

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 15, 2006**

The Lincoln County Board of County Commissioners met in regular session on May 15, 2006, at the James W. Warren Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m.

Commissioners Present:

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

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Steve Mains, North Carolina Division of Veteran's Affairs  
Kelly Atkins, Director of B&LD  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Review Officer  
Steve Gilbert, Director of Public Works  
Leon Harmon, Director of Finance

**Call to Order:** *Chairman Anderson* called the May 15, 2006, meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** *Commissioner Alex Patton* gave the Invocation and led in the Pledge of Allegiance.

Chairman Anderson welcomed back Clerk Amy Atkins, who has returned from maternity leave.

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

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MAY 15, 2006**

6:30 PM

Call to Order

6:31 PM	Invocation
6:34 PM	Pledge of Allegiance
1. 6:35 PM	Adoption of Agenda
2. 6:37 PM	<p>Consent Agenda</p> <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- May 1, 2006</li></ul></li><li>- Budget Adjustments 88, 89, 91, 92, 95-98, 99</li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- April 24 – May 7, 2006</li></ul></li><li>- Acceptance of HCCBG Funds</li><li>- Resolution to Select Program Administrator for CDBG</li><li>- Sponsored Group Status<ul style="list-style-type: none"><li>- Lincoln County YMCA</li></ul></li><li>- Letter of Credit #48 – Harbor Oaks</li><li>- Order of Collection for 2006/07 Taxes</li></ul>
3. 6:40 PM	Public Comments
4. 6:55 PM	Request from 4H – Illiana Gonzalas
5. 7:00 PM	N.C. Division of Veterans Affairs Presentation to Steve McCurry – Steve Mains
6. 7:05 PM	<p>Recommendations from Planning Board</p> <p>ZMA #527 Custom Buildings, applicant ZTA #528 Lincoln County, applicant ZTA #529 Lincoln County, applicant CUP #272 Cherry Enterprises Inc., applicant PCUR #132 Ben and Kay Nixon, applicants PCUR #133 Putle Homes, applicant</p>
7. 7:45 PM	New WWTP – Response to Environmental Concerns – Steve Gilbert
8. 7:55 PM	WTP Expansion Contract Amendment No. 4 – Steve Gilbert
9. 8:05 PM	Capital Project Reports – Steve Gilbert
10. 8:10 PM	Budget Presentation – Stan Kiser
11. 8:25 PM	Finance Officer's Report

- 12. 8:30 PM County Manager's Report
- 13. 8:35 PM County Commissioners' Report
- 14. 8:40 PM County Attorney's Report
- 15. 8:45 PM Calendar
- 16. 8:50 PM Vacancies/Appointments
- 17. 8:55 PM Other Business

Adjourn

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to adopt the agenda, adding Item 16a – Closed Session and discussion of budget work sessions under Calendar.

**Consent Agenda:**

- Approval of Minutes
  - May 1, 2006
- Budget Adjustments 88, 89, 91, 92, 95-98, 99
  - #88: Increase in revenue collected to cover cost of County Tax Service
  - #89: Increasing expenditure & revenue line items for SA refunds based on current collections & project figures
  - #91: Budget for BFI Grant
  - #92: Increasing Expenditure & Revenue line items for allocation received from FEMA for Emergency Food & Shelter program
  - #95: Obesity grant for community services
  - #96: Funds from the state to purchase computer for immunization usage in clinic for immunization registry
  - #97: Funds from the state to purchase a new operatory for Lincoln Dental Health Services
  - #98: Funds from the state to prevent pregnancy in teens (TANF)
  - #99: Breast Cervical Program
- Tax Requests for Refunds – More than \$100
  - April 24 – May 7, 2006

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (April 24, 2006-May 7, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Meeks, Elizabeth T.	2005	HCFD	0182887	1,194.15
			<b>TOTAL</b>	<b>\$1,194.15</b>
<ul style="list-style-type: none"><li>- Acceptance of HCCBG Funds</li><li>- Resolution to Select Program Administrator for CDBG</li><li>- Sponsored Group Status<ul style="list-style-type: none"><li>- Lincoln County YMCA</li></ul></li><li>- Letter of Credit #48 – Harbor Oaks</li><li>- Order of Collection for 2006/07 Taxes</li></ul>				

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to adopt the consent agenda, as modified (corrections to minutes).

**Public Comments:** *Chairman Anderson* advised that this was the time the Board of Commissioners would open the floor to receive public comments from citizens regarding any matter they desired to address.

**Robert Avery**, 843 Newton Lane, Lincolnton, stated that Gaston County sent out a survey to all its citizens. He asked if Lincoln County would be interested in doing the same thing. *Chairman Anderson* advised that the County Manager would research this and bring it back to the Board.

Mr. Avery asked if Commissioners would be willing to hold meetings on Saturdays, due to the fact that a lot of people cannot attend meetings during the week. *Chairman Anderson* stated that there are a number of budget workshops scheduled where the Board will look into this.

Being no additional speakers, *Chairman Anderson* declared the Public Comments session closed.

**Request from 4H – Illiana Gonzales:** Illiana Gonzales, of the Amazing 4-H Clover's Club asked the Board to sign a soccer ball, which will be sent to an elementary school in Mexico. After Kevin Starr, Lincoln County's Cooperative Extension Director and Fran Sinters 4-H Program Assistant returned from their eye opening visit to Mexico, Fran shared her concerns with the club that meets at Centro Contacto Latino about an elementary school in Mexico she visited. The club, ranging in ages 5-12, made a commitment to support the 4<sup>th</sup> grade classroom becoming pen-pals and sending the 2 soccer balls, one signed by the club member and the other by the Board of Commissioners.

**North Carolina Division of Veterans Affairs – Presentation to Steve McCurry:** Steve Mains presented the Old North State Award to Steve McCurry and thanked him for

his service to Lincoln County. Mr. McCurry recently retired from the Veterans Service Office.

**Recommendations from the Planning Board:** *Randy Hawkins, Zoning Administrator*, presented the following recommendations from the Planning Board.

**Zoning Map Amendment #527 - Custom Buildings, applicant:** The Planning Board voted 6-0 to recommend approval, and to adopt the Statement of Consistency and Reasonableness.

Case No.: ZMA 527

Applicant: Custom Buildings

Parcel ID No: 29727

Location: West side of Hwy. 16, about 1,000 feet south of Sarah Drive

Proposed

Amendment: Rezone from R-SF to B-N.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: This property lies at the edge of an area designated by the Land Use Plan as a neighborhood center, suitable for concentrating small-scale commercial development.

This proposed amendment is reasonable and in the public interest in that: This property is located on a major highway. Water and sewer service is available at this location. Property zoned business is located about 250 feet to the south.

Commissioner Moore asked if buffering would be required against the residential property on the sides.

Randy Hawkins stated that they would be required to have an opaque fence or a landscape buffer (trees and shrubbery) on the sides. The applicant is aware of this requirement.

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to accept the Planning Board's recommendations and their Statement of Consistency and Reasonableness as it pertains to Zoning Map Amendment No. 527 – Custom Buildings, applicant.

**Zoning Text Amendment #528 - Lincoln County, applicant:** The Planning Board voted 6-0 to recommend approval, and to adopt the Statement of Consistency and Reasonableness.

Case No.: ZTA 528

Applicant: Lincoln County

Parcel ID No: NA

Location: NA

Proposed

Amendment: Amend Section 8.22.15 of the Lincoln County Zoning Ordinance to require that any new structure be set back at least 50 feet from the full-pond level of Lake Norman.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: Goal 2 of the Land Use Plan calls for simplifying land development regulations. Goal 6 calls for administering and enforcing watershed protection measures.

This proposed amendment is reasonable and in the public interest in that: This amendment would require a wider buffer on Lake Norman in many cases, providing greater protection of water quality and protecting views of the lake. It would create one standard, eliminating a complicated situation.

Chairman Anderson stated that there are a number of different setback requirements, this basically would bring us to a 50' requirement.

Randy Hawkins stated that this may create problems with older, small lots, but there will be a variance procedure for those property owners.

Commissioner Moore asked if this will change conditions that have been placed in regards to 75 foot buffers. Mr. Hawkins stated that those will stay in place.

Chairman Anderson stated that there are a fairly extensive set of requirements with Duke's relicensing process. He asked if buffers will change with this relicensing. Mr. Hawkins stated that he is not aware of this.

**UPON MOTION** by *Commissioner Mitchem*, the Board voted unanimously to approve Zoning Text Amendment No. 528, including the Statement of Consistency and Reasonableness.

**Zoning Text Amendment #529 - Lincoln County, applicant:** The Planning Board voted 6-0 to table the proposal until the June 5 meeting.

**Conditional Use Permit #272 - Cherry Enterprises Inc., applicant:** The Planning Board voted 5-1 to recommend approval with the following conditions:

- 1) That the townhome section of the development be age-restricted consistent with the Housing for Older Persons Act (HOPA).
- 2) That all streets be constructed to meet the requirements of the North Carolina State Building Fire Code and that a third entrance to the townhome section be provided at or near Conner Cove Lane.

- 3) That engineered stormwater controls be used to control runoff from the first inch of rainfall.
- 4) That the wastewater pumping station be equipped with a backup generator.
- 5) That an escrow account in the amount of \$25,000 be established with Lincoln County before the development is turned over to the homeowners association, with the money to be used to cover any delinquent utility bills.
- 6) That the developer contribute \$25,000 toward improvements at the Unity Church Road/Hwy. 16 intersection within one year after the date of approval of the conditional use permit, with the money to be paid to the county and then transferred to NCDOT. If NCDOT has not constructed a right-turn lane on northbound Hwy. 16 at Unity Church Road within five years of the date of approval, the developer shall contribute an additional \$25,000 toward improvements.

Commissioner Patton asked what could be put there by right.

Mr. Hawkins stated that currently there is a mobile home park there with 50 homes. It is approved for 85 mobile homes, so he could add more mobile homes. If he wanted to develop it for single family homes, it would have to be  $\frac{1}{2}$  acre minimum lot size. There could possibly be 70 homes there.

Mr. Hawkins stated that the developer agreed to the conditions imposed by the Planning Board. He stated that he has a letter from the applicant's attorney informing him that he has been obtained to draw up deed restrictions consistent with the Housing for the Older Persons Act. The applicant met with the Fire Marshal and reviewed the plan. The Fire Marshal recommended some minor changes for the State Building Fire Code, which the applicant agreed to.

Commissioner Patton asked about the \$25,000 escrow account.

Mr. Hawkins stated that the developer will put up the \$25,000. If a utility bill became delinquent, money would be drawn from the escrow account to cover the delinquent utility bill. Once the bill is paid, the money would be used to reimburse the account so there is always \$25,000 in there.

Commissioner Patton asked if we typically do one master meter or individual meters. Randy Hawkins said that some developments have a master meter – Riverwalk Apartments, Pulte' Homes condo portion, and some commercial development.

Commissioner Mitchem stated that Mr. Dellinger could put 110 duplex units on the property without any public hearings or 30 to 40 additional mobile homes by right without any public hearings. He asked Mr. Hawkins what Mr. Dellinger's plans are if this is denied.

Mr. Hawkins stated that it will stay a mobile home park and more mobile homes will probably be brought in.

Commissioner Patton asked which would be more detrimental to property values, this development or a mobile home park.

Chairman Anderson stated that he met briefly with the DOT Engineer this afternoon, due to the fact that most of the concerns deal with the traffic on Unity Church Road. He questioned whether there was anything that could be done at the intersection that would improve the circumstances of the morning condition on Unity Church Road. Jackie McSwain indicated to him that based on the traffic study done, the majority of the problem is background traffic, not traffic caused by this subdivision. Ms. McSwain was unable to tell if any improvements could be made, but DOT will do a study of this intersection, which will take about a month. If the Board chooses to delay a decision on this case, they can request a study by DOT.

Chairman Anderson stated that a good deal of concern was expressed about water and sewer capacity. The sewer capacity will not be adversely affected by the proposed units. There is adequate capacity for that and the capacity development fees will be collected in the normal manner. The other issue was concerning water. It was our Utility Director's feeling that it would be in the best interest of the county to have individual meters as opposed to a master meter. Concerns were also expressed about water pressure in the area. This is caused by a pressure regulating valve, which will be replaced this summer.

Chairman Anderson said that concerns were raised about emergency vehicles access into this subdivision. Discussions have occurred with the Fire Marshal and changes will be made in the road width and configuration, which will allow these vehicles to get in and out of the subdivision.

Chairman Anderson stated that a condition was applied by the Planning Board for a 3<sup>rd</sup> entrance. The TIA will have to be resubmitted to DOT.

Commissioner Patton stated that some citizens were concerned with property values. He stated that he is not opposing mobile homes, he used to live in one. He stated that he feels this would help property values. Commissioner Patton agreed that everyone should have an individual meter.

*Gary Dellinger*, applicant, asked what more he could do since he is giving \$50,000 for road improvements. Chairman Anderson stated that DOT has no plans to do anything at this intersection.

Mr. Dellinger stated that he has no problem with separate meters.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to table until hearing from DOT at the first meeting in July.

**Parallel Conditional Use Request #132 Ben and Kay Nixon, applicants:** The applicants have withdrawn.

**Parallel Conditional Use Request #133 – Pulte Homes, applicant:** Randy Hawkins asked if case could be continued until later in the meeting due to the fact that the applicant is currently working on an agreement with the Hedrick Industries.

**New WWTP – Response to Environmental Concerns – Steve Gilbert:** *Steve Gilbert* presented information regarding the New Wastewater Treatment Plant.

The Construction Grants & Loans Section of NCDENR has completed its review of the Engineering Report for the new WWTP proposed for the East Lincoln Sewer District. This report was distributed to numerous state and federal agencies for review and comments have been transmitted back to the County and our consultants. The purpose of this report is to provide information to the Board concerning the County's response to these comments.

The comments that potentially have the most impact come from the NC Wildlife Resources Commission and the US Fish and Wildlife Service. These comments are directed at the measures the County is taking to protect fish and wildlife habitat in the County from the effects of growth that is expected to come with the commissioning of a new and much larger Wastewater Treatment Plant. Their "recommendations" spell out ordinances and regulations they would like to see proposed or enacted in the County before they will release an approval for our Engineering Report. Some ordinances already exist that cover these areas. Other regulations may have to be created to satisfy their requirements. A meeting will be scheduled with the commenting agencies to find out specifics as to what will have to be done to gain approval.

Chris Hopper, with Robert Goldstein & Associates, environmental consultant and Bob Froneberger with WK Dickson were in attendance.

Chris Hopper stated that concerns raised are over future developments, shopping centers, and subdivisions that will tie into the system. There are 3 main categories of concern: Sediment and Erosion Control, floodplain protection, and riparian buffers. This is a state-wide trend that has been gathering support and gaining momentum. They are asking for 100 foot riparian buffers protected forest buffers on all sides of perennial waters (solid blue lines on topographic maps), 50 foot protected riparian buffers on each side of intermittent streams (dash lines on topographic maps). They are requesting Sediment and Erosion Control, the state only requires erosion sediment control plans where more than one acre is disturbed and they want something more strict. They want to see absolutely no development in the 100-year flood plain. This will take a lot of usable land away from constituents.

Chairman Anderson asked what sort of changes will be needed to comply with these recommendations.

Kelly Atkins, Director of Building and Land Development, stated the Watershed, Zoning, and Flood Ordinances will be affected, to what degree they are not sure. Buffers and soil and erosion will also be affected.

**WTP Expansion Contract Amendment No. 4 – Steve Gilbert:** Steve Gilbert presented information regarding Wastewater Expansion Contract Amendment No. 4.

This proposal is for an amendment to the Engineering Services contract for the expansion for the Water Treatment Plant from a capacity of 3.0 MDG to 6.0 MDG. When the original plans for the entire project were submitted to the State in 2004 for permitting, we were only allowed to go forward with the filter installation and the MIOX disinfection system. This involved pulling that part of the work out of the plans and specifications for bidding and construction. Now, as we are looking for the approval of the engineering report and the State approval to go forward with the part of the project that is remaining, we need to have what's left of the plans and specs modified to stand on their own for bidding and construction. Also included in this amendment is an amount for electrical sub-consultant services to complete the electrical plans for the raw water and finish water pumping expansion, which were incomplete at the time the project was split up. Additional phases are included for preparation of responses to State permitting reviews and follow-up to questions concerning the engineering report, as well as engineering services for bidding and award of the construction contract, which should be coming up this summer. The totals are as follows:

Construction Document Modification	=	\$11,850.00 (Lump Sum)
Electrical Sub-consultant Services	=	\$ 6,000.00 (Not-to-exceed)
Permitting & Review Coordination	=	\$ 3,000.00 (Not-to-exceed)
Advertising, Bidding & Award	=	<u>\$ 5,500.00</u> (Lump Sum)
TOTAL		\$26,350.00

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Contract Amendment No. 4.

**Capital Projects Report – Steve Gilbert:** *Steve Gilbert* presented the Capital Projects Report which included the following: Hwy. 73 and Airport Road Water Line Extension, Westport Water Line Replacement, West Lincoln Booster Pump Relocation, Forney Creek WWTP Upgrade, New WWTP – (2.0 – 4.0 MGD), Pump Station & Force Main Upgrades, Industrial Park Wastewater Facilities, Rock Dam Sewer and Landfill Cell Construction Phase III.

Commissioner Patton asked when signs will be put at the convenience sites. Mr. Gilbert stated that they will be installed in July.

Commissioner Mitchem asked how many broken fire hydrants there are at this time. Mr. Gilbert stated that he is not aware of any that are broken.

**Budget Presentation – Stan Kiser:** *Stan Kiser* presented the proposed budget for 2006 - 2007. The General Fund is \$85,906,535.00, the capital reserve is \$10,447,633.00, the Law Enforcement Fund is \$5,300, Emergency Telephone Fund is \$523,913, the County CIP is \$1,012,577, Water and Sewer Fund is \$5,118,200, East Lincoln Water and Sewer District is \$3,415,128, and the County landfill is \$2,982,465. These total \$109,411,751. A 2.5% COLA has been included for employees and the tax rate will stay at 61 cents,

with an appropriation from the fund balance. He stated that he made a little over \$3.5 million in cuts from the requests.

Commissioner Mitchem asked how much money is in the fund balance.

Stan Kiser stated that there is twenty million plus in fund balance.

Commissioner Mitchem stated that the fund balance has increased every year over the past 4 years. He stated that every year it is said that money will be taken out of fund balance to pay the debt for Lincoln County, but is never taken.

**Finance Officer's Report – Leon Harmon:** *Leon Harmon* presented the budget performance report for April 2006.

**County Manager's Report – Stan Kiser:** *Stan Kiser* presented the County Manager's Report.

**County Commissioners' Report:** Commissioner Mitchem stated that Friday afternoon, Erma Deen Hoyle called from Raleigh to say that Lincoln County was awarded 2 grants – one for the Beatties Ford Park for \$500,000 and one for the West Lincoln Park for \$500,000.

The Board by consensus asked Jeff Taylor to draft a Resolution that deals with fuel.

**County Attorney's Report:** *Jeff Taylor* presented the County Attorney's Report. He asked the Board to authorize Chairman Anderson to sign a model agreement with the schools under construction. The agreement will be approved, the conveyances accepted, and leased back to the schools.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to allow the Chair to sign the Agreement described by the County Attorney.

**Calendar:** *Chairman Anderson* presented the May calendar. He stated that budget work sessions are scheduled for June 6 and 12 at 1:00 p.m. He asked if there was a third day that would work for everyone. Several dates were discussed, but no agreement was made.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Moore against) to have the budget work sessions on June 6 and 12 at 1:00 p.m.

### **Vacancies/Appointments:**

Vacancies:

Centralina Workforce Development Board \*2

Appointments:

Gaston College Board of Trustees:

- Reappoint Don Ballard

**UPON MOTION** by *Commissioner Funderburk*, the Board voted 4 – 1 (Moore against) to reappoint Don Ballard to the Gaston College Board of Trustees.

**Closed Session:** **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter Closed Session to discuss Contractual Matters that are confidential pursuant to N.C.G.S. 143-318.11.1

Chairman Anderson announced that no action was taken in Closed Session.

**Recommendation from Planning Board :**

**Parallel Conditional Use Permit No. 133 – Pulte Homes, applicant:** Randy Hawkins stated that the Planning Board voted 6 – 0 to recommend approval with the following conditions:

- 1) That the developer provide the road improvements required by NCDOT.
- 2) That an agreement between Pulte Homes and Hedrick Industries addressing buffers and other issues be executed.

Randy Hawkins stated that he has a copy of the agreement between Pulte Homes and B.V. Hedrick Sand and Gravel Company.

Craig Justice, of B.V. Hedrick Sand and Gravel Company stated that they are pleased to have reached an agreement with Pulte Homes which is incorporated by reference and attached to this document. This agreement handles buffer areas and a disclosure requirement to buyers purchasing lots in this development and covenant not to sue.

Mr. Justice stated that they are supporting this change because of this agreement. If Pulte were to not proceed, they would ask the Board to change the zoning back to General Industrial.

Randy Hawkins stated that if Pulte were to not develop this property, staff could initiate the change.

Commissioner Moore stated that she would like to see Jeff Taylor review these documents before the Board proceeds with this.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the rezoning from Transitional Residential, Neighborhood Business, and General Industrial

to Conditional Use Planned Residential and the Statement of Consistency and Reasonableness as approved by the Planning Board.

Case No.: PCUR 133

Applicant: Pulte Homes

Parcel ID No: 02441, 31428, 51876, 51881, 30843, 02378, 32945, 58835, and 58834

Location: south side of Hwy. 73, west side of Little Egypt Road

Proposed

Amendment: Rezone from R-T, B-N, and I-G to CU P-R to permit a development with 1,571 homes.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: Although this property is located in an area designated as a commercial and employment center, the Land Use Plan does not call for restricting development to non-residential development. This property borders existing residential areas and other property zoned residential. The portion of this property that is zoned industrial is effectively landlocked. The Land Use Plan calls for permitting a variety of residential uses, including multi-family. The proposed multi-family density does not exceed the density range recommended by the plan.

This proposed amendment is reasonable and in the public interest in that: This property has adequate access to a major highway. Water and sewer service is available. This property is adjoined largely by residentially zoned property. It will be developed as part of a master planned community. The development will be restricted to active adults and thus not impact the school system.

### **FINDINGS OF FACT FOR CONDITIONAL USE PERMIT**

**Application #** Parallel Conditional Use Permit #133      **Date** 5/1/06

**Applicant Name** Pulte Homes

**Applicant Address** 11121 Carmel Commons Blvd., Charlotte, NC 28226

**Property Location** Hwy. 73 and Little Egypt Road    **Existing Zoning** R-T, B-N, I-G

**Proposed Conditional Use** 1571 Home Development

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES X NO \_\_\_\_\_

Factual reason cited: DOT has reviewed traffic study and applicant will adhere to DOT requirements; Pulte has agreed to establish buffers with quarry.

**UPON MOTION** by Commissioner Michem, the Board voted unanimously to find fact #1 in the affirmative.

2. The use meets all required conditions and specifications. YES X NO \_\_\_\_\_

Factual reason cited: Meets all required conditions and specifications.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to find fact #2 in the affirmative.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO \_\_\_\_\_

Factual reason cited: Agreement reached with largest adjoining landowner

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to find fact #3 in the affirmative.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES X NO \_\_\_\_\_

Factual reason cited: Based on adopted statement of consistency

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to find fact #4 in the affirmative.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's Condition 1 that the developer provide the road improvements required by NCDOT.

These conditions are:

- Northbound right turn lane with 215' of full storage and appropriate tapers will be required on Little Egypt Road
- Right turn lane with 75' of full storage and appropriate tapers will be required at the Northern Entrance (East bound on NC 73)
- Left turn lane with 175' of full storage and appropriate tapers will be required at the northern entrance (West bound on NC 73)
- Traffic study using actual counts upon full buildout will determine if the signal at NC 73/Northern Entrance site is warranted.
- Left turn lane on NC 73 West will be extended to 250' full storage with appropriate tapers at the intersection of Little Egypt Road.
- Right turn lane with 125' of full storage and appropriate tapers will be required at the eastern entrance.
- All areas of construction will have to be overlaid and the appropriate pavement markings replaced
- Northern drive should line up with the driveway to the school.

- It will be a condition of the driveway permit that the left turn extension on NC 73 at Little Egypt be built at the same time as the road improvements for the widening of NC 73 (Walmart improvements)

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Planning Board's Condition 2, which is demonstrated by the separate agreement upon the two parties.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously that if Pulte Homes decides not to purchase the property, staff would initiate rezoning.

Chairman Anderson stated that in one of the agreements, Pulte has said they will provide \$50,000 or a 1-acre site for a fire substation. He stated that he is having difficulty leaving construction costs up to the taxpayers in the district. Chairman Anderson said he would like to add the condition that requires Pulte Homes to construct the fire station. Maintaining the station and staffing the station will be the responsibility of the taxpayers of the East Lincoln Fire Department.

**UPON MOTION** by Commissioner Anderson, the Board voted 4 – 1 (Patton against) that not later than 12 months after the subdivision plat approval, Pulte be required to construct the fire substation.

Kirby LaForce with Del Mar said that East Lincoln Fire Department representatives told them that they needed a substation prior to this subdivision. This is why they offered the site or contribution.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners