

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 6, 2006

The Lincoln County Board of County Commissioners and the Planning Board
met in a joint session on November 6, 2006,
at the James W. Warren Citizens Center, Commissioners Room,
115 West Main Street, Lincolnton, North Carolina,
at 6:30 p.m.

Commissioners Present:

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

Planning Board Members Present:

Jerry Geymont, Chairman
John Pagel, Vice Chairman
Terry Whitener, Secretary
George Arena
Clyde Brown
Darrell Harkey
Harold Howard Jr.
Louis McConnell

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building & Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Andrew Bryant, Associate Planner
Stacy Yates, Associate Planner
Amy Brown, Clerk to the Planning Board
Karen Leonhardt, Director of Senior Services
Audrey Setzer, Director of Personnel
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the November 6, 2006, meeting of the Lincoln County Board of Commissioners to order.

Invocation – Commissioner Alex Patton: Commissioner Patton gave the invocation.

Pledge of Allegiance: Commissioner Patton led in the Pledge of Allegiance.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 6, 2006

- | | | |
|----|---------|--|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Alex Patton |
| | 6:34 PM | Pledge of Allegiance |
| 1. | 6:35 PM | Adoption of Agenda |
| 2. | 6:37 PM | Consent Agenda <ul style="list-style-type: none">- Approval of Minutes<ul style="list-style-type: none">- October 16, 2006- Tax Requests for Releases – More than \$100<ul style="list-style-type: none">- September 16 – October 15, 2006- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none">- September 25 – October 22, 2006- Amendments to Refunds- Budget Adjustment 35, 37, 39, 40, 41- Waived Fees<ul style="list-style-type: none">- Lovely Holy Temple Apostolic Church of Jesus Christ- City of Lincolnton Employee Christmas Luncheon |
| 3. | 6:40 PM | Zoning Public Hearings <p><u>SOA #28 Lincoln County, applicant.</u> A proposal to amend Section 109 of the Lincoln County Subdivision Ordinance to add the Lincoln Natural Resources Committee as a member of the Subdivision Technical Review Committee.</p> <p><u>ZMA #540 Land Carolina LLC, applicant</u> (Parcel ID# 02465 and 34179) A request to rezone 25 acres from R-T (Residential Transitional) to R-SF (Residential Single-Family). The property is located on the west side of Little Egypt Road about 3,200 feet north of Hwy. 73 in Catawba Srping Township.</p> |

ZMA #541 Parallel Path Investments LLC, applicant (Parcel ID# 12767) A request to rezone a 2.0-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the north side of Hwy. 27 and the west side of Hauss Road in Howards Creek Township.

CUP #279 Duane McAlister, applicant (Parcel ID# 26846) A request for a conditional use permit to operate an animal kennel in the B-N (Neighborhood Business) district. The 1.2-acre parcel is located on the south side of Hwy. 150 at Shuford Road in Ironton Township.

PCUR #36A Smithstone Properties LLC (Parcel ID# 85731, 75973, 77285 and 77286) A request to amend a conditional use district that was approved in 1997, permitting a Planned Mixed Use (P-MU) development. The applicant is proposing to change the vehicular access of Phase 2 of the townhome portion of the district so that it is accessed by a road directly off Smith Harbour Drive at Smith Pond Drive instead of through Phase 1, and to change a portion of the district originally designated for commercial development to instead permit 10 townhomes. The request involves tracts of 16.4 acres and 1.7 acres located on Smith Harbour Drive on the south side of Smith Harbour Drive about 500-1,500 feet east of Hwy. 16.

PCUR #146 Rutherford Electric Membership Corp., applicant (Parcel ID# 55245 and 70324) A request to rezone 6.2 acres from R-R (Rural Residential) and I-G (General Industrial) to CU B-G (Conditional Use General Business) to permit a propane storage and distribution site. The property is located on the west side of Finger Mill Road about 2,800 feet north of Maiden Highway in Lincolnton Township.

PCUR #147 Westport Lakeside Development LLC, applicant (Parcel ID# 83152, 71252, 55119, 81941 and 81940) A request to rezone 82 acres from R-SF (Residential Single-Family), RL-20, and B-G (General Business) to CU P-R (Conditional Use Planned Residential) to permit the development of 120 condominium units and 69 lots for single-family homes. The property is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16 in Catawba Springs Township.

5. 8:10 PM Public Hearing – FY '08 Community Transportation Program Grant Application
6. 8:20 PM Health Insurance Plan for County Employees – Audrey Setzer and Leon Harmon
7. 8:30 PM Other Business

Adjourn

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

Consent Agenda:

- Approval of Minutes
 - October 16, 2006
- Tax Requests for Releases – More than \$100
 - September 16 – October 15, 2006

NAME	YEAR	DIST	A/C NO	AMOUNT
Black, Steven Dewayne	2006	City	0194024	\$ 342.00
Brewer, Laura C.	2002	DFD	0133782	\$ 107.44
Burke, Michael David	2003	ELFD	0153669	\$ 100.17
Cable, Michael Ralph	2006	DFD	0134230	\$ 111.43
Campbell, Grady R.	2006	DFD/ELSD	0167581	\$ 109.66
Clayborn, Randy Carlos	2006	City	0173722	\$ 148.15
Cowgill, Deborah Setzer	2006	City	0196303	\$ 108.10
Drusin, Steven Jay	2006	ALFD	0196224	\$ 121.30
Elrac Inc.	2006	SFFD	0178556	\$ 312.46
Goldin, Michael Zalmen	2005	BCFD	0179572	\$ 136.92
Gregory, Richard Albert	1999	ALFD	0143582	\$ 286.53
Hall, Mary Harrison	2006	City	0196570	\$ 110.03
Hamby, Steve Kinsey	2003-05	BCFD	0168474	\$ 372.70
Herbert, Douglas Merrill	2006	City	0129225	\$ 263.82
Holmes, Richard Joseph	2006	City	0196424	\$ 212.36
Hoyle, Russell Eric	2006	City	0196192	\$ 195.39

Huerta, Manuel Ibarra	2006	City	0131519	\$ 294.53
Hull, Kathy Cline	2006	PCFD	0175017	\$ 133.64
Key, Brian	2006	City	0160656	\$ 253.18
Kinser, Ricky Lee	2006	City	0196468	\$ 174.21
Lenox, Robert	2006	City	45506	\$ 106.99
Little, Neely Duckworth	2006	City	0176361	\$ 260.20
Macleod, Lorne Franklin	2006	DFD/ELSD	0093925	\$ 101.99
Patrick, Claude Clayton	2002/04	2002/04	0171929	\$ 108.34
Perrelli, Pasquale Frank	2006	City	0196589	\$ 181.12
Price, Thomas R. Sr.	2003/04	NBFD	00658	\$ 157.31
Schronce, Ashley Anna	2006	City	0196201	\$ 193.17
Schronce, Jacqueline I.	2005	City	0166544	\$ 120.81
Scoggin, Heather Marie	2006	City	0196379	\$ 255.52
Sheppard, Steven Brian	2006	ALFD	0072208	\$ 167.90
Shields, Carol Ann	2006	City	0158247	\$ 133.54
Shull, Amber Arney	2006	City	0195678	\$ 109.75
Sorrells, Ronald Vance	2006	DFD/ELSD	0087283	\$ 153.63
Wiggins, Gary Franklin Jr.	2002/05	Union	0117750	\$ 126.05
Zurline, Michael Lewis	1999/05	City	0077759	\$ 231.14
			TOTAL	\$ 6,301.48

NAME	YEAR	DIST	A/C NO	AMOUNT
Bechhold, David	2006	ELFD/ELSD	0196038	\$ 153.45
Bingham, Shannon Carroll	2006	NBFD	0087149	\$ 1,267.42
Glander, Rose Marie (Burke)	2001-05	ELFD	0138989	\$ 821.50
Hager, H. Dean	2006	ALFD	0183830	\$ 1,732.92
Lake Norman Turf	2006	ELFD/ELSD	0187332	\$ 412.29
Orrell's Outdoor Service Inc.	2006	ELFD/ELSD	0192570	\$ 288.41
Soprano, John	2004/05	ELFD/ELSD	0177711	\$ 284.13
Vargosko, Eric R.	2006	ELFD/ELSD	0159946	\$ 129.53
White, Paul	2004	ELFD/ELSD	0154743	\$ 143.10

TOTAL **\$ 5,232.75**

- Tax Requests for Refunds – More than \$100
- September 25 – October 22, 2006

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (September 25, 2006-October 22, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Lexus Financial Services	2006	DFD/ELSD	0165028	268.81
Peterson, D. L. (Trust)	2006	CITY	25770	119.78

TOTAL **\$388.59**

- Amendments to Refunds

The following is a list of corrections/amendments that should be made for Refunds submitted for approval under G.S. #105-381(b) and 105-325(A)(6):

1. The following Request for Refunds need to be presented to the Board of Commissioners:

- Period Covered – September 19, 2004 – October 3, 2004.

2. The following Requests for Refunds were listed on an agenda but were not included in the minutes:

- Period Covered – June 14, 2004 – June 27, 2004 Agenda July 19, 2004
- Period Covered – June 28, 2004 – July 11, 2004 Agenda July 19, 2004
- Period Covered – November 16, 2004 – November 28, 2004 – Agenda December 6, 2004

Attachments

1.

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (September 19, 2004 – October 3, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Lutin, Pamela H.	2004	CITY	0131805	\$108.62

TOTAL **\$108.62**

2.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (June 14, 2004 – June 27, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Duncan, Clyde Gregory	2003	CITY	0109680	\$102.05
TOTAL				\$102.05

3.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (June 28, 2004 – July 11, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Bank of America Leasing Cap.	2004	CITY	0105658	\$971.97
Ford Motor Credit Co.	2004	N321	0097129	106.92
TOTAL				\$1,132.89

4.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (November 16, 2004 – November 28, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Wells Fargo Auto Finance	2004	CITY	0130981	\$152.69
TOTAL				\$152.69

5.

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (November 16, 2004 – November 28, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Robert Bosch Tool Corp.	2004	SFFD	26215	\$3,399.93

TOTAL \$3,399.93

The following is a list of corrections/amendments that should be made for Refunds submitted for approval under G.S. #105-381(b) and 105-325(A)(6):

3. The following Request for Refunds need to be presented to the Board of Commissioners:

- Period Covered – April 5, 2004 – April 18, 2004.
- Period Covered – April 26, 2004 – May 2, 2004.

4. The following Requests for Refunds were listed on an agenda but were not included in the minutes:

- Period Covered – September 10 – October 12, 2003 - Agenda October 20, 2003.
- Period Covered – November 24 – December 7, 2003 - Agenda December 15, 2003

MH:blw

Attachments

1.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (April 5, 2004 – April 18, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Chaney, Jennifer B.	2003	22	0172172	\$214.40

TOTAL \$214.40

2.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (April 26, 2004 – May 2, 2004)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Childs, Edna W.	2003	CITY	0140158	\$136.08
Honda Lease Trust	2003	CITY	0159601	\$122.88

TOTAL \$258.96

3.

LINCOLN COUNTY TAX DEPARTMENT

REQUEST FOR REFUNDS

MOTOR VEHICLES

PERIOD COVERED (September 10 – October 12, 2003)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Wheels, Inc.	2002-03	CITY	26334	\$196.53
TOTAL				\$196.53

4.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (September 10 – October 12, 2003) **Page 1**

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

NAME	YEAR	DIST	A/C#	AMOUNT
Burton, Amy M.	2002	DFD/ELSD	0147867	\$6.26
Burton, Dennis R.	2003	DFD/ELSD	0135962	16.43
Carpenter, Albert K.	2002-03	DFD	0087306-20828	22.81
Craig, Betty Martin	2002	NBFD	0108880	2.68
Deese, Paul	2002	ELFD/ELSD	0163665	5.12
Dellinger, Coleman F.	2002	BCFD	0137930	3.38
Donaldson, Tara M.	2002	BCFD	0113207	12.26
Dowd, Matthew J.	2003	DFD/ELSD	0152933	78.60
Dyer, Lisa A.	2003	ELFD	0101942	26.80
Edwards, Brad A.	2002	BCFD	0090413	58.15
Elmore, Earl G.	2002	N321	0119439	11.98
Fletcher, Darryl L.	2002	BCFD	0068793	2.32
Garland, Lyle D.	2003	NBFD	0155953	10.05
Hall, Donald L.	2002	UNFD	0164414	4.79
Henderson, Hollis C. Jr.	2002	CITY	0151344	27.46
Hoyle, James C.	2002	CITY	0091656	4.87
Lighthill, Marcine A.	2003	UNFD	0151905	16.63
Mitchell, Charlie H.	2002	CITY	20715	5.43
Olmsted, Larry L.	2003	ELFD/ELSD	0102881	45.98

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (September 10 – October 12, 2003) **Page 2**

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

NAME	YEAR	DIST	A/C#	AMOUNT
Queen, Bobby R.	2002	CITY	0161624	19.9
Rogers, Drexel H. Jr.	2003	ALFD	0133843	15.92
Seagle, Larry E.	2003	BCFD	0086257	28.04

Sigmon, Sherry C.	2001	ELFD	0120496	23.88
Smith, Gregory P.	2002	BCFD	0119923	20.47
Tower, Gerald R.	2003	ELFD/ELSD	0109486	12.50

TOTAL \$482.72

5.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (November 24, 2003 – December 7, 2003)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Asuma, Mark Alan	2003	ELFD/ELSD	0144824	\$3.55
Boyles, Curtis T.	2002	SFFD	12754	4.34
Garrett, Kenneth L.	2003	ELFD/ELSD	0139171	28.25
Guy, John	2002	ALFD	0132401	11.60
Philbeck, Amber Johnson	2003	HCFD	0169878	19.09
Riley, William Charles	2003	PCFD	0124864	64.77
Sargnet, Brenda Rikard	2003	N321	0100893	58.42
Soles, Ricky Dale	2003	ELFD	0121180	15.07
Stiltner, David Eugene	2003	N321	0127919	30.68
Summerville, Marcell Turbyfill	2003	PCFD	0097835	7.73
Sztandarowski, Ted	2003	CITY	0170588	24.48

TOTAL \$267.98

- Budget Adjustment 35, 37, 39, 40, 41
 - No. 35 – Budget for GPS tracking system in vehicles
 - No. 37 – Allocate additional funds to Lake Norman Marine Commission contingent upon other counties allocating and Commission accounting for previous repairs
 - No. 39 – Gift money to be used to pay for the new West Lincoln circulation desk
 - No. 40 – Budget Sales Tax reimbursement received on schools' behalf expended on projects previously funded – Sales Tax Funds to be remitted to schools
 - No. 41 – Medicaid Max
- Waived Fees
 - City of Lincoln Employee Christmas Luncheon

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Consent Agenda removing the Waived Fees for Lovely Holy Temple Apostolic Church of Jesus Christ.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve Sponsored Group Status for Lovely Holy Temple Apostolic Church of Jesus Christ

Zoning Cases – Randy Hawkins:

Subdivision Ordinance Amendment #28 – Lincoln County, applicant: Andrew Bryant presented a proposal to amend Section 109 of the Lincoln County Subdivision Ordinance. The amendment to Section 109 would revise the definition of the Subdivision Technical Review Committee to include an eleventh member, Lincoln Natural Resources Committee (LNRC). Staff feels that the addition of the LNRC to this committee would be a great benefit to the Technical Review Committee and to the betterment of development across the county.

Chairman Anderson opened the public hearing concerning Subdivision Ordinance Amendment No. 28.

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

Zoning Map Amendment #540 – Land Carolina LLC, applicant: Randy Hawkins presented a request to rezone 25 acres from R-T (Residential Transitional) to R-SF (Residential Single-Family). The owners of the parcels have authorized the rezoning request. R-SF is a more restrictive district that permits a higher density if county water and sewer are available (minimum lot size of 0.52 acres, compared to 0.75 acres in R-T).

The property is located on the west side of Little Egypt Road about 3,200 feet north of Hwy. 73. It is surrounded by property zoned R-T. Property zoned R-SF is located within 1,500 feet to the south, east and west. A portion of this property is located in the East Lincoln Sewer District. County water is also available. This property is not located in an area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 540.

Chip Thompson stated that he represents Land Carolina LLC. He stated that by right they can get 28 lots on this property and with this rezoning the maximum lots would be 38. Based on topography, it will probably be closer to 34 lots. Mr. Thompson stated that they have not submitted a site plan yet due to the fact that they are still working with engineers.

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

Zoning Map Amendment #541 – Parallel Path Investments LLC, applicant: A request to rezone a 2.0-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business).

The property is located on the northwest corner of Hwy. 27 and the Hauss Road in Howards Creek Township. It is adjoined by property zoned B-N and R-SF. County water is available at this location. This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Mr. Hawkins presented a letter from Mr. David Heafner supporting this request.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 541.

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

Conditional Use Permit #279 – Duane McAlister, applicant: A request for a conditional use permit to operate an animal kennel in the B-N (Neighborhood Business) district. The kennel would be located in a portion of an existing commercial building.

The 1.2-acre parcel is located on the south side of Hwy. 150 at Shuford Road in Ironton Township. It is adjoined by property zoned B-N and R-SF (Residential Single-family). County water is available at this location. The Countryside subdivision is located to the rear of this property.

Chairman Anderson opened the public hearing for Conditional Use Permit #279.

Pamela McAlister stated that she and her husband are the owners of Pampered Pets. She stated that they currently operate a grooming and indoor daycare facility for dogs and cats. She stated that they would also like to include an indoor boarding facility for dogs. They are planning to have 19 indoor only kennel runs. The kennels are constructed of concrete reinforced wall petitions 5 and 6 feet high and acoustic sound reducer panels mounted from the top of walls to a dropped acoustic ceiling. She stated that dogs would not be boarded outside at any time.

Rev. Dixon Free stated that he lives in Arden Oaks and is speaking for elderly neighbors. He stated that these residents use this facility and need this facility. The proximity makes it very nice. He stated that his mother cannot get out and Pampered Pets has picked up her dog and taken it in for grooming. He commented that beautification of the facility has already begun.

Donna Carsey stated that she lives in Countryside Subdivision and has used Pampered Pets facilities on four different occasions. She said that the property looks much better. She stated that the business is very professional and she is here to support the McAlisters.

Donald Joyce stated that his concern is noise, how often the dogs will be outside, and how noisy they will be.

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

Parallel Conditional Use Request #36A – Smithstone Properties LLC., applicant: A request to amend a conditional use zoning district that was approved in 1997, permitting a Planned Mixed Use (P-MU) development. The applicant is proposing to change the vehicular access of Phase 2 of the townhome portion of the district so that it is accessed by a road directly off Smith Harbour Drive at Smith Pond Drive instead of through Phase 1, and to change a portion of the district originally designated for commercial development to instead permit 10 townhomes. Under the previously approved plan, the access to Phase 2 is a road across the Duke Power right-of-way connecting it to Phase 1. This proposal would change that road to a graveled emergency access road only.

The request involves tracts of 16.4 acres and 1.7 acres located on Smith Harbour Drive on the south side of Smith Harbour Drive about 500-1,500 feet east of Hwy. 16. The property is adjoined by property zoned P-MU and R-SF (Residential Single-Family).

Randy Hawkins presented a letter from Mariner's Pointe Homeowners' Association supporting the request.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 36A.

Floyd Mason spoke in opposition to the request due to the fact that there are problems with the existing development. He stated that there is a problem with the title to his land that needs to be corrected, the Covenants and Restrictions for the existing P-MU need to be amended, and sidewalks in the community remain unfinished.

James T. Crunkleton stated that he stands on behalf of the curb cut and thinks the curb cut would benefit the community because of the safety issues. He stated that he sees it as a benefit to the community. He commented that the gentleman who spoke failed to mention that he gained a pier from this issue.

David Dupree addressed the issues with Mr. Mason's property. He stated that he had lunch with the Homeowner's Association to address the sidewalk issue.

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

Parallel Conditional Use Request #146 – Rutherford Electric Membership Corp., applicant: A request to rezone 6.2 acres from R-R (Rural Residential) and I-G (General Industrial) to CU B-G (Conditional Use General Business) to permit a propane storage and distribution site.

The property is located on the west side of Finger Mill Road about 2,800 feet north of Maiden Highway in Lincolnton Township. It is adjoined by property zoned R-R, I-G and R-T (Residential Transitional). The Lincoln County Industrial Park is located to the north of this property. This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 146.

Judson Wortman stated that he is an employee of Rutherford Electric. He stated that they would like to install a bulk LP gas storage facility there through Carolina Energies. He stated that this facility falls under Department of Agriculture instead of Building inspections. He stated that they have made application for an erosion control plan. Mr. Wortman stated that they also have made a driveway permit application. He stated that there will be two 30,000 tanks, with 60,000 total storage.

George Arena asked about traffic. Chairman Anderson asked if one end of these tanks would blow out if there is a problem.

Ray Mull stated that there will be one delivery truck per day on the road and possibly 2 transport loads of 10,000 gallons per week. He stated that there are 3 pop-off valves on top of the tanks.

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

Parallel Conditional Use Request #147 – Westport Lakeside Development LLC., applicant: A request to rezone 82 acres from R-SF (Residential Single-Family), RL-20, and B-G (General Business) to CU P-R (Conditional Use Planned Residential) to permit the development of 120 condominium units and 69 lots for single-family homes.

The property is located about 1,600 feet north of Fairfield Forest Road and 800-4,000 feet east of Hwy. 16. It is adjoined by property zoned R-SF, RL-20, P-MU (Planned Mixed Use), and B-G. County water and sewer are available at this location. This property is not located in an area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

Chairman Anderson asked if the emergency road could be constructed to state standards in the case that the HOA would like it taken over by DOT. Randy Hawkins stated that it will be built to State standards, but this is a gated community so it will be a private road.

Chairman Anderson asked if this is high density occupancy. Randy Hawkins stated that this is close, the initial estimates show 40% impervious area, the condo portion lies in the WSIII protected area, not critical area, which will allow up to 36% impervious coverage.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 147.

Cynthia Jones stated that she lives in Westport and is speaking about traffic issues. – She stated that there are five parcels recently approved for residents in this immediate area. She stated that there are over 700 residences in Westport now and with these

condos and single family homes added to the other parcels that would exit through these streets, it would add over 900 new residences coming out onto Highway 16.

Mr. Tom Daniel stated that over the last 2 years, they have been working on a plan to reopen the Westport Golf Course, which has happened. In September, the Board approved 52 single family and 74 ranch style condominiums. Mr. Daniel stated that there will be a new ingress/egress for Highway 16.

George Arena expressed concerns that so many multi-family units are being proposed.

Jennie List stated that the Board needs to protect taxpayers.

Carissa Belk stated that traffic in the area is constantly increasing and people speed up and down the road. She stated that the speed limit is 25, but is broken. Ms. Belk said that this is a very busy road and to try and bring this many more cars onto the road is more cars than this can handle. She said that the property is very wet at the back.

Commissioner Moore asked if Mr. Daniel if he met with the neighborhood. Mr. Daniel stated that he was not able to get together with the neighbors before bringing this to the Board.

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

Statement of Consistency and Reasonableness for Parallel Conditional Use Permit No. 143 – Steve Maggs, applicant:

Randy Hawkins stated that on October 16, 2006, the Board of Commissioners voted 3 – 2 to deny a rezoning request submitted by Steve Maggs. He had requested the rezoning of 2.5 acres on Hwy. 16 from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit mini-warehouses.

Due to an oversight by the zoning administrator, the Board of Commissioners did not adopt a statement of consistency and reasonableness pertaining to this case. Under state law, the Board must adopt such a statement in approving or rejecting any proposed zoning map amendment.

Chairman Anderson asked if the Planning Board included a statement of consistency. Randy Hawkins stated that they did.

A MOTION by Commissioner Patton to suspend the rules to consider the rezoning request.

Commissioner Moore stated that she thought the decision had been made and this was just a decision on the Statement of Consistency and Reasonableness.

Commissioner Patton stated that he made a motion to approve this project and then after some statements by Chairman Anderson, he voted against it. One of those items was that

there was another project coming in the future that is zoned correctly. After speaking with Counsel, he realized that this is not a valid reason to turn down a project; an project should be up or down on it's own merits and not what may happen in the future.

Chairman Anderson stated that there are two issues on a Parallel Conditional Use Permit, the rezoning and conditional uses. His concern is that a public hearing has been held and if issue is revisited without those who spoke having a chance to speak again.

Jeff Taylor stated that this issue about the Statement of Consistency and Reasonableness should be heard before rejecting or approving a rezoning amendment.

Commissioner Funderburk stated that the public has already had their opinion and the Planning Board voted favorably.

Commissioner Patton stated that three people spoke against this, one of which was the applicant for the future project.

Vote: 3 – 2 AYES: Mitchem, Funderburk, Patton
 NOES: Anderson, Moore

A MOTION by Commissioner Patton to approve Parallel Conditional Use Rezoning No. 143 – Steve Maggs, with the statement of consistency and reasonableness and findings of fact as presented by the Planning Board.

**Statement of Consistency and Reasonableness
Adopted by the Lincoln County Planning Board**

Parallel Conditional Use Permit#143

Applicant: Steve Maggs

Parcel ID#: 34149 and 29690

Location: West side of Hwy. 16 about 1,000 feet south of Hickory Creek Drive

Proposed amendment: Rezone from B-N to CU B-G to permit mini-warehouses

This proposed amendment is X consistent
inconsistent

with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: The Land Use Plan calls for encouraging commercial development at locations with adequate water and wastewater disposal services and with sufficient access to a major highway.

This proposed amendment is X reasonable and in the public interest
 _____ not reasonable and not in the public interest

in that:

This property is located on a major highway. Water and sewer services are available. As a conditional use rezoning, the property will be developed according to the site plan and

the rendering that were submitted. With the residential growth in this area, there is a need for mini-warehouses.

Application: Parallel Conditional Use Permit #143
Applicant Name: Steve Maggs
8279 Payton's Pointe Lane
Denver, NC 28037
Property Location: Hwy 16 South of Hickory Creek Drive
Existing Zoning: B-N
Proposed Conditional Use: mini warehouses

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO _____

FACTUAL REASON CITED: Generates less traffic than any other business

2. The use meets all required conditions and specifications. YES X NO _____

FACTUAL REASON CITED: Site plan and other information provided.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO _____

FACTUAL REASON CITED: Is in harmony with the area; business-type structures in area

4. The location and character of use, if developed and according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

FACTUAL REASON CITED: Will be in harmony given site plan and rendering: consistent with the Land Use Plan.

Chairman Anderson called a brief recess.

Chairman Anderson called the meeting back to order.

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

Public Hearing – FY '08 Community Transportation Program Grant Application:

Karen Leonhardt presented information concerning the FY 08 Community Transportation Program Grant.

Chairman Anderson opened the public hearing concerning the FY '08 Community Transportation Program Grant Application.

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

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the Community Transportation Program Resolution.

**COMMUNITY TRANSPORTATION PROGRAM RESOLUTION
FY 2007 – 2008 RESOLUTION**

**Applicant Seeking Permission to Apply for Community Transportation Program Funding,
Enter Into Agreement with the North Carolina Department of Transportation and Provide
the Necessary Assurances**

A motion was made by Commissioner Moore for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Lincoln County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

WHEREAS, THEREFORE, be it resolved that the County Manager of Lincoln County is hereby authorized to submit a grant application for the federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I Thomas R. Anderson, Chairman of the Board of Commissioners, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Lincoln County Board of Commissioners duly held on the 6th day of November, 2006.

Thomas R. Anderson, PE

Health Insurance Plan for County Employees – Audrey Setzer and Leon Harmon:

Audrey Setzer stated that the County presently provides an insurance benefit plan for employees through the North Carolina Association of County Commissioners (NCACC) as the plan Administrator. CIGNA is the medical provider and CAREMARK is the provider for prescription coverage. The County's annual renewal date is January 1, 2007.

As Insurance Review Committee consisting of employees from various County departments, were asked to review the current insurance plan, identify insurance issues, review, and compare insurance benefits/costs, and to provide a recommendation to the County Manager and Board of Commissioners.

Insurance quotes were requested from NCACC/CIGNA, Blue Cross Blue Shield, United Health Care, and AETNA. United Health Care and AETNA notified the County on the deadline date that they would not be submitting a quote for consideration.

Based on the costs, benefit plan, employee concerns of various insurance problems, the network offered by each provider, and to continue to provide the same level of coverage for County employees, the Insurance Review Committee submits the following recommendation for the Boards consideration and approval:

1. Accept the lower quote from BCBS for medical and dental coverage of \$3,873,649 with a total annual savings of \$107,349.
2. Continue to provide the same benefit package to employees
3. The County to continue to provide employee health and dental insurance at no cost to the employee.
4. The County and employees proportionately share cost increase or decrease for employees' dependent coverage.

UPON MOTION by Commissioner Patton, the Board voted unanimously to accept the recommendations of the insurance committee and place insurance coverage with BCBS.

Other Business: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve sponsoring a table at the YMCA Prayer Breakfast.

Commissioner Patton reported that the electronic board packet is working well, he had zero problems. He stated that he hopes the Board moves forward with this. He thanked the Clerk and Dante' Patterson for their work on this. He commented that he would like to have the ability to annotate as he goes along.

Chairman Anderson stated that he was handed a contract tonight concerning a pump station at Fairfield Forest Road. By consensus this will be on the December ELWS agenda.

It was the consensus of the Board to sponsor the December Centralina COG meeting jointly with the City Council.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to reappoint Buddy Funderburk to the Board of Adjustment for a three year term, which started 01/06. (According to Commissioner Funderburk, this was previously done, but was not noted in the minutes)

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

Amy S. Atkins, Clerk to the
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners