

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 6, 2005**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on June 6, 2005 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Dean Lutz, Chairman  
Louis McConnell  
John Pagel  
Darrell Harkey  
Ken Hovis  
Clyde Brown  
Harold Howard, Jr.  
Jerry Geymont

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board

**Call to Order:** Chairman Anderson called the June 6, 2005 meeting of the Lincoln County Board of Commissioners to order.

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

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

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding a Closed Session as Item 7a.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**JUNE 6, 2005**

- |    |         |   |
|----|---------|---|
|    | 6:30 PM | Call to Order   |
|    | 6:31 PM | Invocation – Commissioner Marie Moore   |
|    | 6:32 PM | Pledge of Allegiance  |
| 1. | 6:34 PM | Adoption of Agenda  |
| 2. | 6:35 PM | Approval of Minutes<br>- May 16, 2005   |
| 3. | 6:40 PM | Consent Agenda <ul style="list-style-type: none"> <li>- Request for Sponsored Group Status <ul style="list-style-type: none"> <li>- Jesus Video Project – Lincoln County</li> </ul> </li> <li>- Waived Fees <ul style="list-style-type: none"> <li>- Lincolnton BPW</li> </ul> </li> <li>- Tax Requests for Refunds – More Than \$100 <ul style="list-style-type: none"> <li>- April 25 – May 22, 2005</li> </ul> </li> <li>- Tax Requests for Releases – More Than \$100 <ul style="list-style-type: none"> <li>- April 16 – May 15, 2005</li> </ul> </li> <li>- Budget Adjustments 107, 108, 120-125, 127, 128</li> <li>- Approval of HCCBG Funds</li> <li>- Letter of Credit No. 36</li> </ul> |
| 4. | 6:45 PM | Zoning Public Hearings – Randy Hawkins  |

ZMA #498 Frank Canora, applicant (Parcel ID# 51462 and 31862) A request to rezone 0.95 acres from Neighborhood Business (B-N) to General Business (B-G). The property is located at 4732 N. Hwy. 16 in Catawba Springs Township.

ZTA# 499 Lincoln County, applicant. A proposal to amend Sections 4.5, 4.7, 4.8, 4A.4, 4A.5, 4A.6, 6.2 and 6.3 of the Lincoln County Zoning Ordinance to state that all applications for zoning map amendments, zoning text amendments, parallel conditional use rezonings and conditional use permits must be submitted at least 21 days prior to the next regularly scheduled Planning Board and Board of Commissioners joint public hearing meeting in order to be heard then, that the Zoning Administrator shall have the authority to defer a hearing on an application if he determines that more time is needed to review the application, and that in no case shall any application deemed complete by the Zoning Administrator be scheduled for a public hearing more than 60 days after the application was submitted.

CUP #258 Larry Cagle Jr., applicant (Parcel ID# 10698) A request for a conditional use permit to establish a winery with a tasting/sampling room, gift shop and meeting rooms in the Transitional Residential (R-T) district. The 47-acre parcel is located at 1506 John Beam Road in North Brook Township.

CUP #259 David Ervin, applicant (Parcel ID# 52618) A request for a conditional use permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site is located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township.

PCUR #117 Max Caldwell Jr., applicant (Parcel ID# 27177, 77481 and 75441) A request to rezone 76.4 acres from Residential Suburban (R-S) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 102 lots for single-family homes. The property is located on the west side of Old Mill Road about 1,800 feet south of Hwy. 150 in Ironton Township.

PCUR #118 Wal-Mart, applicant (Parcel ID# 50188 and 30725) A request to rezone 29.5 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in Catawba Springs Township.

PCUR #119 Rex Rhoney, applicant (Parcel ID#10612) A request to rezone 1.0 acre from Rural Residential (R-R) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. The property is located on the west side of Hwy. 10 about 350 feet south of Concord Road in North Brook Township.

5. 9:15 PM School ADM Funds – Leon Harmon
6. 9:25 PM Financing of Sheriff Computer System – Leon Harmon
7. 9:35 PM Capital Project Ordinances – Leon Harmon
8. 9:45 PM Other Business

Adjourn

**Approval of Minutes – May 16, 2005:** Chairman Anderson presented the minutes of the May 16, 2005 meeting for approval.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the May 16, 2005 minutes as amended.

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

- Request for Sponsored Group Status
  - Jesus Video Project – Lincoln County

- Waived fees
  - Lincolnton BPW
- Approval of County Funding Plan – HCCBG Funds
- Letter of Credit No. 36

LINCOLN COUNTY TAX DEPARTMENT  
**REQUEST FOR REFUNDS**  
 ANNUALS

PERIOD COVERED (April 25, 2005-May 22, 2005)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Hardee, Michael W.	2004	ELFD/ELSD	0170118	186.98
			<b>TOTAL</b>	<b>\$ 186.98</b>

REQUESTS FOR RELEASES

NAME	YEAR	A/C NO	AMOUNT
Barnette, Thomas Drew	2004	0172491	\$ 103.68
Bowman, Rebecca Ann	2004	0183038	\$ 157.76
Carolina Metal Buildings Inc.	2004/05	0065332	\$ 1,452.12
Carter, Vernon L.	1998	0133992	\$ 262.44
First Restoration Service Inc.	2004	0172600	\$ 141.72
Firststar Bank NA	2004	0140977	\$ 102.94
Gatza, Robert David	2004	0153117	\$ 116.35
Grooms, Darin Wayne	2004	0152584	\$ 185.32
Kaeser, Daniel Lee	2005	0183452	\$ 103.00
Kirby, Amanda Thomas	2004	0176316	\$ 165.29
Ledford, Jan Devenney	2004	0066362	\$ 125.25
Mincey, Judy Dillon	2003	0168567	\$ 108.09
Obrien, John Thomas	2004	0090222	\$ 102.70
Pickersgill, Glenn	2004	0173489	\$ 117.72
Sam Richardson Enterprises	2005	0173395	\$ 175.68
The Waugh Group LLC	2004	0165827	\$ 323.44
Ward, Gary Hal	2004	0139514	\$ 282.23
Waste Management of the	2005	0180146	\$ 281.90
		<b>TOTAL</b>	<b>\$ 4,307.63</b>
NAME	YEAR	A/C NO	AMOUNT
	1996-		
Castillo, Alice (Harvey)	98	0060015	\$ 264.45

Chomicz, Robert J. Jr.	2004	21248	\$ 102.46
Cunningham, Larry C.	2004	05154	\$ 278.00
Edwards Pipeline Co. Inc.	2004	37060	\$206,820.00
Hall, Earl G. Jr.	2000-04	0098834	\$ 696.30
IBM Credit Corp.	2003/04	0125008	\$ 4,034.87
Jakeway, Brad	2002-04	0154580	\$ 456.71
Lopez, Tony Jr.	2004	0177680	\$ 135.68
Lutz, George Huitt & Ethel Partners Group	2005	03917	\$ 3,668.41
Investments	1999-04	0132447	\$ 1,697.31
Piedmont Housing	2004	32120	\$ 1,015.64
Scronce, Darrell	2005	28812	\$ 115.24
T & J Martial Arts Supply	1999-04	0133186	\$ 385.28
Van Wingerden, Teunis	2004	0177429	\$ 18,234.65
<b>TOTAL</b>			<b>\$237,905.00</b>

**New Business: Advertised Public Hearings:** Chairman Anderson announced that this was the date, Monday, June 6, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on May 27 and June 3, 2005.

## NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, June 6, 2005, at 6:30 p.m. to consider the following matters:

ZMA #498 Frank Canora, applicant (Parcel ID# 51462 and 31862) A request to rezone 0.95 acres from Neighborhood Business (B-N) to General Business (B-G). The property is located at 4732 N. Hwy. 16 in Catawba Springs Township.

ZTA# 499 Lincoln County, applicant. A proposal to amend Sections 4.5, 4.7, 4.8, 4A.4, 4A.5, 4A.6, 6.2 and 6.3 of the Lincoln County Zoning Ordinance to state that all applications for zoning map amendments, zoning text amendments, parallel conditional use rezonings and conditional use permits must be submitted at least 21 days prior to the next regularly scheduled Planning Board and Board of Commissioners joint public hearing meeting in order to be heard then, that the Zoning Administrator shall have the authority to defer a hearing on an application if he determines that more time is needed to review the application, and that in no case shall any application deemed complete by the Zoning Administrator be scheduled for a public hearing more than 60 days after the application was submitted.

CUP #258 Larry Cagle Jr., applicant (Parcel ID# 10698) A request for a conditional use permit to establish a winery with a tasting/sampling room, gift shop and meeting rooms in the Transitional Residential (R-T) district. The 47-acre parcel is located at 1506 John Beam Road in North Brook Township.

CUP #259 David Ervin, applicant (Parcel ID# 52618) A request for a conditional use permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site is

June 6, 2005

Zoning - Public Hearing Meeting

located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township.

PCUR #117 Max Caldwell Jr., applicant (Parcel ID# 27177, 77481 and 75441) A request to rezone 76.4 acres from Residential Suburban (R-S) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 102 lots for single-family homes. The property is located on the west side of Old Mill Road about 1,800 feet south of Hwy. 150 in Ironton Township.

PCUR #118 Wal-Mart, applicant (Parcel ID# 50188 and 30725) A request to rezone 29.5 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in Catawba Springs Township.

PCUR #119 Rex Rhoney, applicant (Parcel ID# 10612) A request to rezone 1.0 acre from Rural Residential (R-R) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. The property is located on the west side of Hwy. 10 about 350 feet south of Concord Road in North Brook Township.

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

**Zoning Map Amendment No. 498 – Frank Canora:** Randy Hawkins presented the following information concerning Zoning Map Amendment No. 498 – Frank Canora, applicant.

The applicant is requesting the rezoning of 0.95 acres from Neighborhood Business (B-N) to General Business (B-G). The owner of the property has authorized the rezoning request. Motor vehicle sales and repair are among the permitted uses by right in the B-G district, but not in the B-N district.

The property is located at 4732 N. Hwy. 16 in the Catawba Springs Township. It is adjoined by property zoned General Business, Neighborhood Business and Residential Suburban (R-S).

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 498 – Frank Canora, applicant.

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

**Zoning Text Amendment No. 499 – Lincoln County, applicant:** Randy Hawkins, Zoning Administrator, presented information concerning Zoning Map Amendment No. 499 – Lincoln County, applicant.

This is a proposal to amend Sections 4.5, 4.7, 4.8, 4A.4, 4A.5, 4A.6, 6.2 and 6.3 of the Lincoln County Zoning Ordinance to state that all applications for zoning map amendments, parallel conditional use rezonings and conditional use permits must be submitted at least 21 days prior to the next regularly scheduled Planning Board and Board of Commissioners joint public hearing meeting in order to be heard then, that the Zoning

Administrator shall have the authority to defer a hearing on an application if he determines that more time is needed to review the application, and that in no case shall any application deemed complete by the Zoning Administrator be scheduled for a public hearing more than 60 days after the application was submitted.

This proposal would provide a way to slow the process for zoning cases that need extra scrutiny, allowing citizens as well as staff more time to review proposals. Currently, the time span between the submittal of a zoning application and the public hearing can be as short as three weeks, even for a proposal for a major project. Under this proposal, the time span could be lengthened but couldn't exceed 60 days.

This proposal would also amend the ordinance to indicate that the Planning Board and Board of Commissioners hold a joint public hearing. The current text outlines a process that was followed in the past, in which the Planning Board first reviewed an application and the Board of Commissioners subsequently held a public hearing.

Chairman Anderson opened the Public Hearing on Zoning Text Amendment No. 499 – Lincoln County, applicant.

Being no one wishing to speak, Chairman Anderson declared the Public Hearing on Zoning Text Amendment No. 499 – Lincoln County, applicant, closed.

**Conditional Use Permit No. 258 – Larry Cagle, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 258 – Larry Cagle, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 258 – Larry Cagle, applicant.

The applicant is requesting a Conditional Use Permit to establish a winery in the Transitional Residential (R-T) district. The proposed winery would include a tasting/sampling room, a gift shop and meeting rooms. Under the Zoning Ordinance, a winery with associated uses such as those proposed is permitted in the R-T district subject to the issuance of a conditional use permit by the Board of Commissioners and subject to the following criteria: 1) The minimum area for any lot containing a winery is 10 acres. 2) The facility must be operated in association with an existing vineyard located on the same property or on adjoining properties under the same ownership. 3) All structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines or street right-of-ways.

The 47-acre parcel is located at 1506 John Beam Road in North Brook Township. It is surrounded by property zoned R-T. The property lies in a WS-II watershed district, which limits development to lower density. A number of large tracts of land are located in this area.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 258 – Larry Cagle, applicant.

**Larry Cagle**, 1506 John Beam Road, asked the Board to rezone the property for a winery. He stated that this will not be a bar and will be open to the public on a very limited basis for tasting. He stated that the winery will promote agri-tourism in Lincoln County.

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

**Conditional Use Permit No. 259 – David Ervin, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 259 – David Ervin, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 259 – David Ervin, applicant.

The applicant is requesting a Conditional Use Permit to establish a concrete plant in the General Industrial (I-G) district. The proposed 3.7-acre site would be subdivided from a 5.2-acre parcel.

The property is located about 750 feet south of Hwy. 150 and 700 feet west of Henry Dellinger Road in Ironton Township. It is adjoined by property zoned General Industrial and Transitional Residential (R-T). This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 259 – David Ervin, applicant.

**John Lafferty, Attorney**, spoke behalf of the applicants of this Conditional Use Permit. He presented a brochure from Thomas Concrete, who will be building this facility. He presented a noise study from a facility in Atlanta, Georgia, which found the sound to be at 86 decibals (average amount of noise a power boat makes and less than a motorcycle). Thomas Concrete is regulated by the state. He presented photographs of their plant in Concord, taken on June 2. Mr. Lafferty pointed out the lack of dust in the photographs. He stated that the property is already zoned I-G. Mr. Lafferty spoke concerning how dust and groundwater will be handled. There will be a \$2 million investment on this site and new jobs will be created. Mr. Lafferty stated that they were ISO certified 12 years ago and have maintained that certification since.

**Gerald Henley** stated that he owns property around this property. He spoke concerning residents contacting John Lafferty about representing them. Mr. Lafferty then met with them to tell them that it was a conflict due to the fact that he is representing the applicant. Mr. Henley presented a letter from Jonas Law Firm saying that Mr. Jonas was not available tonight, but would be at the next meeting to represent the residents. He spoke concerning groundwater contamination and water runoff. He stated that he owns a horse farm on his property. Mr. Henley presented a letter saying it may be detrimental to his horses for this concrete plant to be beside his property. Mr. Henley presented accident reports from wrecks at this intersection. Mr. Henley stated that Mr. Jonas will represent

him, David Caldwell, Darren Henley, and Giles Henley and will be available at the next meeting.

**David Ervin**, applicant, stated that he is presently working on this project with Thomas. He stated that they will be looking at maintaining the buildings currently there. He stated that if there were any concerns about this being hazardous, they would not invest their money in it. He stated that Thomas plants in other areas are very well run. He stated that after speaking with county officials, they were directed to look in this location. He stated that they have to meet water regulations. Mr. Ervin stated that they want to be positive in the community.

**Giles Henley** stated that there will be a dust problem from the concrete facility. He stated that he has paid taxes on this property and he does not want this concrete facility there. He commented that his property values will go down and there will be major traffic issues.

**David Caldwell** stated that he is the owner of Hot Rod Express. He stated that he has owned the business 16 years and keeps an immaculate business. He stated that he does not do assembly, but is a professional parts store for very expensive cars. He said that the easement is 11 feet from the corner of the building. He stated that his customers will not want to bring their cars there with concrete trucks going down the driveway. Mr. Caldwell commented that there is a proposal that the state take over the road, but he paved the driveway and has not agreed to that. He stated that he met with John Lafferty, who could not represent him due to a conflict (representing applicant) and he did not have time to get another attorney lined up.

**Terri Caldwell** stated that they have worked hard for 20 years to build the business as it is now. She commented that if the Board would let someone come in and destroy their driveway, it would break her heart. She stated that they allowed an easement for residential or business, for access to a rental building. She stated that no one does engine building at this location. Mrs. Caldwell stated that they pay taxes on the property and would hate to think of someone messing up or devaluing the property. She spoke concerning the danger on the highway.

**John Lafferty** stated that the proposal is to reduce the width of the driveway from a 60 foot easement to 45. The road will then be taken over by DOT.

**Michael Good** stated that he is a Lincoln County resident and this is the type of thing that we don't need in Lincoln County. He stated that the concrete plant on Pilot Knob Road is pretty dusty. He stated that ISO 9000 certified only means that they keep paperwork. He asked the Board to vote no on the concrete plant.

**Chris Dellinger** asked where North Lincoln High School is in relation to this site. He asked what price we put on teenagers lives.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to continue the public hearing until a time when legal counsel can be present to represent the neighboring property owners.

**Parallel Conditional Use Rezoning No. 117 – Max Caldwell, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 117 – Max Caldwell, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 117 – Max Caldwell, applicant.

The applicant is requesting the rezoning of 76.4 acres from Residential Suburban (R-S) to Conditional Use Planned Residential (CU P-R) to permit the development of a subdivision with 102 lots for single-family homes.

The property is located on the west side of Old Mill Road about 1,800 feet south of Hwy. 150 in Ironton Township. It is surrounded by property zoned Residential Suburban. County water is available in this area. The applicant and his father have developed similar subdivisions that adjoin this property.

Randy Hawkins stated that they did ask the developer to make a voluntary school contribution, but the applicant declined.

Commissioner Moore stated that since the applicant is asking for more houses than permitted if they would be willing to cut the density.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 117 – Max Caldwell, applicant.

**Amy Massey**, Traffic Engineer with Kimley-Horn and Associates presented information concerning the traffic impact study.

**Jeff Harvey**, 2992 Weatherfield Drive, stated that his property abuts the property in question and he has some concerns including the density of homes. He stated that he does not object to the development, due to the fact that the Caldwell's build nice homes and nice developments. He voiced concerns that there is no buffer, open space, or sewer service available. Mr. Harvey also voiced concerns on only having 1 main entrance and the traffic created. He stated that his daughter is at Pumpkin Center Middle School and the schools are already packed.

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

**Parallel Conditional Use Rezoning No. 118 – Wal-Mart, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 118 – Wal-Mart, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 118 – Wal-Mart, applicant.

The applicant is requesting the rezoning of 29.5 acres from General Business (B-G) and Transitional Residential (R-T) to Conditional Use General Business (CU B-G) to permit a 203,819-square-foot retail facility. About 22.7 acres of the proposed site is already zoned General Business. About 6.8 acres is zoned Transitional Residential. Under the Zoning Ordinance, a Conditional Use Permit is required for a store with a gross floor area in excess of 50,000 square feet.

The property is located on the north side of Hwy. 73 about 1,400 feet west of Hwy. 16 in the Catawba Springs Township. It is adjoined on the east and west by property zoned Transitional Residential, on the north by property zoned Residential Single-Family (R-SF), and on the south by property zoned General Business. This site is in an area that's designated by the Lincoln County Land Use Plan as an employment and commercial center.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 118 – Wal-Mart, applicant.

**Tim Campbell**, with AC&S Engineering and Surveying, stated that they are working closely with DOT concerning traffic. They are also working on storm water runoff. He stated that they are providing landscaping as required in the ordinance and some interior landscaping.

Chairman Anderson asked about the exterior appearance of the Wal-Mart.

**Eddie Goddard** stated that he is the Architect for Wal-Mart. He stated that this is the 195 store size. He stated that they are no longer using the gray scheme. He stated that there are a number of communities that have ordinances and they want to upgrade the store's appearance, getting rid of the flat elevation. Mr. Goddard presented pictures of the proposed Wal-Mart. The building will be synthetic stucco and will have the blue Wal-Mart signage.

John Pagel asked if this will be the same store as Mt. Holly/Huntersville Road.

Mr. Goddard stated that he is not sure.

**Jay Clapp**, Ramey Kemp & Associates, Inc., presented the traffic impact study. He identified improvements necessary whether or not Wal-Mart goes in at 16 and 73.

Chairman Anderson asked about the intersections at Hunters Bluff and Prospect Hill.

Mr. Clapp stated that those intersections were not studied.

Chairman Anderson pointed out that NC 73 runs east and west, but in the study it says it runs north and south.

Mr. Clapp apologized for the mistake in the report.

**Peter Browne** stated that he is here representing ELBA, which is a non-profit community association. He stated that they welcome development that enhances the East Lincoln Retail experience. He stated that this and future growth must be handled in a planned and coordinated manner, with regard to environment, aesthetics and above all, the infrastructure to handle traffic and people. ELBA urges the County Commissioners to place conditions upon the rezoning of land suitable for large retail development along the NC 73 and NC 16 corridors. These conditions include: expansion of the highway infrastructure, environmental controls, financial impact, aesthetic impact, controlled growth and planning.

**Robert Bernot** stated that he is not against Wal-Mart, it is the American success story. He stated that he is opposed to this specific location. He stated that in a very short period of time, East Lincoln is going to approach build out. He stated that there are dozens of large parcels over 20 acres in size. He asked the Board to look at this area and develop a small area plan that can give something to the quality of life. He stated that the worst traffic on Hwy. 73 is from 6 a.m., not 7 a.m. He asked the Board to stop Wal-Mart in 2005 and asked the developers to withdraw.

**Liz Craig** stated that she has been a resident of Prospect Hill since 1992. She stated that this Wal-Mart will be in her backyard. She presented a letter from she and her husband expressing concerns about the Wal-Mart. She asked the Board to do their homework first before approving this. She stated that she does not want to live in Mooresville.

**Walter Fields** stated that 4 years ago, he was before the Board to create the Lincoln County Land Use Plan. He spoke concerning building design and the Land Use Plan.

**Greg Coffey** spoke in favor of Wal-Mart with conditions. He asked if emergency responders are prepared to manage a major incident at the Wal-Mart Supercenter. He spoke concerning the traffic at 16 and 73. He stated that the design should match Waterside Crossing architecture. He requested that Wal-Mart be required to implement upscale landscaping to replace the number of trees cleared from the site and enhance the aesthetic look of the site.

**Cheryl Deskus** presented a petition with close to 300 signatures urging the Board to hold out on road improvements. She spoke concerning the impact Wal-Mart will have on a small community. She stated that there are 16 Wal-Marts in a 29 mile radius.

**Dee Harris** stated that he is a fairly new resident of Lincoln County and is in favor of the new Wal-Mart. He spoke concerning the water and sewer fees and taxes. Mr. Harris stated that it is essential to have a DOT traffic study.

**Denisha Correll** stated that there will be a lot of crime due to the Wal-Mart and traffic problems.

**Ralph Shipp** stated that he is opposed to Wal-Mart due to the crime increase, traffic congestion, and impact on small business. He stated that he totally opposes Wal-Mart, it is the wrong time and wrong place.

**Edith Shipp** stated that she is a native of Lincoln County and is opposed to Wal-Mart. She stated that she has always driven to shop and will continue to. She stated that kids will skip school to go to Wal-Mart.

**Larry Miller** encouraged the Board to listen to the good and the bad about Wal-Mart. He encouraged the Board to look at everything that has been said.

**Mark Cotter** stated that small business will be affected by Wal-Mart. He stated that big box retail has low wages. He stated that he is in favor of higher upscale retail.

**Krista Quigley** stated that she is the mother of 2 young children. She stated that everything that she has on is from Wal-Mart. She stated that she supports Wal-Mart and will be there 3 times per week.

**Michael Good** stated that he used to live at Hwy. 16 and Providence Road. He stated that when Wal-Mart came, crime went through the roof. Mr. Good commented that he moved here for a better quality of life. He stated that it is already too congested here. Mr. Good stated that he is opposed to Wal-Mart.

**Jim Klein** read a letter to the Board outlining conditions. He asked the Board to table the rezoning request and continue the public hearing.

**Cynthia Jones** stated that the maintenance of detention ponds is very important. Security fencing is also needed, especially with the schools very close.

**Teresa Dearnley** stated that she is against Wal-Mart. She stated that there are a lot of empty Wal-Mart shell buildings in the area. She stated that there is no way out of growth, but she would like to see more upscale. Ms. Dearnley stated that traffic is awful in that area.

**Connie Zmyciski** stated that she is a new resident of Lincoln County. She stated that she is concerned about development in East Lincoln and already sees things she would like to bulldoze. She stated that she moved here from the Arboretum, which is a high crime area. She stated that she took photos of different Wal-Marts in the area. Ms. Zmyciski stated that it concerns her that there are no women on the Planning Board.

**Jennifer Windley** asked the Board to table the Public Hearing until the next session so WalMart officials would have time to meet with residents.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to table Parallel Conditional Use Permit No. 118 and leave the public hearing open until the August meeting.

**Parallel Conditional Use Rezoning No. 119 – Rex Rhoney, applicant:** Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 119 – Rex Rhoney, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 119 – Rex Rhoney, applicant.

The applicant is requesting the rezoning of a 1.0 acre from Rural Residential (R-R) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. The property is part of a 6.2-acre tract that is being subdivided from a 37.6-acre parcel. There are no plans at present to develop the rest of the 6.2-acre tract.

The property is located on the west side of Hwy. 10 about 350 feet south of Concord Road in North Brook Township. It is adjoined by property zoned Rural Residential. Property zoned Neighborhood Business is located about 300 feet to the north on the opposite side of the highway. The surrounding area also includes property zoned General Industrial (I-G).

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 119 – Rex Rhoney, applicant.

**Rex Rhoney** stated that his family has owned this property since 1947 and it has been used for auto restoration since 1969. He stated that he retired from the Hickory Police Department recently and is wanting to continue doing what he has been doing for years.

**Hubert Wright** spoke on behalf of Rex Rhoney's request and asked the Board to approve it.

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

The Board recessed the meeting and reconvened in the Commissioner's Room.

**School ADM Funds:** Leon Harmon presented the following information concerning School ADM Funds.

One of the sources for revenue for fund 21, our Capital Reserve Fund, is the State Public School Building Capital Funds. This is a portion of corporate income tax that is collected by the State and allocated to counties based on average daily membership (ADM). These funds can only be used for capital projects or debt service. These funds are budgeted to retire school debt. To access these funds, it requires a joint application by the County Commissioners and the Board of Education.

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

**Financing of Sheriff Computer System:** Leon Harmon presented the following proposals to finance the Sheriff's Department and E911 computer replacement.

	Rate	Fees
Bank of America	3.21%	-0-

BB&T	3.31%	847.00
First Citizens	3.57%	600.00
GE Capital	4.18%	-0-
RBC Centura	3.71%	350.00
SunTrust Leasing	3.24%	
Wachovia	4.04%	500.00

Mr. Harmon proposed accepting the low bid of Bank of America at the rate of 3.21%.

Commissioner Moore stated that she has concerns over this issue. She stated that when the Board approved this, she understood that some of the money would come out of 911 funds. She state that she thought the money would be there and that they would not be financing it.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the financing of the Sheriff Computer System with Bank of America at the rate of 3.21%.

**Capital Project Ordinances:** Leon Harmon presented Capital Project Ordinances for Forney Creek WWTP Upgrade, New Waste Water Treatment Plant, Westport Water Line Replacement, Rock Dam Elementary School Sewer Line, Industrial Park & 321 N. Sewer Line, and the Sheriff's Department Computer Upgrade.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Capital Project Ordinances.

**Closed Session:** **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to go into Closed Session to discuss a real estate matter that is confidential pursuant to N.C.G.S. 143-318.11

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to go out of Closed Session.

**Other Business:** Commissioner Funderburk stated that there are two vacancies on the Board of Health, one for a private member and one for a Pharmacist.

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

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Amy S. Long, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners