

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 8, 2003

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on September 8, 2003 at the Citizens Center, Commissioner's Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Larry S. Craig, Vice-Chairman
Thomas R. Anderson, PE
Carrol Mitchem
Buddy Funderburk

Planning Board Members Present:

Dean Lutz
Mike Baker
Ken Hovis
Terry Whitener
John Pagel

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of BALD
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the September 8, 2003 meeting of the Lincoln County Board of Commissioners to order. Commissioner Funderburk gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the agenda adding Item 6a – Adoption of Schedule of Values and Discussion of Joint Meeting with School Board under Other Business.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

SEPTEMBER 8, 2003

- 6:30 PM Call to Order
- 6:31 PM Invocation
- 6:34 PM Pledge of Allegiance
1. 6:35 PM Adoption of Agenda
2. 6:40 PM Approval of Minutes
- August 18, 2003
3. 6:45 PM New Business/Advertised Public Hearings

ZMA #463 Ronald Best, applicant (Parcel ID# 29667, 29671 and 58878) A request to rezone 12.7 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located about 1,200 feet south of Forney Hill Road and 1,600 feet west of St. James Church Road in Catawba Springs Township.

ZMA #464 Lake Norman Dredging & Marine Construction Inc., applicant (Parcel ID# 56199) A request to rezone approximately 18.5 acres from Transitional Residential (R-T) to General Business (B-G). The property is part of a 42.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township.

SOA #18 Lincoln County, applicant. A proposal to amend Section 404.2 of the Lincoln County Subdivision Ordinance. The proposed change would remove any reference to “unzoned” or “not zoned” areas, along with specifications for parcels that are not zoned, since all property in Lincoln County is now zoned.

4. 7:15 PM Letter of Credit and Contract #29 – Webbs Chapel Cove Subdivision – Barry McKinnon
5. 7:20 PM Purchase of Equipment – John Avery
6. 7:30 PM Public Hearing – Land Use Assessment Values
7. 7:40 PM Other Business

Recess until 9/10 at 3:30 p.m.

Approval of Minutes – August 18, 2003: Chairman Cochrane presented the minutes of the August 18, 2003 meeting for the Board's approval.

Chairman Cochrane presented a slight modification.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the minutes of the August 18, 2003 meeting as amended.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, September 8, 2003 and the time, which was advertised in the *Lincoln Times-News* on Friday, August 19 and September 5, 2003.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, September 8, 2003, at 6:30 p.m. to consider the following matters:

ZMA #463 Ronald Best, applicant (Parcel ID# 29667, 29671 and 58878) A request to rezone 12.7 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The property is located about 1,200 feet south of Forney Hill Road and 1,600 feet west of St. James Church Road in Catawba Springs Township.

ZMA #464 Lake Norman Dredging & Marine Construction Inc., applicant (Parcel ID# 56199) A request to rezone approximately 18.5 acres from Transitional Residential (R-T) to General Business (B-G). The property is part of a 42.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township.

SOA #18 Lincoln County, applicant. A proposal to amend Section 404.2 of the Lincoln County Subdivision Ordinance. The proposed change would remove any reference to "unzoned" or "not zoned" areas, along with specifications for parcels that are not zoned, since all property in Lincoln County is now zoned.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

2T: Aug. 29, Sept. 5, 2003

Zoning Map Amendment No. 463 – Ronald Best, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 463 – Ronald Best, applicant.

The applicant is requesting to rezone three parcels totaling 12.7 acres from Transitional Residential (R-T) to Residential Single-Family (R-SF). The applicant owns an adjoining 19-acre parcel that is zoned Residential Single-Family.

The property is located about 1,200 feet south of Forney Hill Road and 1,600 feet west of St. James Church Road in Catawba Springs Township. It is adjoined on the north and east by property zoned Residential Single-Family and on the south and west by property zoned Transitional Residential. County water is available in this area.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 463 – Ronald Best, applicant.

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

Zoning Map Amendment No. 464 – Lake Norman Dredging & Marine Construction, Inc., applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Map Amendment No. 464 – Lake Norman Dredging & Marine Construction, Inc., applicant.

The applicant is requesting to rezone approximately 18.5 acres from Transitional Residential (R-T) to General Business (B-G). Offices, retail sales and mini-warehouses are among the permitted uses by right in the B-G district.

The property is part of a 42.2-acre tract of land located on Campground Road at Pine Ridge Drive in Catawba Springs Township. It is adjoined on the north by property zoned General Business and on the other sides by property zoned Transitional Residential.

Randy Hawkins stated that no permanent structures can be located in the Duke Power right of way.

Chairman Cochrane opened the Public Hearing concerning Zoning Map Amendment No. 464 – Lake Norman Dredging & Marine Construction, applicant.

Alena Frier, 4036 Woodbeach Lane, stated that she and her husband live adjacent to this property and are opposed to the rezoning. Ms. Frier stated that Mr. Miller told them he was allowed to bring in his dredging materials and burn them. It has been over a month since the fire was started and it is still smoldering. She asked who will make sure there is no illegal burning, who will make sure he does not pollute the stream and that the traffic on Pine Ridge does not become more dangerous than it already is. She asked who will make sure aesthetic guidelines are enforced. Ms. Frier asked why Mr. Miller could not have bought a site already zoned for business.

Joe Siefert, 7519 Pine Ridge Drive, stated that they need some responsible zoning in their area. He stated that the way the property is zoned now, they could end up with

twenty-some mobile homes. He stated that if it's restricted to commercial, there will be one specific use and will be regulated.

Randy Hawkins read the list of uses for General Business, which include: retail sales, auto repair shops, offices, mini-warehouses, professional offices, educational services, and recreational uses. He stated that the Building and Land Development Department will oversee the correct usage of the property.

Commissioner Mitchem questioned the burning of the brush on this site and enforcement of the rules against the applicant hauling this brush in.

Ron Frier presented pictures of the fire on the site and a report from Air Quality. He stated that he owns 3 ½ acres adjoining this property. He stated that they are in total opposition to any zoning change for the property in question. Mr. Frier spoke concerning the fire on the property. He stated that it will be extremely difficult to police Mr. Miller's actions if this rezoning is granted. He asked the Board and the Planning Board to deny the rezoning.

Helena Genero stated that this is the second time she has stood before the Board to voice her opposition to the rezoning. She questioned why Mr. Miller changed his plans from Industrial to General Business. She also asked if East Lincoln needs any more storage buildings or office space. She stated that her neighborhood has power lines running through it and is not undesirable. Ms. Genero stated that this land should be kept residential.

Jeanne Nuhfer, 4122 Woodbeach Lane, said that it was said at the last meeting that adjacent property owners did not speak against this issue. She stated that every adjacent property owner has spoken against this or signed a petition. Ms. Nuhfer stated that the area should remain residential. She presented pictures of Mr. Miller's current businesses.

Brian Nuhfer stated that he lives adjacent to this property. He stated that this business will place a great strain on traffic.

Maria Anderson, 4029 Woodbeach Lane, stated that she works in downtown Charlotte. She stated that they bought away from the traffic and there is plenty of good commercial property available.

Vince Peters stated that he lives in Isle of Pines and moved there from South Charlotte. He stated that it is dangerous to get onto Campground Road now and will be worse if Industrial is put in there. He stated that he checked how this property was zoned before he bought his property.

Eddie Weatherman stated that he lives on Windy Pine Circle and has owned his property 14 years. He stated that the Isle of Pines has been built and there has been other residential development. He stated that he did not oppose these developments, because

this is what he wanted his neighborhood to turn into. He stated that he is drastically opposed to this.

Daniel Cannon, 7607 Windy Pine Circle, stated that everyone here from Lincoln County is opposed to this. He stated that the only reason to change this to commercial is to increase the property value, which will only help Mr. Miller.

Randy Hawkins stated that there could possibly be 24 mobile or stick built homes put on the site.

Commissioner Anderson stated that the Board has no ability to condition this change in any way. He stated that going it is less of a jump going to General Business than General Industrial.

Kelly Atkins, Director of Building and Land Development, stated that there could be a text amendment to allow mini-warehouses as a conditional use. Then this could be considered as a PCUR and conditions could be added. He stated that another option would be to create special use permits, zoning districts where every use is a conditional use permit.

John Harrison, 4116 Woodbeach Lane, stated that he was here speaking against this last time and is here again. He stated that after the discussion about conditions, he is against any kind of business even with conditions. He stated that they need more residential development, not commercial.

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

Subdivision Ordinance Amendment No. 18: Barry McKinnon, Land Use Coordinator, stated that Subdivision Ordinance Amendment No. 18 will remove any reference to “unzoned” and “not zoned” land in Lincoln County Subdivision Ordinance. These are no longer needed since all parcels in the county are now zoned.

Chairman Cochrane opened the Public Hearing concerning Subdivision Ordinance Amendment No. 18.

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

The Planning Board reconvened to the second floor balcony.

Letter of Credit and Contract No. 29: Barry McKinnon presented a request for approval of a Letter of Credit and Contract for the Webbs Chapel Cove Subdivision just off Webbs Road on Cindy Lane. The amount is \$678,147.00 and will cover the cost of building approximately 1.25 miles of paved streets and installing infrastructure to connect to the County Water System. NCDOT and Public Utilities have stated that the bids are sufficient to cover the construction costs. The County Attorney has looked at the contract and said it is acceptable. The Letter of Credit is 1.25 times the cost of the construction estimate. If the Letter of Credit is approved, the subdivision plat can be recorded.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the Letter of Credit and Contract #29.

Purchase of Equipment: John Avery, Solid Waste Director, requested permission to purchase a used Model D5H-LGP Track Dozer from Carolina Tractor. They have been renting this piece of equipment and it is in very good condition. This dozer will be used in the new C&D landfill. Carolina Tractor will use the rent money the county has paid against the purchase price of the property. The total price for the equipment, with the deduction for the rental is \$38,978.00.

UPON MOTION by Commissioner Craig, the Board voted unanimously to purchase the piece of equipment.

Land Use Assessment Values Public Hearing: Chairman Cochrane opened the public hearing concerning the Land Use Assessment Values.

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

Adoption of Schedule of Values: **UPON MOTION** by Commissioner Anderson, the Board voted unanimously to adopt the Schedule of Values.

Chairman Cochrane announced that the vote on the Land Use Assessment Values will be at the September 22 meeting.

Other Business: The Board discussed canceling the second meeting in December, but decided not to at this time.

The Board discussed more possible dates for a joint meeting with the School Board and decided on October 13 at 6:30 p.m.

Chairman Cochrane reported on a trip he, Commissioner Anderson, and Commissioner Funderburk went on with members of the School Board and School Administration. They traveled to Wilkes County to visit new middle schools that are pre-engineered structures.

Commissioner Craig spoke concerning letters the Board received from Home Health. Maggie Dollar feels the Board should settle this issue. She feels it is detrimental to employee's morale to put them back in the Health Department. Commissioner Craig suggested leaving Home Health where it is currently located until they can come back to a more desirable facility.

A MOTION by Commissioner Craig to leave Home Health where they are until the Board can come up with somewhere else to put them.

Chairman Cochrane stated that he needs more information before making a decision.

Commissioner Craig withdrew his motion until more information is available.

Chairman Cochrane stated that Dennis Williams will be at Wednesday's work session to discuss long range facility needs for Lincoln County.

Chairman Cochrane reported on a meeting with Building and Land Development, Davidson planners, and Bill Duston concerning an Adequate Public Facilities Ordinance. This is just in the conceptual stage now.

Commissioner Craig asked the Board to put together a proclamation concerning the Post 100 Baseball Team.

Chairman Cochrane reported on a meeting with county staff and Catawba County concerning a collaboration on the East Lincoln Sewer Plant. Doing this jointly would be cheaper and there would be a better chance of federal or state funding.

Recess: The meeting was recessed until September 10, 2003 at 3:30 p.m.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners