

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 3, 2004**

The Lincoln County Board of County Commissioners met in regular session on May 3, 2004 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Dean Lutz
Terry Whitener
Darrell Harkey
Clyde Brown
Harold Howard, Jr.
Jerry Geymont
Ken Hovis
John Pagel

Others Present:

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

Call to Order: Chairman Cochrane called the May 3, 2004 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

Chairman Cochrane gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: **UPON MOTION** by Commissioner Craig, the Board voted unanimously to adopt the agenda removing item 13 – Roseland Heights Water Improvements – Bid Default.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MAY 3, 2004

6:30 PM Call to Order

	6:31 PM	Invocation – Chairman Jerry Cochrane
	6:32 PM	Pledge of Allegiance
1.	6:34 PM	Adoption of Agenda
2.	6:35 PM	Approval of Minutes - April 19, 2004
3.	6:40 PM	Consent Agenda - Child Abuse Prevention Month Proclamation - Letter of Credit and Contract #35
4.	6:45 PM	New Business/Advertised Public Hearings – Randy Hawkins

ZMA #475 Timothy Proctor, applicant (Parcel ID# 51680) A request to rezone a 0.43-acre parcel from Residential Suburban (R-S) to General Business (B-G). The property is located at 4774 N. Hwy. 16 in Catawba Springs Township.

ZTA #476 Lincoln County, applicant. A proposal to amend Chapter 2 of the Lincoln County Zoning Ordinance to change the size limitation on “private residential quarters” to one-half the gross heated floor area of the principal structure or 1,000 square feet, whichever is less. Currently, the size limitation is one-half the heated ground floor area of the principal structure or 1,000 square feet, whichever is less. A private residential quarters is defined as an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain.

CUP #231 Shirley Lane, applicant (Parcel ID# 54780) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 0.785-acre parcel is located at 4949 Fox Hollow Drive in Catawba Springs Township.

CUP #232 Travis Adamo, applicant (Parcel ID# 15366) A request for a conditional use permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The 3.73-acre parcel is located on the north side of Beam Lumber Road about 500 feet west of Cat Square Road in Howards Creek Township.

CUP#233 Danny Heavner, applicant (Parcel ID# 81580) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 1.1-acre parcel is

located on Daniels Road and Avery Road in Howards Creek Township.

CUP #234 Rhonda Lovely, applicant (Parcel ID# 79858) A request for a conditional use permit to place a private residential storage building on a lot without a principal residential structure and less than two acres in size. The 0.52-acre parcel, Lot #11 in the Beason Acres subdivision, is located on Our Place in Lincolnton Township.

PCUR #103 Bobby Poole, applicant (Parcel ID# 931372) A request for a parallel conditional use rezoning to rezone 0.52 acres from Transitional Residential (R-T) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. The property is located on the east side of Beth Haven Church Road about 200 feet north of Vesuvius Furnace Road in Catawba Springs Township.

PCUR #104 Larry Clark, applicant (Parcel ID# 53116) A request for a parallel conditional use rezoning to rezone 286 acres from Residential Single-Family (R-SF) and Transitional Residential (R-T) to Conditional Use Planned Mixed-Use (CU P-MU) to permit the development of a major subdivision with 108 standard lots for single-family dwellings, 75 smaller lots for village houses or twin houses, 20 condominiums and a nine-acre commercial section. The property is located on Reepsville Road at the South Fork River and Howards Creek in Howards Creek Township.

5. 8:00 PM Public Hearings – Subdivision Ordinance
Text Amendments 19 & 20
6. 8:15 PM Planning Board Recommendation from April 5, 2004
 - Zoning Map Amendment No. 473 – Enrico Piraino and Giusto Piraino, applicants.
7. 8:30 PM Update on Homeland Security Grants – Susan Spake
8. 8:40 PM Amendment to Ordinance Regulating License and Use of Pool and Billiard Parlors
9. 8:50 PM Lincolnton July 4th Celebration – Request for Funds
10. 8:55 PM Denver Area Business Association Fireworks Festival – Request for Funding – Andrew Johnson
11. 9:00 PM Indian Creek Tank Rehab Bids – Steve Gilbert

12. 9:10 PM Water Design Contracts – Steve Gilbert
13. 9:20 PM Roseland Heights Water Improvements – Bid Default – Steve Gilbert
14. 9:30 PM Request for Funds for Hydrilla Program
15. 9:40 PM Vacancies/Appointments
16. 9:45 PM Contract for APFO Consultation – Kelly Atkins
17. 9:55 PM Other Business

Adjourn

Approval of Minutes – April 19, 2004: Chairman Cochrane presented the minutes of the April 19, 2004 meeting.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the minutes as presented.

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

Child Abuse Prevention Month Proclamation

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, approximately five million children are reported as abused and neglected in this country each year;

WHEREAS, approximately 107,000 children are reported as abused and neglected in North Carolina each year;

WHEREAS, 26 children were victims of child abuse homicide in North Carolina during the year 2002;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community;

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

NOW, THEREFORE, I Jerry W. Cochrane do hereby proclaim April as Child Abuse Prevention Month in Lincoln County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

- Letter of Credit and Contract #35

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, May 3, 2004 and the time, which was advertised in the *Lincoln Times-News* on Friday, April 23 and April 30, 2004.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 3, 2004, at 6:30 p.m. to consider the following zoning matters:

ZMA #475 Timothy Proctor, applicant (Parcel ID# 51680) A request to rezone a 0.43-acre parcel from Residential Suburban (R-S) to General Business (B-G). The property is located at 4774 N. Hwy. 16 in Catawba Springs Township.

ZTA #476 Lincoln County, applicant A proposal to amend Chapter 2 of the Lincoln County Zoning Ordinance to change the size limitation on "private residential quarters" to one-half the gross heated floor area of the principal structure or 1,000 square feet, whichever is less. Currently, the size limitation is one-half the heated ground floor area of the principal structure or 1,000 square feet, whichever is less. A private residential quarters is defined as an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain.

CUP #231 Shirley Lane, applicant (Parcel ID# 54780) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 0.785-acre parcel is located at 4949 Fox Hollow Drive in Catawba Springs Township.

CUP #232 Travis Adamo, applicant (Parcel ID# 15366) A request for a conditional use permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The 3.73-acre parcel is located on the north side of Beam Lumber Road about 500 feet west of Cat Square Road in Howards Creek Township.

CUP#233 Danny Heavner, applicant (Parcel ID# 81580) A request for a conditional use permit to allow a private residential quarters (an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The 1.1-acre parcel is located on Daniels Road and Avery Road in Howards Creek Township.

CUP #234 Rhonda Lovely, applicant (Parcel ID# 79858) A request for a conditional use permit to place a private residential storage building on a lot without a principal residential structure and

less than two acres in size. The 0.52-acre parcel, Lot #11 in the Beason Acres subdivision, is located on Our Place in Lincolnton Township.

PCUR #103 Bobby Poole, applicant (Parcel ID# 931372) A request for a parallel conditional use rezoning to rezone 0.52 acres from Transitional Residential (R-T) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. The property is located on the east side of Beth Haven Church Road about 200 feet north of Vesuvius Furnace Road in Catawba Springs Township.

PCUR #104 Larry Clark, applicant (Parcel ID# 53116) A request for a parallel conditional use rezoning to rezone 286 acres from Residential Single-Family (R-SF) and Transitional Residential (R-T) to Conditional Use Planned Mixed-Use (CU P-MU) to permit the development of a major subdivision with 108 standard lots for single-family dwellings, 75 smaller lots for village houses or twin houses, 20 condominiums and a nine-acre commercial section. The property is located on Reepsville Road at the South Fork River and Howards Creek in Howards Creek 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. 475 – Timothy Proctor, applicant: Randy Hawkins presented the following information concerning Zoning Text Amendment No. 475 – Timothy Proctor, applicant.

The applicant is requesting to rezone a 0.43-acre parcel from Residential Suburban (R-S) to General Business (B-G). Offices, retail sales and other commercial uses are allowed in the B-G district.

The property is located at 4774 N. Hwy. 16, about a quarter mile northwest of Grassy Creek Road. It is adjoined on the east by property zoned General Business, on the south by property zoned Neighborhood Business (B-N), and on the west and north by property zoned Residential Suburban. County water is available at this location. The Lincoln County Land Use Plan designates this area as a commercial and employment center.

Chairman Cochrane opened the public hearing concerning Zoning Map Amendment No. 475 – Timothy Proctor, applicant.

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

Zoning Text Amendment No. 476 – Lincoln County, applicant: Randy Hawkins, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 476 – Lincoln County, applicant.

This is a proposal to amend Chapter 2 of the Lincoln County Zoning Ordinance to change the size limitation on “private residential quarters” to one-half the gross heated floor area of the principal structure or 1,000 square feet, whichever is less. A private residential quarters is defined as an accessory dwelling in the form of a garage apartment or guest house, not rented or occupied for gain.

This change would allow an owner of a two-story home to build a larger accessory dwelling than currently allowed. For example, a two-story home with 1,600 square feet of gross heated floor area is now limited to a 400-square-foot guest house, while a single-story, 1,600 square-foot-home is allowed an 800-square-foot guest house. Other counties base the allowed size of an accessory dwelling on the gross heated floor area.

Chairman Cochrane opened the public hearing concerning Zoning Text Amendment No. 476 – Lincoln County, applicant.

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

Conditional Use Permit No. 231 – Shirley Lane, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 231 – Shirley Lane, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 231 – Shirley Lane, applicant.

The applicant is requesting a Conditional Use Permit to allow a private residential quarters (an accessory dwelling not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) zoning district. The applicant is proposing to convert a 528-square-foot detached garage into living quarters for her father.

The 0.785-acre parcel is located at the corner of Fox Hollow Drive and McConnell Road on Lake Norman. It is adjoined by property zoned Residential Single-Family.

Mr. Hawkins stated that Shirley Lane was unable to be here tonight, but would just like to have this living quarters for family use.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 231 – Shirley Lane, applicant.

Robert Emory, stated that he lives in the Live Oaks subdivision. He stated that the property is fine and he has no issue with turning it into a residence, the only problem is if it expands. He asked for assurance that the house won't be expanded and that the house will not be rented.

Randy Hawkins stated that the Conditional Use Permit is only for converting the garage into a dwelling unit. He stated that the Lane's fully understand that it is not to be rented.

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

Conditional Use Permit No. 232 – Travis Adamo, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 232 – Travis Adamo, applicant.

Randy Hawkins, Zoning Administrator, presented the following information.

The applicant is requesting a Conditional Use Permit to place a Class C (singlewide) mobile home in the Residential Suburban (R-S) district. The mobile home is a 1999 model with a shingled roof and vinyl siding.

The 3.73-acre parcel is located on the north side of Beam Lumber Road about 500 feet west of Cat Square Road in the Howard's Creek Township. It is surrounded by property zoned Residential Suburban. The surrounding area has a mixture of site-built homes and mobile homes.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 232 – Travis Adamo, applicant.

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

Conditional Use Permit No. 233 – Danny Heavner, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 233 – Danny Heavner, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 233 – Danny Heavner, applicant.

The applicant is requesting a Conditional Use Permit to allow a private residential quarters (an accessory dwelling in the form of a garage apartment of guest house, not rented or occupied for gain) to be located in the Residential Single-Family (R-SF) district. The applicant is proposing to build a house and a guest cottage.

The 1.1-acre parcel is located on Daniels Road and Avery Road in Howard's Creek Township. It is surrounded by property zoned Residential Single-Family.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 233 – Danny Heavner, applicant.

Danny Heavner, 5998 Beam Lumber Road, stated that would like to build a guest house for his wife's mother or his dad to live in as they grow older. He also has a daughter who lives in Minnesota that may also stay in the guest house for visits. The house will only be for use by his family.

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

Conditional Use Permit No. 234 – Rhonda Lovely, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 234 – Rhonda Lovely, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 234 – Rhonda Lovely, applicant.

The applicant is requesting a Conditional Use Permit to place a private residential storage building on a lot without principal residential structure and less than two acres in size. The applicant resides on an adjacent lot.

The 0.52-acre parcel, Lot#11 in the Beason Acres subdivision, is located on Our Place in Lincolnton Township. It is zoned Residential Single-Family and is surrounded by property zoned Residential Single-Family.

Chairman Cochrane opened the public hearing concerning Conditional Use Permit No. 234 – Rhonda Lovely, applicant.

Rhonda Lovely, applicant, stated that she bought the side lot to enhance her property. This building will be an enhancement, not an eyesore.

Thomas Danner stated that he owns Lot #6, which is across the street. He stated that this is a very nice subdivision. His only concern was what would happen in the lot would change hands.

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

Parallel Conditional Use Rezoning No. 103 – Bobby Poole, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 103 – Bobby Poole, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 103 – Bobby Poole, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone 0.52 acres from Transitional Residential (R-T) to Conditional Use Neighborhood Business (CU B-N) to permit an auto sales lot. As part of the request, the applicant has agreed to a condition that the sales lot display no more than 12 vehicles at any time.

The property is located on the east side of Beth Haven Church Road about 200 feet north of Vesuvius Furnace Road in Catawba Springs Township. The property is part of a 13.8-acre tract, the remainder of which would remain zoned R-T. The applicant resides on an adjacent lot. The surrounding property is zoned R-T.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 103 – Bobby Poole, applicant.

Bob Poole, applicant, stated that he has been in auto sales for 40 years. He stated that the lot is currently grass and will remain grass. He stated that he only has 4 or 5 cars and will continue to have that many.

Sonya Morris, 1374 Beth Haven Church Road, stated that she has lived there for 34 years. She stated that Mr. Poole is a good neighbor and she has nothing against him, but would like the neighborhood to remain residential. She stated that the traffic for a

business would disrupt their neighborhood and once the property is zoned business, it would open the door for other business in the area.

Jake Hill stated that he lives in Salisbury, but has property close to Beth Haven Church Road. He asked if he could still build a house on the property if the zoning change goes through. He stated that he does not approve of a car lot, but will not oppose it.

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

Parallel Conditional Use Rezoning No. 104 – Larry Clark, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Parallel Conditional Use Rezoning No. 104 – Larry Clark, applicant.

Randy Hawkins, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 104 – Larry Clark, applicant.

The applicant is requesting a parallel conditional use rezoning to rezone 286 acres from Residential Single Family (R-SF) and Transitional Residential (R-T) to Conditional Use Planned Mixed Use (CU P-MU) to permit the development of a major subdivision with 203 dwelling units – 108 standard lots for single-family homes, 75 smaller lots for village houses or twin houses and 20 condominiums – and a nine-acre commercial section. The 286 acres are part of a 365-acre tract, the remainder of which would remain zoned Residential Single-Family. The development would be fully served by public water supplied by the City of Lincolnton, with the village lots and commercial section served by city sewer.

The property is located on Reepsville Road at the South Fork River and Howard's Creek, about two miles northwest of downtown Lincolnton. It is adjoined by property zoned Residential Single-Family and Transitional Residential. This property has been farmland for many years. The surrounding area consists of farmland and residential lots.

Commissioner Anderson expressed concerns that the Board has set a precedence using \$524 as the figure for schools. He stated that this number is between 3 and 4 years old. He also expressed concerns about the traffic study and three intersections: Pine Street/Grove Street, Grove Street/West Main Street, and Sycamore/Grove.

Randy Hawkins stated that Grove Street is a state maintained road and Mr. Clark met with the Engineer from DOT, who did not suggest looking at this road.

Chairman Cochrane opened the public hearing concerning Parallel Conditional Use Rezoning No. 104 – Larry Clark, applicant.

Larry Clark, applicant, stated that he will respond to any questions.

Gary McConnell, 2159 Reepsville Road, stated that his wife is Susan Cline McConnell, one of the sisters involved with this property. He stated that the property has been farmed for years and none of the children are interested in farming. The land is

deteriorating and the sisters decided to develop the property instead of auctioning it off. This way, they have control over what goes in there. He requested that this change be adopted.

Jeremy Ellige stated that he lives on Lot 21 in Haywood Meadows. He spoke concerning the adjacent land below the lot. He stated that he was told that if this 5 acres ever went up for sale, he would be given the first option to buy it.

Sharon Beasley, 1361 John Cline Ct., stated that she recently moved there because it is country. She likes looking up and seeing the stars. She asked why the developer was considering condominiums. She stated that she would rather the property be auctioned off in 10-acre tracts.

Steve Killian, 1865 Tinsel Trail, spoke in support of the project. He stated that he and his parents own land nearby and have known the Cline's for a long time. He asked the Board not to let anything stand in the way of the development.

Lewis Helms, stated that he is building a house in Haywood Meadows. He stated that he is moving out of the city and did not know he was bringing it with him. He stated that he does not understand why the developer cannot do 10-acre tracts.

Commissioner Mitchem asked staff how many houses could go on this property.

Randy Hawkins stated that over 400 homes could be put there.

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

Subdivision Ordinance Text Amendment No. 19 and 20: Jeff Taylor presented the following information concerning Subdivision Ordinance Text Amendment No. 19 and 20.

The Tax Department has raised an issue concerning the submission of subdivision plats that have lot lines crossing existing property lines that divide ownership between separate owners. This practice is creating a problem for Mapping in determining how much property is owned by each respective owner for purposes of assessing taxes against it.

To give an example, suppose that Party A and Party B own tracts of land side by side. They go together to create a subdivision but do not combine ownership of their separate tracts. Some of the lots that are created have portions that come from Party A's side of the line and portions from Party B's side of the line. Until the lots are sold to new owners, Party A and Party B have the legal obligation to continue to pay the taxes on the portions that they own. But when Mapping examines the new plats as they are being submitted under the existing practice, it is not clear who owns which fractional portion of each lot that crosses the Party A/Party B property line. Legally, Party A and Party B cannot be jointly billed for the lots that cross their property line. On a one-acre lot, for instance, if Party A owns only one-third and Party B owns two-thirds, then Party A is

legally responsible for only one-third of the taxes. So Mapping needs a mechanism to be sure that future plats will show which portions of any boundary-crossing lots are owned by which owner so that taxes can be correctly billed.

This is NOT the same situation as where Party A and Party B are co-owners of a piece of property. This is the situation where Party A and Party B are separate owners of adjacent properties.

The following text amendment is proposed to require that any future plats involving this scenario indicate the ownership boundary lines and acreages as owned by each separate owner.

SUBDIVISION ORDINANCE TEXT AMENDMENT #19

Section 309 of the Lincoln County Subdivision Ordinance is hereby amended to add the following language to the requirements for subdivision plats:

–Proposed lot lines, lot and block numbers, and appropriate dimensions of each lot. (*Where any plat subdivides tracts owned by more than one owner, such plat must indicate the boundaries of ownership of each separate owner and the acreage owned by each separate owner.*)

A recent situation has raised an issue concerning the need to clarify developers' obligations to transfer improvements to the County or the East Lincoln County Water & Sewer District, as the case may be, when they are completed. As you already know, under existing procedure, developers can obtain approval of subdivision plats by signing a contract with the County agreeing to install improvements and transfer them to the County or District. The spirit and intent of the existing wording of the Subdivision Ordinance is that the transfer would be full, complete, and unrestricted, but the Ordinance is not explicit on this point.

Recently, a developer tried to restrict conveyance of sewer lines in such a fashion that the developer would retain control over who could connect to some of the facilities that it was required to construct in order to get plat approval. It would be a bad precedent for the County or District to accept any water or sewer lines that were conveyed subject to such a restriction because it would put the County or District in the position of being responsible for the operations of facilities that they do not completely control.

In addition to making some changes to internal policies, which have already been discussed with staff, the following change to the Subdivision Ordinance is recommended in order to make explicit the requirement of complete conveyance of such improvements.

SUBDIVISION ORDINANCE TEXT AMENDMENT #20

Section 307.2(a) of the Lincoln County Subdivision Ordinance is hereby amended to add a sentence as indicated:

a) Agreement and Security Required.

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, Lincoln County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. ***The agreement must specifically provide that full, unrestricted, and complete ownership, access, and control of all such improvements will be conveyed to the appropriate government agency upon completion.*** [Remainder of Section 307.2 (a) unchanged.]

Chairman Cochrane opened the public hearing concerning Subdivision Ordinance Amendments 19 and 20.

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

The Planning Board reconvened their meeting on the 2nd floor balcony.

Chairman Cochrane called for a brief recess.

Chairman Cochrane called the meeting back to order.

Planning Board Recommendation: Chairman Cochrane stated that the Board still does not have sufficient information to make a decision concerning Zoning Map Amendment No. 473 – Enrico Piraino and Giusto Piraino, applicants.

Amendment to Ordinance Regulating License and Use of Pool and Billiard Parlors:

Jeff Taylor, County Attorney, presented an amendment to the Ordinance Regulating License and Use of Pool and Billiard Parlors. He stated that the Sheriff would like a more comprehensive rewrite, but the Board can adopt the Resolution to make the changes and then get with the Sheriff to make further changes. He stated that no public hearing is needed, but the amendment must be approved by a unanimous vote.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the Resolution to Amend the Ordinance Regulating the Licensing and Use of Billiard Parlors.

**RESOLUTION TO AMEND ORDINANCE
REGULATING THE LICENSING AND USE OF BILLIARD PARLORS**

WHEREAS, on March 5, 1979, the Lincoln County Board of Commissioners adopted an Ordinance Regulating the Licensing and Use of Billiard Parlors; and

WHEREAS, the Board now finds it necessary and desirable to amend the existing 1979 Ordinance as further set forth hereinafter; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

1. Section Ten of the Ordinance Regulating the Licensing and Use of Billiard Parlors is hereby amended to delete subsection F and rewrite subsection E to read as follows:

[No licensee or employee of any such licensee shall....]

E. Permit intoxicating liquors, wine, beer, other fermented malt beverages, or any narcotics or other controlled substances (as defined by the North Carolina General Statutes) to be sold, consumed, or otherwise be present on the premises on which licensed billiard tables are located, except that licensed premises with four or fewer pool or billiard tables may sell alcoholic beverages.

2. Subsection B of Section Eleven is hereby deleted in order to be consistent with the amendment made above and the remaining subsections of Section Eleven are hereby relettered accordingly.
3. Section Four of the Ordinance is hereby rewritten to change the amount of the bond from \$1,000 to \$250.
4. These amendments shall be effective immediately.

Adopted this 3rd day of May, 2004.

Jerry W. Cochrane, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Requests for Funds – Lincolnton July 4th Celebration and Denver Area Business Association Fireworks Festival: UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the requests for funds for the Lincolnton July 4th Celebration and Denver Area Business Association Fireworks Festival.

Update on Homeland Security Grants: Susan Spake gave an update on Homeland Security Grants.

Indian Creek Tank Rehab Bids: Steve Gilbert presented the following information concerning Indian Creek Tank Rehab Bids.

Indian Creek Industrial Park has a dedicated fire protection system consisting of a 400,000 gallon ground storage tank with pumps that provide fire protection for five

individual industries (users) at the park. The Public Works Department has the responsibility of maintaining the system, and the users of the system are responsible for the cost of operation, maintenance and repairs. The tank was inspected last fall, and the paint coating needs to be rehabilitated to maintain its functionality. At the request of the users, the Public Works Department received informal quotes for the rehabilitation, which consists of cleaning and recoating both the interior and exterior of the tank.

Quotes were submitted as follows:

R.E. McLean Tank Company, Inc. -	\$39,400.00
Southern Corrosion, Inc. -	\$46,919.00
Utility Service Co., Inc. -	\$48,574.00

Since there is no corporate entity at the industrial park to sign a contract with the contractor, we are proposing that the County enter into this contract and be reimbursed by the users of the system. Smaller, more normal repairs are routinely done in this manner without Board action, but this contract was of such an amount we felt it necessary to obtain the Board's approval for this arrangement. Each of the five industries has agreed to pay their portion of this obligation upon our billing them, so there will be no net expense to the County.

The Public Works Department recommends the tank rehabilitation contract be awarded to R.E. McLean Tank Company, Inc. in the amount \$39,400.00 as presented.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to award the contract to R.E. McLean Tank Company, Inc. in the amount of \$39,400.00.

Water Design Contracts: Steve Gilbert presented the following information concerning Water Design Contracts.

Curve View Road – NCDOT has approached us with plans to replace a triple pipe culvert under Curve View Road at the intersection with Brookwood Road. Our water lines run along Curve View and also serve the entire Brookwood Acres neighborhood. The area of construction to be disturbed by the State includes this intersection, and our water lines would not be able to stay in place during the construction. We propose to relocate the lines out of the way of the construction so as to not have any interruption in service to the water customers in the area. We have received a quote from WK Dickson in the amount of \$3,830.00 to provide design engineering services, including field survey, design plans & specifications and bidding assistance, for this project.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the contract with WK Dickson for \$3,830.00 total and an hourly rate on bidding assistance not to exceed \$1,130.00.

Request for Funds for Hydrilla Program: Stan Kiser, County Manager, presented a request from the Lake Norman Marine Commission for \$3,000 for the Hydrilla program for Lake Norman. The program calls for putting sterile grass carp into the lake to begin to manage the hydrilla. Commitments have been made by Duke Power and Charlotte-Mecklenburg Utility. Requests have been made to Catawba County and the Town of Mooresville.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the Request for Funds for the Hydrilla Program.

Vacancies: Commissioner Craig presented the following vacancies and appointments.

VACANCIES

Nursing and Adult Care Home Community Advisory Committee 6

Recreation Commission – Union 1

Howards Creek	1
Lincolnton	1
Ironton	2

Solid Waste Advisory Board 4

(3 year terms, only meet about 2 times per year)

Historic Properties Commission 1

The following are Commissioner Craig's recommendations.

Planning Board – At Large

Louis McConnell

Board of Adjustment -Alternate

Peter Browne

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the appointments.

Contract for APFO: Kelly Atkins, Director of Building and Land Development, gave a Powerpoint presentation concerning Adequate Public Facilities Ordinances and presented a proposal from Freilich, Leitner & Carlisle to conduct a work session for the Planning Board and Board of Commissioners. The proposal includes a visit to Lincoln County to educate the boards and staff on what measures would need to be taken to enact an APFO. The proposal is for \$1,500, plus out of pocket expenses and includes preparation for and attendance of representatives from Freilich, Leitner & Carlisle at the initial planning session. The workshop will be scheduled within 60 days.

UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the proposal subject to receiving an amendment with expenses listed.

Commissioner Mitchem suggested that invitations be sent to realtors, homebuilders, etc. for the work session.

Jeff Taylor presented a draft Peddling and Solicitation Ordinance.

Stan Kiser stated that his budget presentation will be at the May 17 meeting. The Board set a work session for Thursday, May 27 at 3:00 p.m.

Commissioner Funderburk stated that several people have voiced opinions on convenience sites staying open late on Saturdays, since few people visit late. It was the consensus of the Board to start closing the convenience sites at 6:30 p.m. In July, with the new budget year, sites will be open on Wednesdays.

Chairman Cochrane asked Dean Lutz and Kelly Atkins to designate a task force to look at existing rules and regulations to see if they are adequate and see what needs to be changed in the Zoning and Subdivision Ordinances to tighten up on soil and erosion control in major subdivisions along the lake.

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

Amy S. Long, Clerk to the Board

Jerry W. Cochrane, Chairman