

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 9, 2009**

The Lincoln County Board of Commissioners met on March 9, 2009 at the James W. Warren Citizens Center Auditorium, 115 West Main Street, Lincolnton, North Carolina, the designated place of meeting at 6:30 PM.

**Commissioners Present:**

Alex E. Patton, Chairman  
Bruce Carlton, Vice Chairman  
George Arena  
James A. Klein  
Carrol Mitchem

**Planning Board Members Present:**

Jerry Geymont, Chairman  
Louis McConnell, Vice-Chairman  
Tom Campbell  
Karl Dearnley  
Gary Garlow  
Keith Johnson  
James Mauney  
Jeff Frushtick

**Others Present:**

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Building and Land Development Director  
Randy Hawkins, Zoning Administrator  
Leon Harmon, Finance Director  
Barry McKinnon, Sr. Utility Engineer

**Call to Order:** Chairman Patton called the March 9, 2009 meeting of the Lincoln County Board of Commissioners to order.

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

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

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to adopt the revised agenda. .

**\*REVISED\***  
**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MARCH 9, 2009**

- |     |         |  |
|-----|---------|--|
|     | 6:30 PM | Call to Order  |
|     | 6:31 PM | Invocation – Commissioner Carlton  |
|     | 6:32 PM | Pledge of Allegiance   |
| 1.  | 6:33 PM | Adoption of Agenda   |
| 2.  | 6:34 PM | Consent Agenda <ul style="list-style-type: none"><li>- Approval of Minutes</li><li>- February 16, 2009</li><li>- Tax Requests for Releases<ul style="list-style-type: none"><li>- More than \$100 – 1/16 – 2/15/09</li></ul></li><li>- Tax Requests for Refunds<ul style="list-style-type: none"><li>- More than \$100 – 1/26 – 2/8/09</li></ul></li></ul> |
| 3.  | 6:36 PM | Resolution #2009-4: Resolution Honoring Neil Anthony Fincham   |
| 4.  | 6:40 PM | Resolution #2009-5: Resolution Honoring Andrew Matthews  |
| 5.  | 6:45 PM | Resolution #2008-6: Resolution Honoring Scott Ballard  |
| 6.  | 6:50 PM | Public Comments  |
| 7.  | 7:05 PM | Motion to Approve County Manager’s Recommendation on a Sewer Revenue Allocation Policy with the City of Lincoln – George Wood  |
| 8.  | 7:10 PM | Report from North Carolina Association of County Commissioners (NCACC) – Commissioner Klein<br><br>NC Coordination for "The American Recovery and Reinvestment Act (Stimulus)<br>FY2010 Membership Dues<br>District 12 Mtg. 4/12 in Statesville  |
| 9.  | 7:15 PM | Pathways LME Funding FY09/FY10 – Commissioner Klein  |
| 10. | 7:25 PM | Motion to award a contract in the amount of \$4,374,318.50 to the  |

lowest bidder, State Utility Contractors of Monroe, NC, for the Killian Creek Gravity Sewers, Pump Stations, and Force Mains Project – George Wood

11. 7:35 PM Motion to award a contract in the amount of \$14,572,000 to the lowest bidder, Wharton-Smith of Charlotte, NC for the Killian Creek Wastewater Treatment Plant Project, accepting the base bid of \$14,222,000, and the preferred equipment of the Lakeside Preliminary Treatment Equipment at \$110,000; the Aqua Aerobics Effluent Disk Filter at \$160,000; the Fournier Rotary Sludge Press at \$80,000; and the 60-day Early Completion Option at no additional cost – George Wood
12. 7:45 PM Zoning Public Hearings – Randy Hawkins

ZMA #569 Lincoln County, applicant A proposal to amend the Lincoln County Zoning Map to establish Thoroughfare Overlay Districts along old N.C. 16, new N.C. 16, N.C. 73, East N.C. 150, East N.C. 27, U.S. 321, Maiden Highway, Gastonia Highway, West N.C. 27, West N.C. 150, West N.C. 150 Bypass, N.C. 182, N.C. 274, N.C. 18 and N.C. 10. This proposal would eliminate the existing Designated Highway Overlay Districts along old N.C. 16, N.C. 73 73, East N.C. 150, U.S. 321, Maiden Highway, Gastonia Highway, West N.C. 150, West N.C. 27, N.C. 18 and N.C. 10. Under the proposal, the new districts would extend 500 feet from the edge of the highway right-of-way on both sides. In a Thoroughfare Overlay District, additional standards would be applied to nonresidential, multi-family and planned developments for the purpose of maintaining a safe, efficient and functional development pattern and an aesthetic landscape.

ZMA #570 Lincoln County, applicant A proposal to amend the Lincoln County Zoning Map to establish a Little Creek Cove Overlay District. The proposed district is roughly bounded by Burton Lane, Webbs Road, N.C. 16, Campground Road and Pine Ridge Drive. The purpose of the proposed district is to protect the water quality of Little Creek Cove, where the intake for Lincoln County's water treatment plant is located. Additional development standards and protective measures may be applied in the proposed district.

ZTA #571 Lincoln County, applicant A proposal to amend the Lincoln County Unified Development Ordinance as follows:

Amend various sections for reorganization and clarification purposes, to correct typographical errors and references, and to add references.

Amend Section 2.2.1 to make "Outdoor recreation, public" a conditional use in the R-R and R-T districts.

Amend Section 2.4.8.B.1 to require a minimum side yard (interior) setback in nonresidential districts as follows: 10 feet in O-R and B-N districts; 15 feet in B-G and C-B districts, 20 feet in I-L and I-G districts.

Amend Section 2.5.1.B.6 to state that foundation plantings in the UTO district are not required along building facades abutting public roads.

Amend Section 2.5.1.B.8(e), 2.5.1.C.9(e) and 2.5.1.D.6(e) to state that pedestrian walkways must include weather protection features such as awnings or arcades over the door and extending within five feet of all customer entrances.

Amend Section 3.4.1.A to exempt the construction of a two-family house on a previously approved individual lot from the landscaping requirements of Section 3.4.

Amend Section 3.4.1.B.1 to state that in determining the number of plantings per square feet of landscape area required, the landscape area shall be rounded up to the next multiple of 10,000 square feet.

Amend 3.4.1.B.2 to stipulate that the required landscaping in parking lots must be provided completely in addition to the other required landscaping.

Amend Section 3.6.3.C.2(b) to refer to N.G. General Statutes 113A-71, to require that any parking area of one acre or more have an maximum impervious surface of 80% or that the stormwater generated by the first two inches of rain that fall on least 20% of the parking lot flow to an appropriately designed bioretention area, and to exempt parking areas in a WS-II, WS-III or WS-IV watershed.

Amend 3.9.5.A.1(a) to stipulate that a maximum of 100 square feet of any wall or window may be devoted to signage (unless the principal building is set back more than 50 feet from the front building line)

Amend Section 5.5.A to state that sidewalks shall be a minimum of five feet in width.

Amend Section 9.7.2.A.1(b) to state that expansion of an existing conforming nonresidential structure that would not cause it to exceed 50,000 square feet shall be reviewed as a minor site plan.

Amend Section 9.7.6.A to state that a minor deviation from an approved major site plan shall include a less than five percent increase in the floor area or number of units.

Amend Section 9.10.1.D and 9.11.1.D to state that public facilities, major and minor utilities, and other land uses owned by Lincoln County shall be considered permitted uses.

13. 10:00 PM Other Business

Adjourn

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

- Approval of Minutes
  - February 16, 2009
- Tax Requests for Releases
  - More than \$100 – 1/16 – 2/15/09

NAME	YEAR	A/C NO	AMOUNT
Barrentine, Jerry Ronald	2008	0216089	\$196.96

Brown, Michael Austin	2008	0206074	\$118.12
Cool Springs Enterprise Inc.	2008	0064013	\$376.74
Dixon, Brittney Larose	2008	0217066	\$175.27
Doster, Donald Ray	2008	0181092	\$102.14
Estes, Gordon Michael	2007	0211129	\$170.32
Gatza, Robert David	2008	0153117	\$1,316.17
Kirkpatrick, Richard Leroy	2008	0178960	\$223.40
Mitchell, Ethel Jones	2006	0158219	\$228.53
Shearer, Keith M	2008	0192938	\$120.45
Stathopoulos, George Spero	2008	0216090	\$419.34
Strauss, Kenneth J II	2008	0217035	\$288.49
Thomas, Randy Allen	2008	0061430	\$131.97
		<b>TOTAL</b>	<b>\$3,867.90</b>

NAME	YEAR	A/C NO	AMOUNT
	2004-		
Avery, Bobby Larry Jr.	2008	0102830	\$827.33
Barker, Berley Laney	2008	0155252	\$158.70
Bleiberg, Paul Richard	2008	0138748	\$151.33
Duncan Investigation Agency	2008	0207346	\$207.90
Fowler, James	2008	0189024	\$213.88
Ingle, Calvin Wilson	2008	07193	\$652.53
Leonhardt, Elizabeth Lemaster	2008	0157597	\$183.46
Meuhlen, William	2008	0216005	\$284.28
Moore, Gary	2008	0204965	\$124.76
Pharr, Mickey	2008	0213876	\$143.74
Schillo, Louis	2008	0175967	\$321.65
Simon, Joseph	2008	0213889	\$105.85
Treherne, Catherine M	2008	0152885	\$140.89
Troy Motz Constructions (DBA)	2008	0187345	\$173.25
		<b>TOTAL</b>	<b>\$3,689.55</b>

- Tax Requests for Refunds

- More than \$100 – 1/26 – 2/8/09

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

# **REQUEST FOR REFUNDS**

PERIOD COVERED (JANUARY 26, 2009-FEBRUARY 8, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
DCFS Trust	2008	CITY	0190726	175.06
Graham, Joel R.	2008	DFD/ELSD	0198437	107.72
Revens, Charles L.	2008	ELFD/ELSD	0130692	221.50

TOTAL \$504.28

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (JANUARY 26, 2009-FEBRUARY 8, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Lazorik, Robert T.	2008	DFD	0078361	135.24
Nations Media, LLC	2008	ELFD/ELSD	0202048	180.86
<b>TOTAL</b>				<b>\$ 316.10</b>

**Resolution #2009-4: Resolution Honoring Neil Anthony Fincham:** Chairman Patton read and presented Resolution #2009-4: Resolution Honoring Neil Anthony Fincham to Mr. Fincham.

**RESOLUTION #2009-4: A RESOLUTION HONORING  
NEIL ANTHONY FINCHAM**

WHEREAS, on behalf of all the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, **Neil Anthony Fincham** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, **Neil Anthony Fincham** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners recognize and congratulate **Neil Anthony Fincham** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this the 9<sup>th</sup> day of March, 2009.

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Alex E. Patton  
Chairman

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Bruce Carlton  
Vice Chairman

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George Arena

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James A. Klein

Commissioner

Commissioner

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Carrol D. Mitchem  
Commissioner

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Resolution #2009-4: Resolution Honoring Neil Anthony Fincham.

**Resolution #2009-5: Resolution Honoring Andrew Matthews:** Chairman Patton read and presented Resolution #2009-5: Resolution Honoring Andrew Matthews to Mr. Matthews.

**RESOLUTION #2009-5: A RESOLUTION HONORING  
ANDREW MATTHEWS**

WHEREAS, on behalf of all the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, **Andrew Matthews** demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, **Andrew Matthews** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners recognize and congratulate **Andrew Matthews** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this the 9<sup>th</sup> day of March, 2009.

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Alex E. Patton  
Chairman

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Bruce Carlton  
Vice Chairman

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George Arena  
Commissioner

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James A. Klein  
Commissioner

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Carrol D. Mitchem

Commissioner

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve the Resolution #2009-5: Resolution Honoring Andrew Matthews.

**Resolution #2009-6: Resolution Honoring Scott Ballard:** Chairman Patton read and presented Resolution #2009-6: Resolution Honoring Scott Ballard to Mr. Ballard.

**RESOLUTION #2009-6: A RESOLUTION HONORING  
SCOTT BALLARD**

WHEREAS, on behalf of all the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, **Scott Ballard** has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, **Scott Ballard** has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners recognize and congratulate **Scott Ballard** upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this the 9<sup>th</sup> day of March, 2009.

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Alex E. Patton  
Chairman

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Bruce Carlton  
Vice Chairman

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George Arena  
Commissioner

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James A. Klein  
Commissioner

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Carrol D. Mitchem  
Commissioner



**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Resolution #2009-6: Resolution Honoring Scott Ballard.

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

John R. Hoffman stated that he appreciates very much that the Board has delegated this large crowd to sit until the very end of this meeting to be heard.

Barbara Ledford stated that her husband died last year and she owns the rentals that they had purchased together. She said she does not want her land taken.

Rachael Watkins stated that she would like to have less government in her life instead of more government.

Being no additional speakers, Chairman Patton declared public comments closed.

**Motion to Approve County Manager's Recommendation on a Sewer Revenue Allocation Policy with the City of Lincolnton – George Wood:** Mr. Wood presented a Sewer Revenue Allocation Policy with the City of Lincolnton.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the motion to approve the County Manager's recommendation on a sewer revenue allocation policy with the City of Lincolnton.

**Motion to award a contract in the amount of \$4,374,318.50 to the lowest bidder, State Utility Contractors of Monroe, NC for the Killian Creek Gravity Sewers, Pump Stations, and Force Mains Project – George Wood:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to award a contract in the amount of \$4,374,318.50 to the lowest bidder, State Utility Contractors of Monroe, NC for the Killian Creek Gravity Sewers, Pump Stations and Force Mains Project.

**Motion to award a contract in the amount of \$14,572,000 to the lowest bidder, Wharton-Smith of Charlotte, NC for the Killian Creek Wastewater Treatment Plant Project, accepting the base bid of \$14,222,000, and the preferred equipment of the Lakeside Preliminary Treatment Equipment at \$110,000; the Aqua Aerobics Effluent Disk Filter at \$160,000; the Fournier Rotary Sludge Press at \$80,000; and the 60-day Early Completion Option at no additional cost – George Wood:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to award a contract in the amount of \$14,572,000 to the lowest bidder, Wharton-Smith of Charlotte, NC for the Killian Creek Wastewater Treatment Plant Project, accepting the base bid of \$14,222,000 and the preferred equipment of the Lakeside Preliminary Treatment Equipment at \$110,000; the Aqua Aerobics Effluent Disk Filter at \$160,000; the Fournier Rotary Sludge Press at \$80,000; and the 60-day Early Completion Option at no additional cost.

### **New Business/Advertised Public Hearings:**

Chairman Patton announced that this was the date, Monday, March 9, 2009, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on February 20 and February 27, 2009.

### **NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, March 9, 2009, at 6:30 p.m. to consider the following matters:

**Zoning Map Amendment No. 569 – Lincoln County, applicant:** Randy Hawkins presented the following information concerning Zoning Map Amendment No. 569.

This is a proposal to amend the Lincoln County Zoning Map to establish Thoroughfare Overlay Districts along old N.C. 16, new N.C. 16, N.C. 73, East N.C. 150, East N.C. 27, U.S. 321, Maiden Highway, Gastonia Highway, West N.C. 27, West N.C. 150, West N.C. 150 Bypass, N.C. 182, N.C. 274, N.C. 18 and N.C. 10. This proposal would eliminate the existing Designated Highway Overlay Districts along old N.C. 16, N.C. 73, East N.C. 150, U.S. 321, Maiden Highway, Gastonia Highway, West N.C. 150, West N.C. 27, N.C. 18, and N.C. 10.

Under the proposal, the new districts would extend 500 feet from the edge of the highway right-of-way on both sides. Under the Unified Development Ordinance, in Thoroughfare Overlay Districts, additional standards would be applied to nonresidential, multi-family and planned developments for the purpose of maintaining a safe, efficient and functional development pattern and an aesthetic roadscape.

Three different overlay districts are proposed, each with its own special regulations: Rural Thoroughfare Overlay (RTO), Suburban Thoroughfare Overlay (STO) and Urban Thoroughfare Overlay (UTO). In some cases, certain stretches of the same highway would be designated as different overlay districts.

The additional standards that would be applied in the overlay districts involve access management (limits on the number of driveways and separation requirements between driveways and between driveways and intersections), landscaping, signage, sidewalks, building setbacks, building design, and location of parking areas.

Mr. Hawkins reviewed the history of the UDO.

He stated that this would not affect existing homes or businesses. It does not involve taking anyone's land and does not involve taking more right of ways.

Planning Board member Keith Johnson asked about possible scenarios in the Rural Thoroughfare.

Chairman Patton opened the public hearing.

Carrol Mitchem stated that there was a question as to whether he could speak as a citizen or not. He stated that he hopes that if the other four Commissioners had gotten a postcard, they would want to speak on it too. He stated that this UDO has been fast-tracked and is just more rules, more regulation, more red tape, another layer of government. He stated that he is the only Commissioner who received a postcard. He said it is time for the people of Lincoln County to stand up and say no, no, no, I've had enough.

James Hallman stated that he is opposed to the latest encroachment on property owner's rights. He said our constitution grants us the right to life, liberty and the pursuit of happiness. He suggested the County encourage development of property rather than adding burdensome and costly restrictions such as dictating sidewalks, plantings and building placement at this time of severe recession. Mr. Hallman suggested that this proposal be returned to the Planning Board and hopefully forgotten or called for a vote on it tonight so the public can see where Commissioners stand on this issue.

Joe Kiser stated that it was said in the newspaper that people didn't understand, but the people know exactly what is going on here. He said that this is only putting more restrictions on property rights. He said he does not know where this came from, but it didn't come from Lincoln County. He stated that they want Lincoln County to be the way it is right now, not like New York or wherever this plan came from. He asked the Board to listen to the citizens of Lincoln County. He also said that the Board of Directors of Farm Bureau voted unanimously to recommend that this not be approved.

John McBayde stated that this really overstepped bounds of common sense and that the Board should reconsider.

Mark Powell stated that he lives in North Brook and has his entire life. He asked where the people were from that wrote the UDO. He stated that everybody he has spoken to are against this. He asked where the Planning Board members are from and asked that the Board reconsider this.

Barbara Ledford apologized for coming up at the wrong time and questioned the sidewalks in the plan.

Roy Price Jr. stated that anybody who disagrees with Carrol needs to be voted off.

John Hoffman asked the audience if they understand this. He stated that the state and city have both come and take his property and he does not want to give up anymore. He questioned which roads were included in this.

Michael Martin asked which commissioners voted for the UDO. He asked which Commissioners have actually read this plan. He stated that the overlay is just a small part of the proposal.

Gordon Schronce stated that he owns property on Highway 27 and that the Board should reject this right now. He said the election is coming and the citizens know who they are.

Commissioner Mitchem asked if he could make a motion.

Chairman Patton asked him to let the speakers present speak first.

Jerry Sellers stated that he has lived in Lincoln County for the past 22 years. He stated that he has lived in Atlanta, Greensboro and Charlotte. He stated that if all decisions were easy and popular, there would not be a need for an election and quality of life decisions are the hard ones to make. He said rules and regulations are important and are to protect the good citizens, many of whom are here to speak against it.

Karen Canipe stated that she will sell her property to the county so then do with her property as they choose. She stated that she bought her property so she can do as she chooses. She said there are men dying on the battlefield so we can do as we want with our property.

Bill Parsons stated that this meeting was opened with prayer and the Pledge of Allegiance, but the Board does not sound like they care about either. He stated that his property will be totally engulfed in this. He told the Board to think long and hard before passing this.

Lee Killian stated that his family has been there since 1943 and still has land on Killians Creek. He stated that many battles have been fought for freedom.

Tracy Ballard stated that he is a 4<sup>th</sup> generation brought up on his great grandfather's farm. He stated that he owns his own business, but has no sign. He stated that he buys foreclosures in the city limits and is trying to make it through. He stated that when the can of worms called the Zoning Ordinance was opened, a Pandora's Box was opened that cannot be shut. He said this is nowhere close to a perfect document.

Scott Bradley stated that he cannot add to any of the comments already made. He questioned the vote on the three different motions made tonight. He asked when this motion is voted on if there will be an announcement made so that the public will know.

Gary Dellinger stated that this affects a lot of his land. He stated that land is the most valuable thing in the county. Road frontage is very important. He said without the road frontage, the value of the property is gone. He said this is affecting people affecting people through out the whole county. He asked the Commissioners to use a little brains, common sense, and integrity and vote for the people of Lincoln County.

Gerald Henley stated that the County could save a lot of time and money by talking to people

Glenda Miller asked if this has been voted on yet. She said that she votes no and commented that this whole thing is about power and greed that the Board wants. Ms.

Miller said that she has been a resident 51 years and that people should not be able to be on the Board unless they were born and raised in Lincoln County. She stated that the Board can tell these people anything they want to, but the people are smart and don't have to believe it. She said that she called the Raleigh Board of Elections last week and it was her understanding that there can be a revote and Commissioners can be voted out. She said the county cannot even keep the sides of the road mowed and asked how they are going to take care of all this property.

Jim Lail stated that he owns property in Lincolnton and a farm in West Lincoln. He said that he has about ½ mile of road frontage on his farm in West Lincoln. He stated that this thoroughfare will take property away from him. He stated that he intends to keep the property for his children, but may have to sell or develop it and should have that right. He said he worked really hard as party chair in 1988 to get the party elected and feels sort of betrayed. He stated that the Board is elected to represent the people and the people do not want the Board to do things not good for them.

Dorothy Baxter stated that she owns 100 acres of property on Highway 274. She stated that the property has come down through her family over the years. She stated that she thinks the Commissioners got the cart before the horse and do not know how much the people of Lincoln County value their land. She said that there will not be any more land, what we have is what we have. She said that she has two grandchildren whose father died. She said that they bought right of way for her grandchildren to access this property. She said if the Board passes this, she is concerned about what will happen to this property.

Martin Oakes stated that if this meeting was held in the East Lincoln Community Center, this same reaction would not be heard. He stated that a lot of people went to a lot of public meetings in East Lincoln. He stated that he doesn't think this is necessary for the rest of the county currently. He said it should be started in East Lincoln.

Bill Ballard stated that he owns property on Hwy 16 that will be affected. He stated that he does appreciate the work the Board does. He said the way he read the plan, it has sidewalks to nowhere, greenways, and setbacks. He said times are hard right now and this may be hard to swallow.

Gerald Johnson stated that he has lived in Charlotte, Jacksonville, FL, Columbia, SC, and Cincinnati for 14 years. He said he has lived in Denver 21 years. He stated that there is a huge amount of discussion the past few months that the United States on the fastest road to Socialism ever. He said that we are close to being the most communistic country in the world. He asked the Board to do what was right and throw the whole thing out.

Robert Mitschke, Pastor at Bethpage Lutheran Church stated that he is speaking concerning non-residential pieces of property. He spoke concerning the number of parking spaces the church would have to give up.

Sue Jane Sides stated that she lives on a farm that has been in her family since the 1800's. This property will be passed onto her grandchildren. She said people are talking about East Lincoln and West Lincoln. She said there is a divide there, but the Commissioners should look out for the whole county and not just one area. She stated that nobody in West Lincoln hollers about signs, it's only people in East Lincoln. She said her property is already zoned and wanted to know why it should be double zoned.

Milton Sigmon stated that the meetings concerning the Thoroughfare Overlay Districts should have been had before any UDO was adopted. Mr. Sigmon pointed out wording that should be added or changed in different areas of the Ordinance. He said this would be in the best interest of Lincoln County citizens to have a vote to do away with this entire document. He stated that citizens simply do not need more government.

Charles Newman stated that this document talks about the consent and compensation of the landowner. He said neither are there and he cannot support this.

Wendell Caldwell stated that we are getting closer and closer to socialism. He asked the Board to remember our service men and women and let citizens continue to have freedoms. He asked for the freedom to continue to control their own land.

Kenneth Jackson stated that he was vehemently opposed to zoning when it was implemented. He spoke against the UDO. He stated that he voted for and supported the Commissioners because he supported good, conservative Republican leadership.

Jeremy Boulanger stated that he is a homeowner and small business owner affected by this. He said this is going to squeeze out mechanics and hairdressers. He asked the Board to think about these things.

Wayne Reynolds stated that he does not like the direction the county and country are heading. He stated that we are heading more toward socialism. He stated that he attends the Iron Station Church of God and if this Ordinance is put in, they will lose at least 20 parking spaces.

Rachael Watkins stated that she moved to West Lincoln 7 years ago from Charlotte after looking in East Lincoln and Asheville. She stated that the state took an acre of her property and now the County is wanting to take 500 feet. She stated that her house was remodeled and not one permit was pulled on the house. She stated that she wants transparency in government, enough is enough.

Dub McNeely stated that he is a World War 2 veteran.

Sarah Robinson asked what is wrong with metal buildings.

Jerry Harris stated that zoning in general is reactive instead of proactive and leads to undesired consequences. He stated that this is in violation of Constitutional Law.

Paul Haynes stated that he has fought Rails to Trails for 18 years. He stated that Jonathan Rhyne went to Raleigh and passed imminent domain. He stated that if this is a way to put a fancy trail in his front yard, that won't work either. He spoke against the Rails to Trails.

Bill Hager stated that this ordinance is really just a business owners association that tells you what to do on your property. He stated that this should exclude agriculture. Mr. Hager said the Board should write ordinances properly in the beginning.

Gary Mundy stated that he moved into Lincoln County when he got married. He stated that they don't want Lincoln County to look like Charlotte. He said he worked at Freightliner and got laid off, worked at Timken and got laid off. He asked how he isn't supposed to be upset when they are trying to take away something that belongs to him and his family.

Byron Sackett stated that the east/west division in the county has to stop. He said his grandfather had land in Florida and eventually had to sell it because taxes got too high. He stated that nobody wants Lincoln County to be like Gaston County.

Sam Houser stated that he is totally against this proposal. He stated that he was asked to serve on the UDO after the first meeting after they realized they had no representation from West Lincoln. He stated that they had no voting rights, so they did not go back to the meetings. He said he is a business owner and struggles every week. He said this is more bureaucracy that is not needed.

Commissioner Mitchem stated that this needs to be put to rest. He said there were 2 speakers in favor of this and the rest against. He asked Randy Hawkins if ZMA 569 was part of the UDO.

Mr. Hawkins stated that the highway overlay districts have not been established so those regulations would not be applied.

A MOTION by Commissioner Mitchem that ZMA #569 be turned down, throwed out the window, tore up, throwed away and done.

Commissioner Carlton stated that this is not a perfect document and needs a lot of work. He stated that he is not ready at this point to throw the kid out with the bathwater. He stated that before zoning, people did what they wanted and it was good. He stated that this is about quality of life in Lincoln County. He stated that he would like to send this back to staff and the Planning Board.

Commissioner Mitchem stated that Commissioner Carlton has been on the Board two years and he came on the Board in December. He asked why Commissioner Carlton had not done something about this before now.

George Arena stated that there are a lot of things in the ordinance that are a reconstruction of existing ordinance, which combine pages from the Subdivision Ordinance, Zoning Ordinance, and other documents to compress it into a document that is easier to us. In doing this, some thing have been added and this is one of them. He said that the definition of overlay districts are already in the UDO, what's not in there are the definitions of which roads apply to which overlay districts. He said when you do a document of this size, you need some time to get things correct. He stated that the previous Commission voted on the UDO with the idea that there would be an interim period to compare the existing ordinance and zoning regulations with this document to make sure everything is correct. Given what has happened with the economy, we don't have all the comparisons hoped for.

Commissioner Mitchem called for a vote on his motion:

Chairman Patton restated the motion as Commissioner Mitchem made a motion to do away with ZMA #569.

Vote: 2 - 3                      AYES: Mitchem, Patton  
                                      NOES: Carlton, Klein, Arena

Commissioner Mitchem made a motion to do away with the complete UDO, the complete 388 page document, tear it up and throw it out the window.

Tom Campbell, Planning Board member, stated that the citizens and staff who worked on the UDO did not reinvent the zoning wheel in composing this ordinance. The consultant hired to write the document drew from successful ordinances from across the United States, which believe it or not actually have worked for preserving land for all the citizens of their prospective counties and to keep it from being gobbled up by developers and for individual's personal gain. He said this also protects land for future generations. Mr. Campbell stated that he is very disappointed that there has been a lot of wrong information put out on and at this public hearing that could have been resolved if citizens had attended the public input meetings. He asked everyone to become more involved.

Vote: 1 – 4                      AYES: Mitchem  
                                      NOES: Patton, Carlton, Klein, Arena

A MOTION by Commissioner Arena to take the zoning maps as currently applied, postpone their implementation, and send them back to the Planning Board, reevaluating what was heard tonight relative to zoning issues, work with the Planning Board and UDO Committee, asking for recommendations on slow phase-in, based on starting in the east with Highway 16 and working to come up with a recommendation.

Commissioner Klein asked the Planning Board and staff to come up with a process that is fair to everybody, instead of mailing out postcards.



Chairman Patton stated that his comments are that this should be deferred back to the Planning Board to take all of the highways out of this, not having anything to do with any part of the county. If staff and the Planning Board think Highway 16 is an issue, they can draft one specifically for Highway 16 that doesn't affect the rest of the county. He stated that the citizens need resolution as to where the Board stands.

Commissioner Arena stated that they have been working through this for several years. He stated that he does not want to throw out the baby with the bathwater, he would like to take this road by road, public hearing by public hearing, district by district, having staff and the Planning Board and Building and Land Development staff come back road by road to tell which type of district, why it's appropriate, and schedule the public hearing. Some definitions also need to be changed.

Chairman Patton asked Commissioner Arena if he could condense the motion that this will be sent back to the Planning Board and staff to rework and come up with one that applies to an area of the county that may need it.

Commissioner Arena said his motion is to ask staff to go back and rework the definitions in the UDO based on the public hearing. The second phase is to discard the map and the recommendation to apply this to all roads at the same time, come back with a recommendation on where to start, a process that takes this road by road and some criteria for deciding how this will be done and how the public hearings will be held road by road.

Commissioner Carlton stated that he would like Building and Development staff to sit down and write a one page document telling what this does not do.

Vote: Unanimously approved

**ZMA # 570 – Lincoln County applicant:** Randy Hawkins presented the following information:

This is a proposal to amend the Lincoln County Zoning Map to establish a Little Creek Cove Overlay District. The proposed overlay district is roughly bounded by Burton Lane, Webbs Road, N.C. 16, Campground Road and Pine Ridge Drive. The purpose of the proposed district is to protect the water quality of Little Creek Cove, where the intake for the county's water treatment plant is located.

The establishment of an overlay district for the Little Creek Cove watershed is one of the recommendations for the Source Water Protection Plan for the Lincoln County Water System.

This proposed map amendment would allow additional development standards and protective measures to be applied in the district. The Lincoln County Unified Development Ordinance includes the framework for the district but no additional regulations. Those would have to be drafted and approved at a later date.

Objective 5.4 of the Lincoln County Land Use Plan calls for ensuring that the county's water resources, including Lake Norman and Mountain Island Lake, are not negatively impacted as a result of development occurring in the county.

Commissioner Mitchem asked how many acres this covers. Randy Hawkins stated that it is 1500 acres.

Robert Johnson, Planning Board member, stated that before a district is created, the regulations should be determined for that district.

Commissioner Arena stated that this is only drawing the boundary that says this is the area that drains into this area of the cove. The regulations and guidelines will be drawn after the boundary is created.

Chairman Patton opened the public hearing.

Gary Dellinger stated that he owns a farm and business. He said he has to get water quality reports from DENR. He stated that there are already setbacks. He asked for this to follow contour lines.

Gerald Johnson stated that it really bothers him to have more and more government intervention. He stated that he and his wife have worked all these years to make and save money. He said this is not right that government keeps growing and charging more taxes.

Carolyn Johnson stated that she appreciates all the Board does. She said that the state already regulates Little Creek and Duke Power does too. She stated that this is the cart before the horse. She asked the Board to be considerate to the citizens and listen to them.

Paul Johnson said that the state does have regulations and rules as to what can be done. He said he would like to know more about what the plans are.

Sylvia Wallace stated that she is here tonight speaking in favor of Little Creek. She said this was part of the Lincoln County Sourcewater Protection Plan. She stated that she does believe the County does need to involve the citizens more. She said we are trying to help them have clean air, clean water, and non-congested highways.

Citizen, 7404 Edgecombe Lane, Denver thanked the Board for what they do. She stated that she looks at the water intake from her property. She encouraged the Board to look at existing laws and regulations and work diligently with Duke Energy.

Jeff Herpkeep, 1011 Club Crest Drive, Huntersville encouraged the Board to come up with regulations first and protect water quality.

Being no additional speakers, Chairman Patton declared the public hearing closed. Declared PH closed

**ZTA #571 – Lincoln County, applicant:** Randy Hawkins presented the following Information:

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend various sections for reorganization and clarification purposes
- 2) Amend Section 2.2.1 to make “Outdoor recreation, public” a conditional use in the R-R and R-T districts.
- 3) Amend Section 2.4.8.B.1 to require a minimum side yard (interior) setback in nonresidential districts as follows: 10 feet in O-R and B-N districts; 15 feet in B-G and C-B districts, 20 feet in I-L and I-G districts.
- 4) Amend Section 2.5.1.B.6 to state that foundation plantings in the UTO district are not required along building facades abutting public roads.
- 5) Amend Section 2.5.1.B.8(e), 2.5.1.C.9(e) and 2.5.1.D.6(e) to state that pedestrian walkways must include weather protection features such as awnings or arcades over the door and extending within five feet of all customer entrances.
- 6) Amend Section 3.4.1.A to exempt the construction of a two-family house on a previously approved individual lot from the landscaping requirements of Section 3.4
- 7) Amend Section 3.4.1.B.1 to state that in determining the number of plantings per square feet of landscape area required, the landscape area shall be rounded up to the next multiple of 10,000 square feet.
- 8) Amend 3.4.1.B.2 to stipulate that the required landscaping in parking lots must be provided completely in addition to the other required landscaping.
- 9) Amend Section 3.6.3C.2(b) to refer to N.G. General Statutes 113A-71, to require that any parking area of one acre or more have a maximum impervious surface of 50% or that the stormwater generated by the first two inches of rain that fall on at least 20% of the parking lot flow to an appropriately designated bioretention area, and to exempt parking areas in a WS-II, WS-III, or WS-IV watershed.
- 10) Amend 3.9.5.A.1(a) to stipulate that a maximum of 100 square feet of any wall or window may be devoted to signage (unless the principal building is set back more than 50 feet from the front building line)
- 11) Amend Section 5.5.A to state that sidewalks shall be a minimum of five feet in width.
- 12) Amend Section 9.7.2.A.1(b) to state that expansion of an existing conforming nonresidential structure that would not cause it to exceed 50,000 square feet shall be reviewed as a minor site plan.
- 13) Amend Section 9.7.6.A to state that a minor deviation from an approved major site plan shall include a less than five percent increase in the floor area or number of units.
- 14) Amend Section 9.10.1.D and 9.11.1.D to state that public facilities, major and minor utilities, and other land uses owned by Lincoln County shall be considered permitted uses.

Keith Johnson stated that the Board needs to expand on the definitions. He asked about vegetation removal.

Chairman Patton opened the public hearing.

Milton Sigmon encouraged the Board to delay any action tonight.

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

These issues will go to the PB and a recommendation will be made.

The Board asked the Planning Board to bring back recommendations for ZTA 571 for each specific amendment.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners