the townhouse buildings and changes in the vehicular access and circulation. The approved plan shows groups of 3-4 townhouses connected in a staggered manner and situated along two cul-de-sacs. The proposed amended plan shows groups of 3-5 townhouses, with detached garages along an alleyway at the rear of the homes, situated inside a loop with two connecting streets and on-street parking.

The property is located on the east side of Fairfield Forest Road about 1,000 feet east of Hwy. 16. It is adjoined by property zoned RL-14, R-SF and B-N. County water and sewer are available at this location. This property is located at the edge of an area designated by the Lincoln County Land Use as a neighborhood center, suitable for concentrating primarily non-residential development. Goal 4 of the 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 system are available."

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #76AA – Westport Lakeside Development LLC, applicant.

Tom Daniel stated that they purchased the Westport Golf Course in November 2005. The golf course is scheduled to open September 1. There is a timing issue with this Parallel Conditional Use Permit as they need this approved to finish the golf course. He presented the Board pictures of what the townhouses will be like.

**Gerald Lenkiewicz** stated that they are comfortable and confident in the plan.

**Andrew Strand** stated that soon after he moved to Westport, the golf course closed. He stated that he is on a committee to help bring the course back. He stated that the Westport community is very comfortable and looking forward to townhomes. He stated that the Westport Community is aging out of homes.

**Sylvia Holmes** stated that she is a member of the Lincoln County Recreation Commission and is appearing on knowledge of Delaine Davis and Erma Deen Hoyle. She stated that she lives in Westport. She stated that the Board should ask the developer for community walking trails as a part of the development that will be before the Board in September.

**Cynthia Jones** stated that she is a resident of Westport and member of Library Memorial Garden. She stated that a lot of young families use the garden all the time, but there is limited parking available. She stated that she would like to see a walking/biking trail up Fairfield Forest Road.

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

**Parallel Conditional Use Request #136 - Robert Dedmon and David Poovey, applicants:** A request to rezone 1.15 acres from R-SF (Residential Single-Family) and B-N (Neighborhood Business) to CU B-N (Conditional Use Neighborhood Business) to permit an office building.

The property is located on the south side of Grassy Creek Road about 900 feet east of Hwy. 16 in Catawba Springs Township. It is adjoined by property zoned P-R (Planned Residential) and R-S (Residential Suburban). Property zoned B-N is located at the corner of Grassy Creek Road and Hwy. 16. County water is available at this location. This property is located in an area designated by the Lincoln County Land Use Plan as an employment and commercial center, suitable for concentrating primarily non-residential development.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #136 – Robert Dedmon and David Poovey, applicants.

**Robert Dedmon** stated that they are planning to move their surveying business to this location.

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

**Parallel Conditional Use Request #137 - William Adkins, applicant:** A request to rezone 87 acres from R-S (Residential Suburban) to CU P-R (Conditional Use Planned Residential) to permit the development of 76 lots for single-family homes.

The property is located on the north side of Hwy. 150 about 2,800 feet east of Old Mill Road in Ironton Township. It is adjoined by property zoned R-S and R-T (Transitional Residential). County water is available at this location. This property is not located in area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

This request was amended to reduce the lots to 70. The majority of open space is in the flood plain. The traffic study was based on 66 single family units, but the addition of 4 lots has a negligible impact on the study.

John Pagel asked the buffers around a stream.

Randy Hawkins stated that normal buffer regulations apply, 15' on each side of the stream.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #137 – William Adkins, applicant.

**Sally Fox** stated that she lives in Hickory, but owns 207 acres on Hwy. 150 approximately 300 feet from this property. She spoke of the amount of acres lost to development in the state.

**Brent Hipp** voiced concerns with traffic in the area. He stated that there is a posted 55 speed limit zone. Mr. Hipp stated that he doesn't see how it will be safe to have these residents there.

**Elliott Harwell** spoke on behalf of Mark and Will Adkins. He stated that the main concern he's heard is traffic and the flood plain. He stated that the road entering the project is on the side of a hill. They've planned 70  $\frac{3}{4}$  acre average lots with 19  $\frac{1}{2}$  acres of open space, part of it is in the flood plain.

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

**WaterShed Conditional Use Permit #9 - Balsom Ridge LLC, applicant:** A request for a conditional use permit to allow the use of the high-density option in the WS-IV Protected Area of the Catawba/Lake Norman Watershed. The applicant is proposing to develop 56 acres located on the east side of Hwy. 16 about 550 feet north of Mundy Road as a business park. The high-density option would allow the development to have a built-upon surface area of up to 70 percent of the acreage with the use of engineered stormwater controls. (Under the low-density option, non-residential developments are limited to a built-upon area of 36 percent.)

The property is located on the east side of Hwy. 16 about 550 feet north of Mundy Road in Catawba Springs Township. It is zoned I-G (General Industrial) and is adjoined by property zoned I-G, R-SF (Residential Single-Family), P-R (Planned Residential) and B-N (Neighborhood Business). County water and sewer are available at this location. This property is located in an area designated by the Lincoln County Land Use Plan as an employment and commercial center, suitable for concentrating primarily non-residential development.

Chairman Anderson opened the public hearing concerning WaterShed Conditional Use Request #9 – Balsom Ridge LLC, applicant.

**Tim Smith** stated that he owns 2 pieces of property right beside the proposed Industrial Park. He stated that his concern is the traffic and the fact that they had to meet the 36%.

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 2<sup>nd</sup> floor balcony.

**Public Hearing – Forest Ridge Subdivision Leash Law:**

Chairman Anderson opened the public hearing concerning Forest Ridge Subdivision Leash Law.

**Raye Watson-Smyth** asking the Board to approve and help them enforce a leash law for Forest Ridge Subdivision.

Being additional speakers, Chairman Anderson declared the public hearing closed.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve a Leash Law for Forest Ridge Subdivision with an effective date of September 1, 2006.

**Public Hearing – Prospect Hill Subdivision Leash Law:**

Chairman Anderson opened the public hearing concerning Prospect Hill Subdivision Leash Law.

Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Leash Law for Forest Ridge Subdivision with an effective date of September 1, 2006.

**Environmental Assessment and Socioeconomics and Environmental Justice Impacts of the Proposed Water System Improvements, including installation of a 500,000 Gallon Water Storage Tank, Water Booster Pump Station, and 50,850 LF of 16” Water Line along NC 73 in Eastern Lincoln County:** Chairman Anderson opened the public hearing concerning. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**Environmental Assessment and Socioeconomics and Environmental Justice Impacts of the Proposed Improvements to the Lincoln County Water Treatment Facility, including the Necessary Pumping, Piping and other Related Facilities to Increase the Capacity of the Plant from 3.0 MGD to 6.0 MGD:** Chairman Anderson opened the public hearing concerning. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**Indian Creek Industrial Park – Recommendation for Engineering Study:** Steve Gilbert stated that at the request of the Board of the Lincoln Economic Development Association, the Public Works Department has requested Qualification Packages from three engineering firms. The firm that is selected by the Board of Commissioners will be asked to perform an Engineering Study of the current capacities of the water, sewer and fire protection facilities at the park, as well as proposing the improvements that will be needed to accommodate growth in the park, both from existing industries and new facilities.

Qualification Packages have been submitted by Pease Associates of Charlotte, WK Dickson & Associates of Charlotte and McGill Associates of Hickory. The proposals have been reviewed and the recommendation is to select McGill and Associates of Hickory to do the Engineering Study.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to proceed with McGill and Associates.

**UPON MOTION** By Commissioner Mitchem, seconded by Commissioner Funderburk, the Board voted unanimously to approve the maps that have been presented for the fire districts in Lincoln County.

**UPON MOTION** by Commissioner Patton, seconded by Commissioner Funderburk, the Board voted unanimously to approve the transfer between East Lincoln Fire Department and Alexis Fire Department.

**Closed Session:** **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to enter Closed Session to discuss Contractual Matters, Personnel Matters, Real Estate Matters, and an update on the Oakes vs. Lincoln County Board of Education, Election, and Commissioners lawsuit that are confidential pursuant to N.C.G.S. 143-318.11.1

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

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Amy S. Atkins, Clerk to the  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners