

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 7, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 7, 2005 at the Citizens Center, Commissioners Room, Third Floor, 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 February 7, 2005 meeting of the Lincoln County Board of Commissioners to order.

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

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

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS

FEBRUARY 7, 2005

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Buddy Funderburk
- 6:32 PM Pledge of Allegiance
1. 6:34 PM Adoption of Agenda
2. 6:35 PM Approval of Minutes
- January 24, 2005
3. 6:40 PM Consent Agenda
- Request for Waived Fees or Sponsored Group Status
 - Tsunami Relief
 - Request for Sponsored Group Fees
 - Providence Missionary Baptist Church
 - Tax Requests for Refunds – More Than \$100
 - January 10 – 23, 2005
 - Tax Requests for Releases – More Than \$100
 - December 16, 2004 - January 15, 2005
 - Budget Adjustments 50 and 51
4. 6:45 PM New Business/Advertised Public Hearings – Randy Hawkins

SOA #25 Lincoln County, applicant. A proposal to amend Sections 304.2 and 307.3 of the Lincoln County Subdivision Ordinance to allow an increase in the scale of subdivision plats for tracts greater than three acres from one inch equals two hundred feet to one inch equals three hundred feet.

SOA #26 Lincoln County, applicant. A proposal to amend Section 303A.5 of the Lincoln County Subdivision Ordinance to require that all subdividers of family subdivisions present copies of the deeds showing to whom the property is being deeded prior to recordation of the plat and to send copies of the recorded deeds to the office of Building and Land Development within five days of recording.

ZMA #492 Marty Mull, applicant (Parcel ID#32211) A request to rezone a 3.7-acre parcel from Neighborhood Business (B-N) to General Business (B-G). The property is located on the west side of Hwy. 16 about 400 feet north of Forney Hill Road in Catawba Springs Township.

CUP #255 Michael Davis, applicant (Parcel ID# 82585) A request for a conditional use permit to place a Class B (doublewide)

mobile home in the Residential Suburban (R-S) district. The 1.0-acre parcel is located on Tommy's Welding Shop Lane about 150 feet east of Hwy. 274 in North Brook Township.

CUP #256 Leigh Anne Bolton, applicant (Parcel ID# 34201) A request for a conditional use permit to operate a day care center in the Transitional Residential (R-T) district. The 10.7-acre parcel is located on the west side of Little Egypt Road about 2,900 feet north of Hwy. 73 in Catawba Springs Township.

PCUR #110 R & L MacLeod Investments, applicant (Parcel ID# 56262) A request to rezone 249 acres from Residential Single-Family (R-SF) and RL-20 Single-Family to Conditional Use Planned Residential (CU P-R) to permit a development with 355 single-family homes and 115 townhomes. The property is located on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs Township.

5. 8:10 PM Commissioner Pay Study Committee Recommendations

6. 8:25 PM Other Business

Adjourn

Approval of Minutes – January 24, 2005: Chairman Anderson presented the minutes of the January 24, 2005 meeting for approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the January 24, 2005 minutes as amended.

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

- Request Sponsored Group Status
 - Tsunami Relief
 - Providence Missionary Baptist Church

Tax Requests for Refunds – More than \$100 – January 10 – 23, 2005

NAME	YEAR	DIST	A/C	AMOUNT	REASON
Saunders, Lena M.	2004	CITY	0063577	\$114.31	Pro-rated Tax Bill

Tax Requests for Releases – More than \$100 – December 16, 2004 – January 15, 2005

Budget Adjustment No. 50 to increase expenditure and revenue line items for additional allocation of funds for Crisis Intervention Program (no county funds).

Budget Adjustment No. 51 to increase expenditure and revenue line items for funds received for Special Children's Adoption Funds (no county funds involved).

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, February 7, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on January 28 and February 4, 2005.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, February 7, 2005, at 6:30 p.m. to consider the following matters:

SOA #25 Lincoln County, applicant. A proposal to amend Sections 304.2 and 307.3 of the Lincoln County Subdivision Ordinance to allow an increase in the scale of subdivision plats for tracts greater than three acres from one inch equals two hundred feet to one inch equals three hundred feet.

SOA #26 Lincoln County, applicant. A proposal to amend Section 303A.5 of the Lincoln County Subdivision Ordinance to require that all subdividers of family subdivisions present copies of the deeds showing to whom the property is being deeded prior to recordation of the plat and to send copies of the recorded deeds to the office of Building and Land Development within five days of recording.

ZMA #492 Marty Mull, applicant (Parcel ID#32211) A request to rezone a 3.7-acre parcel from Neighborhood Business (B-N) to General Business (B-G). The property is located on the west side of Hwy. 16 about 400 feet north of Forney Hill Road in Catawba Springs Township.

CUP #255 Michael Davis, applicant (Parcel ID# 82585) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 1.0-acre parcel is located on Tommy's Welding Shop Lane about 150 feet east of Hwy. 274 in North Brook Township.

CUP #256 Leigh Anne Bolton, applicant (Parcel ID# 34201) A request for a conditional use permit to operate a day care center in the Transitional Residential (R-T) district. The 10.7-acre parcel is located on the west side of Little Egypt Road about 2,900 feet north of Hwy. 73 in Catawba Springs Township.

PCUR #110 R & L MacLeod Investments, applicant (Parcel ID# 56262) A request to rezone 249 acres from Residential Single-Family (R-SF) and RL-20 Single-Family to Conditional Use Planned Residential (CU P-R) to permit a development with 355 single-family homes and 115 townhomes. The property is located on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs 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.

Subdivision Ordinance Text Amendment No. 25: Brad Dyer presented the following information concerning Subdivision Ordinance Text Amendment No. 25.

This is a proposal to amend Section 304.2 and 307.3 to increase the scale allowed on plats from one (1) inch equals two hundred (200) feet, on tracts greater than three (3) acres, to one (1) inch equals three hundred (300) feet.

This amendment is being proposed to help reduce the number of copies surveyors must create when drawing subdivisions of large tracts and to reduce the cost to the subdivider. This would constitute a 50% increase in scale for plats with tracts greater than three (3) acres. Staff has received many requests to increase the scale over the years.

Chairman Anderson opened the public hearing concerning Subdivision Ordinance Text Amendment No. 25.

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

Subdivision Ordinance Text Amendment No. 26: Brad Dyer, Land Use Coordinator, presented the following information concerning Subdivision Ordinance Text Amendment No. 26.

This is a proposal to amend Section 303A.5 of the Lincoln County Subdivision Ordinance to require that all subdivider's of a Family Subdivision show a copy of the deeds for whom the property is to be deeded to before the plat can be released to them for recordation. And the subdivider shall have five (5) days after recording to send copies of the deed(s) to the office of Building and Land Development for filing.

The purpose of this amendment is to protect the intent of the Ordinance and to give the County a means in which to enforce the provisions stated in the Subdivision Ordinance.

Chairman Anderson opened the Public Hearing on Subdivision Ordinance Text Amendment No. 26.

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

Zoning Map Amendment No. 492 – Marty Mull, applicant: Randy Hawkins, Zoning Administrator, presented information concerning Zoning Map Amendment No. 492 – Marty Mull, applicant.

The applicant is requesting the rezoning of a 3.7-acre parcel from Neighborhood Business (B-N) to General Business (B-G). Auto repair garages and mini-warehouses are among the uses permitted in the B-G district that aren't permitted in the B-N district.

The property is located on the west side of Hwy. 16 about 400 feet north of Forney Hill Road. It is adjoined by property zoned Neighborhood Business and Residential Single-Family (R-SF). B-G districts are located about 1,500 feet to the south and north.

Chairman Anderson opened the Public Hearing on Zoning Map Amendment No. 492 – Marty Mull, applicant.

Being no one wishing to speak, Chairman Anderson declared the Public Hearing on Zoning Map Amendment No. 492 – Marty Mull, applicant, closed.

Conditional Use Permit No. 255 – Michael Davis, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 255 – Michael Davis, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 255 – Michael Davis, applicant.

The applicant is requesting a Conditional Use Permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district.

The 1.0 acre parcel is located on Tommy's Welding Shop Lane about 150 feet east of Hwy. 274 in the North Brook Township. It is adjoined by property zoned Residential Suburban and Neighborhood Business (B-N). A singlewide mobile home is located on an adjoining lot on the north side. A junkyard (automobile graveyard) is located just to the south.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 255 – Michael Davis, applicant.

Joan Hull, 261 Tommy's Welding Shop Lane, stated that she is concerned about where the trailer is being put. She stated that while her grandmother owned the land, she put her water line in right where the trailer will be sitting. She stated that her water line was there before they bought the land from her grandmother.

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

Conditional Use Permit No. 256 – Leigh Anne Bolton, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 256 – Leigh Anne Bolton, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 256 – Leigh Anne Bolton, applicant.

The applicant is requesting a Conditional Use Permit to operate a day care center in the Transitional Residential (R-T) district.

The 10.7-acre parcel is located on the west side of Little Egypt Road about 2,900 feet north of Hwy. 73 in Catawba Springs Township. It is surrounded by property zoned Transitional Residential. County water and sewer are available at this site. Catawba Springs Elementary School and East Lincoln High School are located nearby.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 256 – Leigh Anne Bolton, applicant.

Harold Hunter stated that his concern is not necessarily about the daycare, but about the traffic already there. He stated that there are already 3 schools right there on the road. He stated that another business on the road will create more traffic problems.

Mary Young stated that she owns property 200 feet from the proposed daycare center. She asked if there will be any restrictions if she wants to build her home there and if her land is land-locked or if she has a right of way.

Todd Wulforth stated that he is representing Leigh Anne Bolton. He stated that Ms. Young already has a right of way to her property by an existing road. The daycare will have a stucco exterior front and will be vinyl on the sides and back. Phase II is just for approval and the expansion may never come. He stated that they have already applied for a driveway permit.

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

Parallel Conditional Use Rezoning No. 110 – R & L MacLeod Investments, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 110– MacLeod Investments, applicant.

Randy Hawkins presented the following information concerning Parallel Conditional Use Rezoning No. 110 – R & L MacLeod, Investments, applicant.

The applicant is requesting the rezoning of 249 acres from Residential Single-Family (R-SF) and RL-20 Single Family to Conditional Use Planned Residential (CU P-R) to permit a development with 470 homes: 355 single-family detached homes (including 95 patio homes) and 115 townhomes.

The property borders on Blades Trail, Burton Lane, Webbs Road and Sarah Drive in Catawba Springs Township. It is adjoined by property zoned Residential Single-Family, RL-20 Single Family, RL Multi-Family, Residential Suburban (R-S), Planned Residential (P-R) and General Industrial (I-G). County water and sewer is available in this area. A portion of this property lies in the East Lincoln Sewer District.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning No. 110 – R & L MacLeod Investments, applicant.

Bob MacLeod thanked the Board for the opportunity to bring this development back to the Board. He stated that he was told by the Board to remove the lakes from Paradise Lakes and has done that. He has also redirected the entrance on Blades Trail and added an entrance on Webbs Road. He stated that there will be a buffer area around the streams to control sedimentation going into Lake Norman. There will be a clubhouse, a swimming pool, and a children's play area.

Chairman Anderson asked the developer to consider eliminating the number four exit on Blades Trail.

Bob MacLeod stated that he is willing to take this into consideration.

Commissioner Moore asked about the size of the lots.

Bob MacLeod stated that the 90 foot lots are 18,000 – 22,000 square feet, the 70 foot lots are 14,000 – 18,000 square feet, and the average lots on Burton Lane are 200 feet deep.

Commissioner Anderson stated that a developer in Cowans Ford agreed to keep construction traffic off some residential roads. He asked the developer if entrance one could be opened early on and construction traffic be restricted to that entrance.

Martin Kinnamon, from Kublins Transportation, presented the traffic impact study which found that this development would not significantly impact traffic.

There was a discussion concerning the traffic impact study and the impact on Hwy. 16 and Unity Church Road, which was not studied. There were concerns raised that this many cars would not significantly impact traffic, according to the traffic impact study.

Henry Fogle, 8112 Blades Trail, stated that he lives adjacent to the proposed development and is speaking for the members of the Blades Trail Committee. He stated that a major concern of the committee is traffic. He asked that the number of entrances be reduced to 2. He stated that there will be considerable infrastructure impacts on schools, water, sewer, and roads. He stated there needs to be a user tax for these new homes and the state tree needs to be shaken up to get approval for these. He stated that he would like it if construction traffic was not allowed on Blades Trail. Mr. Fogle spoke concerning erosion and sedimentation and asked that the development approval be contingent upon enactment of the Soil and Erosion Control Ordinance.

Anne Michael voiced concerns about watersheds and traffic. She spoke concerning development going on around the lake and the traffic impact study. She asked for the board to look at the county funding traffic impact studies instead of relying on private companies.

Cynthia Jones spoke concerning the traffic issue and air quality. Ms. Jones also spoke about the need to protect the water in Lake Norman. She asked the Board to not allow any further development until the Sediment and Erosion Control Ordinance is in place.

Michael Young, 8354 Normandy Road, stated that he is building a house on Deer Run. He stated that erosion problems and sediment are going into the lake. He asked who will be responsible for the erosion problems.

Spurgeon Mackie, 4130 Cindy Lane, stated the boards should consider the needs of the county instead of the issue of developers making a larger profit. He stated that the homes in this development will not pay for themselves and developments are overtaking resources.

Milton Starnes, 7877 Blades Trail, stated that his house is directly across from the patio homes. He stated that the high density development is not in line with the area and

property values will decline due to these homes. He spoke concerning the traffic issue. He stated that the impact of new homes should be measured and developers should have to pay these costs.

Sharon Patee, 3763 Deer Run, spoke concerning power outages and the fact that Duke Power underestimated growth in the area. She stated that the postal service and the convenience site cannot handle the growth.

Robert Wright stated that he has been working with Bob MacLeod on the project, but was not involved with the ski lake. He stated that he has made notes from the meeting tonight.

Commissioner Funderburk mentioned a letter he received from Tim Sellers which pointed out the same concerns already addressed.

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

Chairman Anderson announced that at this time the Planning Board would retire to the 2nd floor balcony.

Chairman Anderson called for a brief recess. Chairman Anderson called the meeting back to order.

Commissioner Pay Study Recommendations: Chairman Anderson thanked the committee for working on a recommendation concerning Commissioner's pay.

Jim Lail, Chairman of the Commissioner Pay Study Committee, introduced the other committee members, Eddie Faulkner, Bobbi Baker, Joe Tate, and Jeff Faucette. He stated that the committee first met January 12. They contacted people in other counties and talked to present and former Commissioners.

The committee found that the Commissioners were under compensated due to the fact that there is only 1 city in Lincoln County verses several in other comparable counties, Lincoln County is a long county, therefore it is more mileage expense to go from one end to the other, and the amount of time Commissioners spend not only at Commissioner meetings, but at Committee meetings, and on the telephone with citizens.

The committee recommended increasing the monthly salary for the Chairman to \$700.00 per month and \$600 per month for the other Commissioners. They recommended \$300.00 monthly for travel allowance.

The committee recommended making the changes as soon as possible.

Commissioner Funderburk thanked the Board for taking the time to look into this and make recommendations.

Jeff Faucette thanked the Board for the opportunity to participate.

Chairman Anderson thanked the Committee for a professional, objective report.

Commissioner Moore thanked the Committee for their recommendations.

UPON MOTION by Commissioner Moore, the Board voted unanimously to consider these recommendations as part of the budget discussions.

Commissioner Funderburk stated that the Register of Deeds has not had a pay increase since 1990 and the Sheriff has not had a raise since 1997. He stated that he would like for the Committee to do a study on the pay for Register of Deeds and Sheriff.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to continue the services of the Commissioner Pay Study Committee to look at the salaries of the Sheriff and Register of Deeds.

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

Amy S. Long, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners