

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, FEBRUARY 6, 2017**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 6, 2017, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

Bill Beam, Chair  
Martin Oakes, Vice Chair  
Carrol Mitchem  
Richard Permenter  
Anita McCall

**Planning Board Members Present:**

Christine Poinsette, Chairman  
Dr. Crystal Mitchem, Secretary  
Jamie Houser  
John Dancoff  
Floyd Dean  
Keith Johnson  
Greg Smith  
Andrew Robinson

**Others Present:**

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Chairman Beam called the meeting to order. He led in a Moment of Silence and the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, February 6, 2017**  
**6:30 PM**

**James W. Warren Citizens Center**  
**115 West Main Street**  
**Lincolnton, North Carolina**

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Approval of Minutes – January 23, 2017
3. Approval of Waived Fees for Homeschool Prom
4. Audit Presentation - Scott Cook
5. Zoning Public Hearings - Randy Hawkins and Jeremiah Combs:

PA #42 NC Prime Properties, LLC, applicant (Parcel ID# 28471) A request for sketch plan approval for a proposed 13-lot subdivision with approximately 1,300 linear feet of new roadway off Buffalo Shoals Road. The 16.6-acre site is located on the south side of Buffalo Shoals Road about 400 feet west of Ivey Church Road in Ironton Township.

PA #43 Matthews Heathers Land Corporation, applicant (Parcel ID# 32674, 78671 and 78672) A request for sketch plan approval for a proposed 20-lot subdivision with new internal roads to serve the lots. The 20.6-acre site is located on the west side of N.C. 16 Bypass about 200 feet southeast of Lowesville Lane and about 400 feet southwest of Sifford Road in Catawba Springs Township.

PD #2011-2-A Jerry Reese, applicant (Parcel ID# 32044 and 79143) A request to amend a master plan for a planned residential development to permit 10 single-family detached houses and 25 zero-lot-line houses. The 11.7-acre site is located on the north side of Graham Road at Captains Way in Catawba Springs Township.

ZMA #631 James Kennerly, applicant (Parcel ID# 34050 and 34079) A request to rezone 1.75 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The property is located at 6671 Pine Ridge Dr., on the north side of Pine Ridge Drive about 800 feet east of Campground Road, in Catawba Springs Township.

ZMA #632 Wyatt Dinken, applicant (Parcel ID# 24576) A request to rezone a 0.58-acre lot from R-SF (Residential Single-Family) to R-S (Residential Suburban). The property is located on the west side of King Wilkinson Road about 800 feet south of N.C. 150 in Ironton Township.

6. Consideration of a recommendation to the North Carolina State Historic Preservation Office regarding the boundary expansion of the Rock Spring Camp Ground listing in the National Register of Historic Places - Andrew Bryant
7. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
8. Sole Source Purchases - Jennifer Sackett
  - Little Bits STEAM Education Class Pack (\$1,139.95)
  - Dash and Dot Robotic Classroom Pack (\$2,620.00)
9. Budget Ordinance Amendment #6 - Scott Cook
10. Vehicle Tax Systems Refunds - Scott Cook

## 11. Other Business

Recess to February 13, 2017 at 6:30 p.m. for a joint work session with the Planning Board in the Commissioners Room

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to adopt the agenda adding Item 5a – growth in Catawba Springs Township and sewer capacity.

**Approval of Minutes:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the January 23, 2017 minutes as amended.

**Approval of Waived Fees for Homeschool Prom:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve.

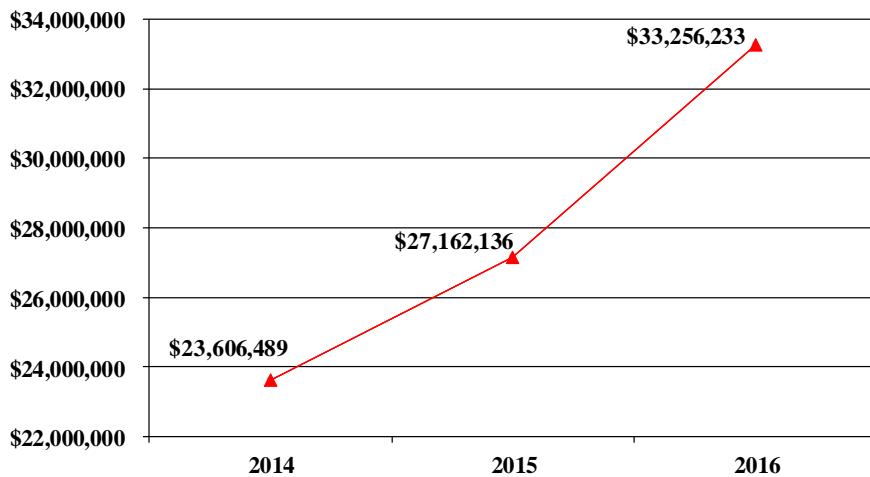
**Audit Presentation:** Scott Cook introduced Elsa Watts, who on behalf of Martin Starnes and Associates, presented the county's 2016 audited financial statements. The County received an unmodified opinion and had a cooperative staff. The General Fund is \$93,113,399, which expenditures at \$87,959,169.

Fund Balance serves as a measure of the County's financial resources available. Assets plus deferred outflows of resources minus liabilities minus deferred inflows of resources equals Fund Balance. There are 5 Classifications:

- Non spendable - not in cash form
- Restricted - external restrictions (laws, grantors)
- Committed - internal constraints at the highest (Board) level-do not expire, require Board action to undo
- Assigned - internal constraints, lower level than committed
- Unassigned - no external or internal constraints

The total fund balance general fund is \$33,256,233 or an increase of \$6,094,097, which is due to increasing revenues over expenditures, sales tax increases as well as the sale of Home Health.

## **Total Fund Balance General Fund**



The available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

Total Fund Balance

Less: Non spendable (not in cash form, not available)

Less: Stabilization by State Statute (by state law, not available)

Available Fund Balance

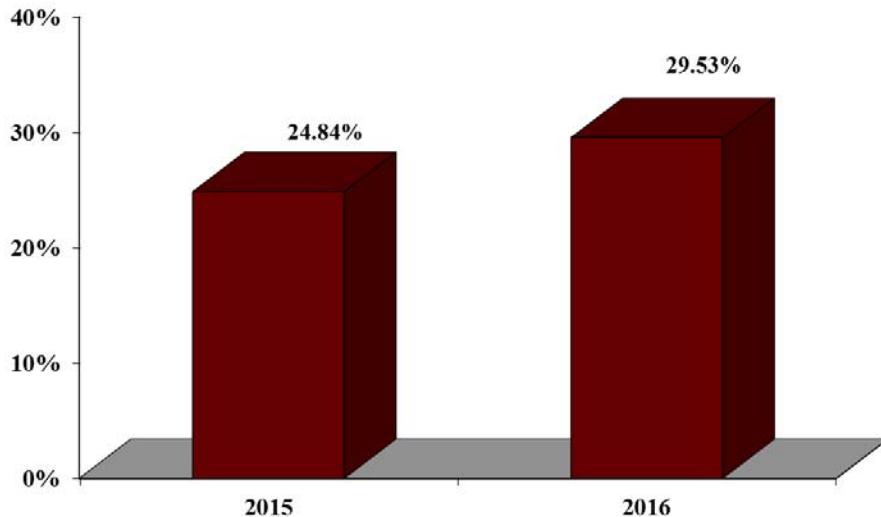
This is the calculation utilized as the basis for comparing Lincoln County to other units and calculating fund balance percentages.

Fund Balance Position

General Fund

Total Fund Balance	\$33,256,233
Non-spendable	- 256,545
Stabilization by State Statute	<u>- 6,909,752</u>
Available Fund Balance	\$26,089,936
Available Fund Balance 2015	\$ 21,381,081
Increase in Available FB	\$ 4,708,855

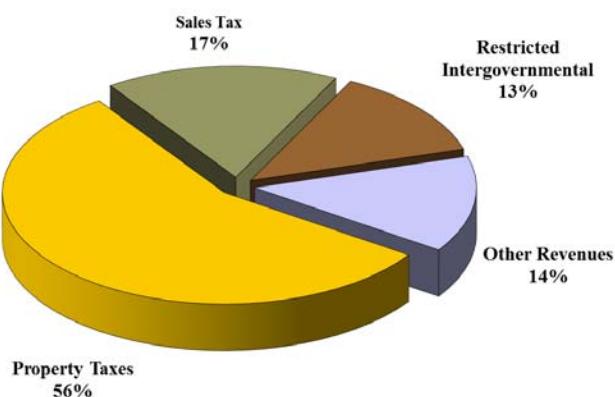
Available Fund Balance as a Percent  
of Expenditures and Transfers Out – General Fund



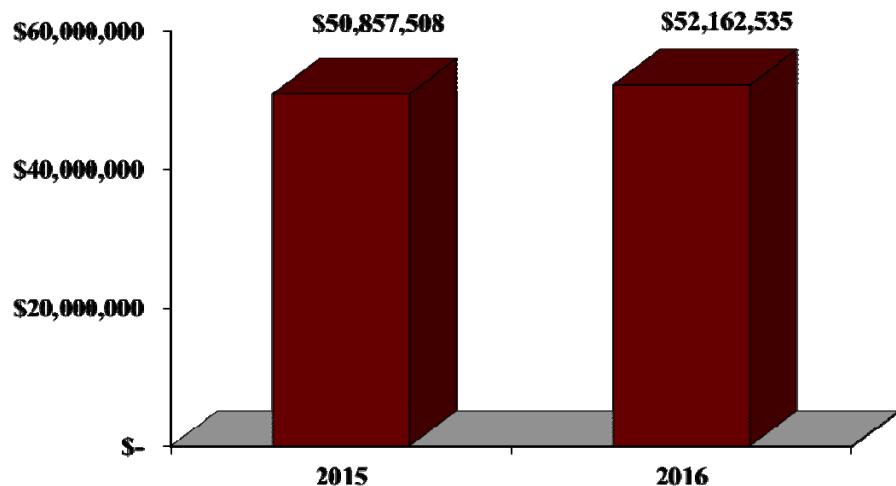
Unassigned Fund Balance - General Fund

	2015	2016
□ Unassigned Fund Balance	\$20,307,623	\$18,408,808
□ *Decrease of approximately \$1.9 million is due to the fund balance appropriation for FY 17 of \$5.5m.		

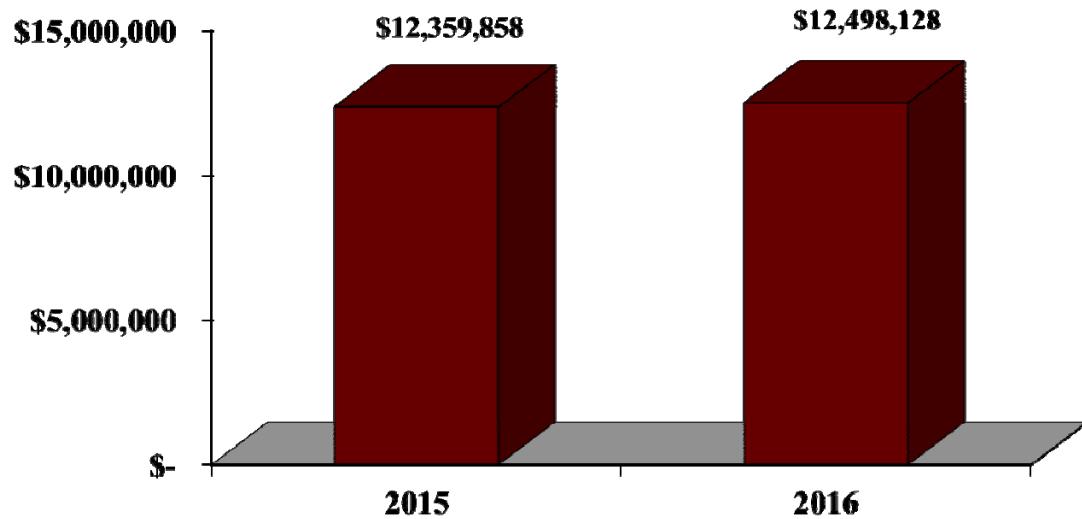
Top 3 Revenues:  
General Fund



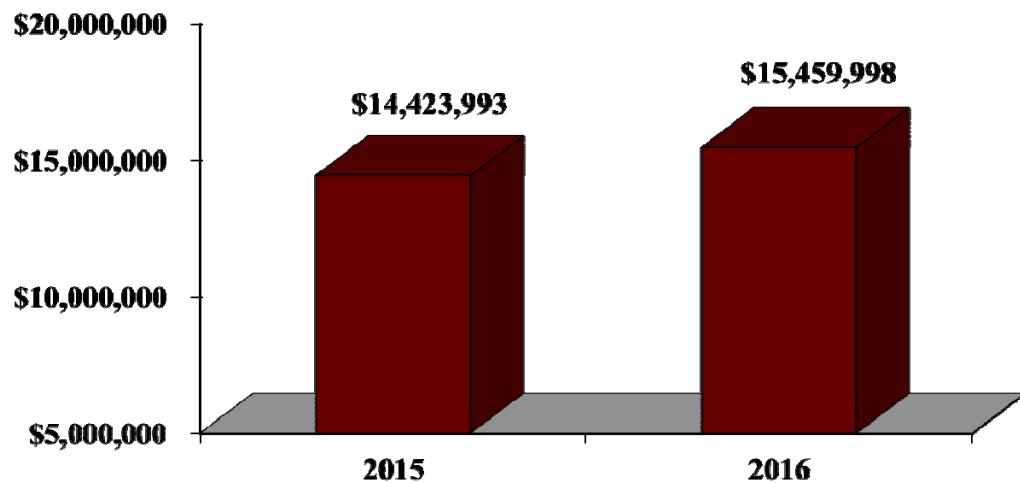
## Property Tax



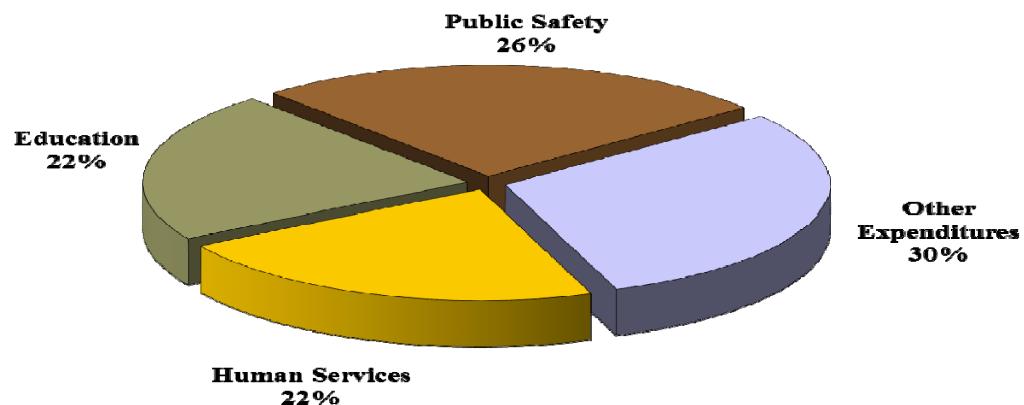
## Restricted Intergovernmental



## Local Option Sales Taxes



## Top 3 Expenditures: General Fund

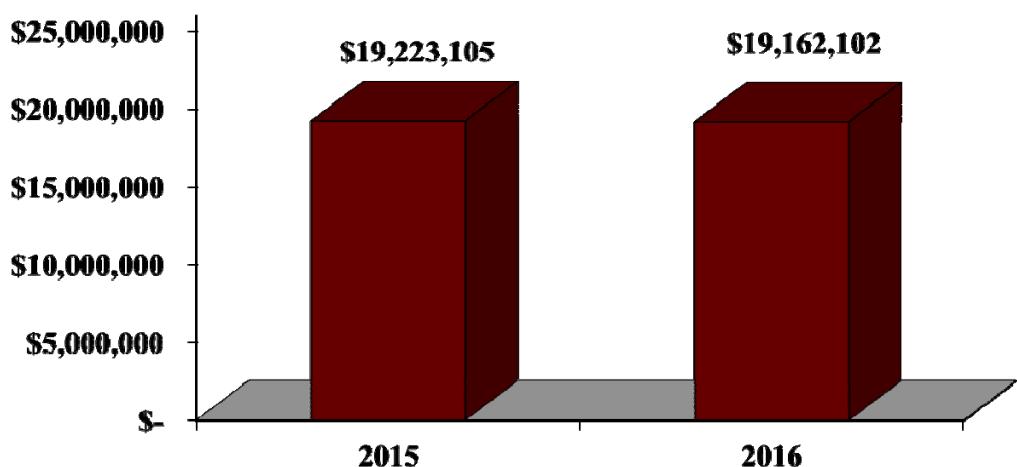


**Expenditures Total \$87,959,169**

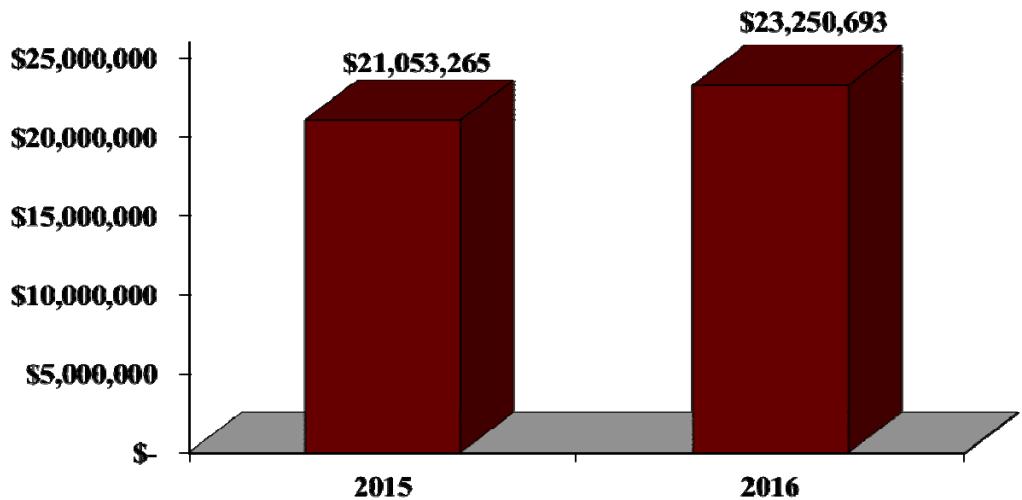
**Other Expenditures:**

General government  
Economic & physical development  
Cultural & recreational  
Debt service

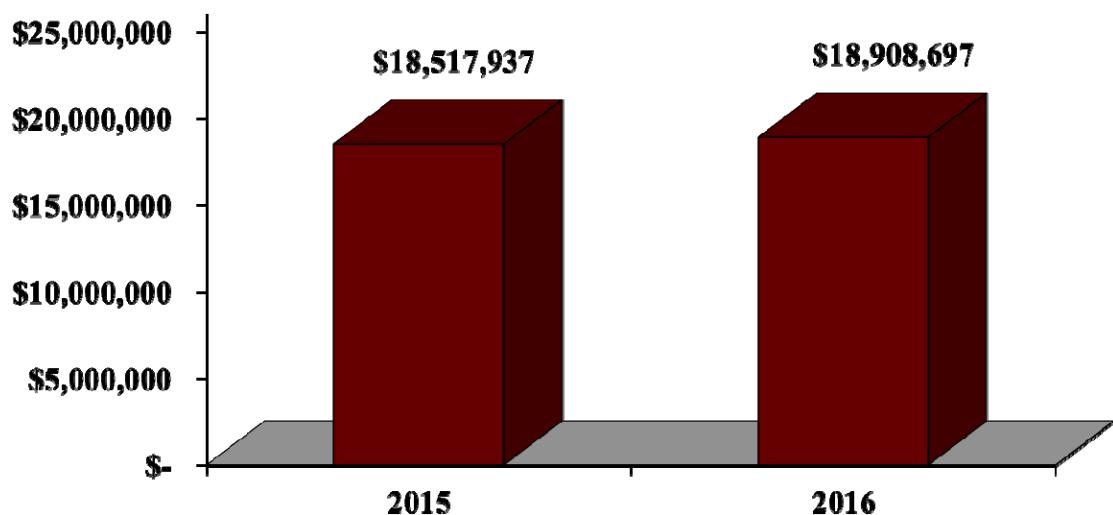
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## Public Safety



## Education



Enterprise Funds  
 Income (Loss)  
 Budgetary/Cash Basis

	<b>Solid Waste</b>	<b>Water/Sewer</b>	<b>E. Lincoln Water/Sewer</b>
<b>Revenues</b>	\$ 4,173,157	\$ 10,720,591	\$ 877,379
<b>Expenditures</b>	<u>3,808,856</u>	<u>7,008,448</u>	<u>845,894</u>
<b>Income (Loss) Before Other Sources (Uses)</b>	364,301	3,712,143	31,485
<b>Other Financing Sources (Uses)</b>	<u>-</u>	<u>(2,442,524)</u>	<u>-</u>
<b>Total Income (Loss)</b>	<b><u>\$ 364,301</u></b>	<b><u>\$ 1,269,619</u></b>	<b><u>\$ 31,485</u></b>

Enterprise Funds

	<b>Solid Waste</b>	<b>Water/Sewer</b>	<b>E. Lincoln Water/Sewer</b>
<b>Required Debt Service</b>	\$ 127,809	\$ 1,890,494	\$ 817,046
<b>Cash Flows From Operations</b>	\$ 930,275	\$ 5,725,151	\$ 845,028
<b>Unrestricted Cash</b>	\$ 6,795,494	\$ 9,352,283	\$ 108,730
<b>Unrestricted Net Position</b>	<b>\$ (2,541,748)</b>	<b>\$ 8,415,864</b>	<b>\$ 112,557</b>

**New Business/Advertised Public Hearings:** Mr. Wesley Deaton confirmed that no board member has had any ex parte' communications or conflicts of interest.

**PA #42 – NC Prime Properties, LLC, applicant:** Jeremiah Combs presented the following information:

The applicant is requesting preliminary plat review/ sketch plan approval for a 13 lot subdivision along Buffalo Shoals Road. The proposed development extends a new roadway approximately 1300 feet into the subject property, including street trees and sidewalks. The Lincoln County Unified Development Ordinance states in Article 9.6, all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing for approval, disapproval or approval with conditions.

### **Site Area & Description**

The 16.6-acre site is located on the south side of Buffalo Shoals Road about 400 feet west of its intersection with Ivey Church Road in Ironton Township. The subject property is zoned R-T (Transitional Residential) and is adjoined by property zoned R-T and B-N (Neighborhood Business). The subdivision will be served by private wells and septic systems.

### **Land Use Plan**

The Lincoln County Land Use plan designates this area as Suburban Residential. Residential development, especially development that is single-family in character, with a density of 1-2 units per acre is encouraged in these areas.

Chairman Beam opened the public hearing concerning PA #42– NC Prime Properties, LLC, applicant.

Kevin Demeny, 810 E. Main Street, Maiden, NC said the homes will be 1500 to 1800 square foot site built with 2 car garages. Restrictive covenants will be placed, probably similar to Goodson Place Subdivision which is nearby. There will also be a HOA. He testified that the findings are incorporated into his testimony. He said he will be responsible for the road until it is turned over to DOT.

Jeremiah stated that 2 homes per tenth of a mile is the density requirement for buildout for DOT to take over a road. Andrew Bryant said there are other factors that must be met for DOT to take over, such as lots with individual ownership. He said it will probably be close to  $\frac{3}{4}$  buildout of this subdivision.

Terry Abernathy, 2209 Catawba Heights Road, Lincolnton, said her grandparents owned the land beside Ivey Memorial Church and her father now owns it. Their concern is what kind of homes they are going to be building.

Mr. Demeny said they will be stick built single family homes with the price range of around \$200,000.

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

**PA #43 – Matthews Heathers Land Corporation, applicant:** Jeremiah Combs presented the following:

The applicant is requesting preliminary plat review/ sketch plan approval for a 20 lot subdivision along Lowesville Lane. The proposed development extends a network of new roadways into the subject property, including street trees and sidewalks. The Lincoln County Unified Development Ordinance states in Article 9.6, all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing for approval, disapproval or approval with conditions.

### **Site Area & Description**

The 20.6-acre site is located on the west side of N.C. 16 Bypass about 200 feet southeast of Lowesville Lane and about 400 feet southwest of Sifford Road in Catawba Springs Township. The proposed development does not include the acreage south of the creek located within Parcel ID# 32674. The subject property is zoned R-SF (Residential Single Family) and is adjoined by property zoned R-SF. The subdivision will be served by county water and private septic systems.

### **Land Use Plan**

The Lincoln County Land Use plan designates this area as Suburban Residential. Residential development, especially development that is single-family in character, with a density of 1-2 units per acre is encouraged in these areas. A small portion of the subject property is located in an area designated as Mixed Residential, suitable for multiple housing types and potentially higher densities, depending upon the availability of utilities.

Chairman Beam opened the Public Hearing concerning PA #43 – Matthews Heathers Land Corporation, applicant.

Greg Helms, developer, said this is a 20 lot subdivision and they have no intention on going across creek. The other 19 acres will be held for investment for when the planned use development occurs. The neighborhood will have sidewalks. He said county water is available and it will be served by individual septic tanks. He said the proposed findings of fact are true.

Commissioner Oakes said this could be considered a serial subdivision, where 20 lots are built, then another 20 lots and so on. Mr. Bryant stated that you certainly could have that, but the intent is to provide southern access into the future Crescent development if that materializes and provide a secondary access route down to Kevin Lane.

Keith Johnson said the Surveyor forgot to take off the other lots.

Mr. Helms said the road will be turned over to NCDOT and he will be responsible for it until that point.

Jay Henson, with Henson Foley, said there will be no connection to the other side of the creek. He said the project is adjacent to residential and they have met all requirements of the UDO. The homes are 2,800 to 3,500 square foot homes on 32,500 square foot lots. Dola Ray Place will need to conform to state standards from Lowesville Lane back into it.

Christian Byrd, 6820 Lowesville Lane said this proposal seems to be in direct conflict with everything the Board and Planning Board passed at the end of 2016 for density and houses. He said it seems like they are manipulating the rules and guidelines to get under the threshold and there is still only point of connectivity to Sifford Road. He expressed concerns about water and sewer. He said they would like to see more due diligence done.

Danny Fields, Jr., 7363 Sifford Road, said there is going to be a lot of congestion and traffic if this is built. He asked about schools and bus stops.

Being no additional speakers, Chairman Beam closed the public hearing.

**PD #2011-2-A – Jerry Reese, applicant:** Randy Hawkins presented the following:

The applicant is requesting to amend a master plan for a planned residential development to permit 10 single-family detached houses and 25 zero-lot-line houses, a total of 35 dwelling units. The master plan that was approved in 2011 when this property was rezoned to PD-R (Planned Development-Residential) called for 12 “twin home” condominium units and seven single-family detached houses, a total of 19 dwelling units. No construction has started.

Section 2.4.9.B.1 of the Unified Development Ordinance states that the PD-R district “is an option provided to encourage a mix of housing options within a comprehensively planned development, allowing a density bonus in return for the provision of a higher quality development.”

#### **SITE AREA & DESCRIPTION**

The property is located on the north side of Graham Road at Captains Way and borders Lake Norman. It is adjoined by property zoned R-SF and R-S (Residential Suburban). Land uses in this area include condominiums and single-family homes. This property is part of an area designed by the Lincoln County Land Use Plan as Suburban Residential, an area that’s primarily single-family in character but suitable for a limited amount of town home or patio home development, with projected densities of upwards of 1-2 units per acre depending on the provision of utilities.

#### **ENVIRONMENTAL**

This site is located in the Catawba River/Lake Norman WS-IV Critical Area. Under the watershed regulations, single-family detached development is limited to two dwelling

units per acre or lots must have a minimum area of at least 20,000 square feet (0.46 acre), and all other residential development is limited to 24 percent impervious area under the low-density option or 50 percent under the high-density option. If the amended plan is approved, the applicant would need to obtain a conditional use permit to use the high-density option for the zero-lot-line portion of the development. Engineered plans to control and treat stormwater runoff would need to be submitted and approved through a public hearing process.

Keith Johnson asked about the intersection near the property. Mr. Hawkins said it is an offset intersection. Mr. Johnson said this will make 3 stop signs there. He said the entrance there would exacerbate a problem already there.

Mr. Hawkins said after this approval, the applicants would have to get a driveway permit from NCDOT.

Chairman Beam opened the public hearing concerning PD #2011-2-A – Jerry Reese, applicant.

Jerry Reese gave a brief introduction saying he closed on this property in June of 2001 and bought it from the original Graham heirs and formed the Village of Stonecastle, LLC. He said he bought the property to develop and upscale community. He said he plans to live in the community once it is completed. He said in 2011 the property was rezoned to PD-R and the project at the time was consistent with pre-recession development perimeters, densities, size of units that existed in the heyday. The recession brought a significant change and in 2015 he learned that the current site plan is not feasible because the lots are too large, the condominium lots are too large and the densities are not appropriate for the infrastructure intended. The revised site plan and development standards basically address 2 deficiencies in the Lake Norman, Lincoln County housing market. The first is the scarcity of estate type lots, lots of  $\frac{1}{2}$  acre or more, waterfront lots. The second thing is there is a greater scarcity of housing units for millennials, empty nesters, and retired people who want to stay in the community or people who want to relocate here. He said this project will be a gem for Lincoln County.

Mr. Oakes said in the record when the 2011 plan was approved, he found in the record that Mr. Reese stated that he wanted to mirror that development on the land to the top if he could acquire that land. He asked if this was still the case.

Mr. Reese said he has not been able to acquire the land.

Matt Langston presented information concerning Stonecastle LLC. The proposed development has 10 single family lots, with 4 waterfront (0.75 ac) and 6 waterview (0.5 ac). The east precinct has 25 detached zero-lot-line units in a residential village setting including common area and amenities with 3.0 units per acre overall density. They will provide their own pump station.

Commissioner Beam asked if only the houses that are waterfront will have lake access. Mr. Langston said this is correct – only the waterfront homes have lake access.

Mr. Langston said there is an existing multifamily unit beside them with 6.5 units per acre. Based on analysis, the existing entitled density is 2.34 units per acre, with the proposed plan it will increase .33 units per acre for a total of 2.67 units per acre, which is still well below the 3.0.

Commissioner Oakes pointed out that this includes the Hideway Condos, which were there before zoning.

Mr. Langston said there was a lively neighborhood meeting, which resulted in increased land area between proposed sidewalk and wall to allow more room for landscaping, substantially increased setback for units from Graham Road and provided additional room for landscaping behind the wall. The wall is probably 30' from the edge of the road. A sidewalk will be at the right of way.

Mr. Langston said they are proposing putting in 4,700 feet of new pressure sewer line and pump station stand-alone package plant that will pump to Hope Drive.

Mr. Langston said the proposal complies with the County Land Use Plan goal of up to 3.0 units per acre. The revised plan responds to neighbor's concerns about treatment along Graham road with a minimal increase in area entitled density (.33 units per acre). The petition provides comprehensive sanitary sewer solution (single pump station) and provides a mixture of housing types in accordance with UDO and Land Use Plan. This type development is in high demand in the market and serves new residents as well as the "move down" buyer. This will be a high quality waterfront neighborhood for East Lincoln County.

Mr. Reese said each unit will be around 3,000 square feet with a 2 car garage. He said it will be a gated community with private streets. There will be 2 HOAS for the neighborhood.

Commissioner Oakes asked staff where in the Land Use Plan it states 3 units per acre. Mr. Hawkins said this is classified as Residential Suburban in the Land Use Plan. Residential suburban areas are designated as appropriate for upwards of 1 to 2 units per acre depending on the division of utilities, upwards meaning more than. Staff's policy has been 3 is within that range depending on whether it is a high quality development plan. There is a provision in the Unified Development Ordinance that states that the PDR district is an option provided to encourage a mix of housing options within a planned development, allowing a density bonus in return for the provision of higher quality development.

Mr. Hawkins said high quality development in this case would be minimum square footage, the building materials, the landscaping, sidewalks, lakefront lots, etc. would compare with other higher quality developments in the area. He said if this were

approved and advanced to the Subdivision Plat stage, they would ask the applicant for the proposed recorded restrictions to see if they comply with what he put in his report and would follow up to make sure the restrictions are recorded.

Commissioner Oakes presented a density chart and said he does not see any strictly residential developments that are at 3 units per acre. The only ones with more than 3 units per acre are mixed use.

Byron Bahr, 2135 Regatta Lane, Denver, said he thinks the original plan was a good plan and the developer should stick with that plan. He spoke against the request.

Caleb Hill, 2004 Captain's Way, Denver, read from the UDO concerning maintaining harmony and consistency in surrounding communities. He said this is not compatible with consistency with the existing properties.

Keith Mashburn, 2135 Regatta Lane, said he is a licensed general contractor and real estate broker. He said there are 2 types of buffer on the property, a stone wall and a landscaped buffer. Out of the 25 homes in front, they will be able to go over onto the Hideaway property. He said these carriage homes have nothing to walk to, it's unlike the carriage homes in Charlotte and other areas. He said he would like the original proposal over this proposal.

Morris Sample, Graham Point Lane, said he is about 200 yards from the proposed development. He spoke about the effect of this high density development on Lake Norman. He said Lake Norman is one of the cleanest lakes and we would like to keep it that way. He requested that any development on this property use the best management practices that are supported by the Catawba Riverkeepers. He said the sewer pumping station this close to Lake Norman is also concerning. He said the previously approved development plan would be more consistent with the area.

Denita Sample, Graham Point Lane, said they have lived there for 36 years and have observed many changes such as new developments, homes built, and Hideaway have all come since they moved there. She said the homes were usually built on  $\frac{1}{2}$  or  $\frac{3}{4}$  acre lots and did not affect their quality of life. She said she spoke about Jerry Reece's original plan saying they would be good neighbors. Mrs. Sample presented a petition with 163 signatures of neighbors within a mile of the Village of Stonecastle. She said they have united to oppose this development, due to the fact that they feel their quality of life will disappear if this density of housing is allowed on Graham Road. She said their community is opposed for the following reasons: density and neighborhood harmony, stormwater runoff, pollution of the lake, and demand on services and safety.

Randy Hawkins stated that the stormwater controls will need to be engineered and approved. They will need to remove 85% of suspended solids, the pollutants in the runoff before releasing it slowly. They will need to control the first inch of runoff, capture the pollutants that are washed off in that first inch of runoff. Under the low

density option, there would be no requirement for treating stormwater and no requirement for retaining stormwater, only detaining it and making sure the velocity is not increased. The low density option would apply to the old plan and the high density to the new plan. He said some of the stormwater currently goes across Graham Road, there is a knoll at the front of the property, so wherever it's going now, it will continue to go that way. It should be designed so it doesn't leave at any greater velocity than it is leaving now.

Bob Burkette, 8880 Graham Point Lane, said he is a developer and that this new plan, fire protection will be a chore. He said there is no way to get fire apparatus behind these homes the way they are staged. He showed a video to show traffic coming into this blind intersection.

Mark Morton, 8816 Graham Road, said he own farms on Graham Road. He said the road is going to get developed and they don't mind houses. He voiced concerns about density with the amount of acreage left on the road, with a lot of waterfront property. He said he has been there since 1968.

Hollie Hay, 1946 Yacht Club Drive, said they are concerned about the density of the carriage homes. She said they love growth, but don't want the precedence set up for the rest of this land to look like the carriage homes. She said they like the 2011 plan. Mrs. Hay said there is only one way out onto Highway 16.

Brennan Hay, 1946 Yacht Club Drive, spoke concerning Graham Road and the density of homes built. He presented aerial photos of Graham Road.

Richard Thompson, 8838 Graham Point Lane, asked how the residents of Graham Road will get out if there is ever an emergency at McGuire. He said they will not be able to get out to Highway 16. He said on two separate occasions, traffic was completely blocked from Highway 16. He spoke concerning the traffic and sewer issues in east Lincoln. He said the Town of Belmont recently said they will not approve any further development until a Comprehensive Study can be completed, which included developments and infrastructure. He asked the Board to listen to the concerns of the residents.

Patti Stiene, 2005 Yacht Club Drive, said she is opposed to the new plan. She said the original plan was considered normal density and was approved by the Commissioners. She said the new plan with 25 zero lot line homes will be considered high density and will have close to 50% impervious surface. She said they already have issues with runoff into yards and down neighbors culverts and into lake. She said the new plan will increase those drastically. Ms. Stiene presented pictures of the water runoff. She said if the Board approves, she would like to see them create at least 25 year rain event retention basins for storm water capture and an engineered plan ensuring that no more rain water or irrigation water leaves the site than was happening prior to approval.

Richard Walker, 8506 Graham Road, said the road in this neighborhood will not be taken over by DOT. He said the sewer pump station is already bad. He asked if there is enough facilities for this and said Graham Road is a country road.

Randy Hawkins said he sent the plan to the Fire Marshal and didn't get any comments back. The East Lincoln Fire Chief did not express any issues with water pressure in the area.

Andrew Bryant said if this is a gated community, DOT will not take it over, but it still has to be built to the same standards.

Jerry Reese said this is a gated community, but all requirements for the fire department having the codes will be met. It will be dual entrance with a median in the middle. All roads will be designed with DOT standards. There will be sidewalks on both sides and no parking on street. In addition for safety purposes, there is an auxiliary entrance that will probably be field pavers to accommodate moving vans, fire trucks, garbage trucks, etc. This will in normal instances be an exit point. This will be coded to use as an entranceway in case of emergency. He said these homes will be 30 x 60 and will be custom built. There will also be a significant amount of common area down by the pool, with playgrounds behind it for children. He said this community will be walled completely around it with landscaping, so there will be no opportunity or availability unless children come out of the community and walk down the street to the old septic field.

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

#### **ZMA #631 – James Kennerly, applicant:**

The applicant is requesting the rezoning of 1.75 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The stated purpose of the request is to subdivide the property into three lots for single-family homes (see information on minimum lot size below)

#### **Site Area & Description**

The property is located at 6671 Pine Ridge Drive, on the north side of Pine Ridge Drive about 800 feet east of Campground Road. It is adjoined on all sides by property zoned R-T. Public water and sewer are available at this location. Land uses in this area include residential, business, institutional (church) and recreational (Rock Springs Nature Preserve). This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 dwelling units per acre depending on the provision of utilities.

#### **Additional Information**

#### **Permitted uses**

Under current R-T zoning: manufactured homes, duplexes, modular homes, site-built homes, church.

Under proposed R-SF zoning: modular homes, site-built homes, church.

#### **Minimum lot size**

Under current R-T zoning: 32,500 square feet (0.746 acre).

Under proposed R-SF zoning: 22,500 square feet (0.516 acre) with public water and sewer,

32,500 square feet otherwise.

**Adjoining zoning and uses**

East: zoned R-T, undeveloped lot.

South (opposite side of Pine Ridge Drive: zoned R-T, residential uses.

West: zoned R-T, residential use.

North: zoned R-T, undeveloped lots.

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

Chairman Beam opened the public hearing concerning ZMA #631 – James Kennerly, applicant.

Jim Kennerly, 7394 Sifford Road, stated that his parents lived on this property for many years and he would like to rezone the property for R-SF and divide into 3 lots to sell.

Commissioner Oakes asked if the house that is there currently will be torn down. Mr. Kennerly said the property will be cleared.

Being no additional speakers, Chairman Beam closed the public hearing.

**ZMA #632 – Wyatt Dinken, applicant:**

The applicant is requesting the rezoning of a 0.58-acre lot from R-SF (Residential Single-Family) to R-S (Residential Suburban). The stated purpose of the request is to build a duplex (see information on permitted uses below).

**Site Area & Description**

The property is located on the west side of King Wilkinson Road about 800 feet south of N.C. 150 in Ironton Township. It is adjoined by property zoned R-SF and R-S.

County water is available at this location. Land uses in this area include residential and institutional (school and churches). This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 dwelling units per acre depending on the provision of utilities.

**Additional Information**

**Permitted uses**

Under current R-SF zoning: modular home, site-built house.

Under proposed R-S zoning: duplex, modular home, site-built house.

**Adjoining zoning and uses**

East (opposite side of King Wilkinson Road): zoned R-S, undeveloped lot and duplex.

South: zoned R-SF, house.

West: zoned R-SF, undeveloped tract and school property.

North: zoned R-S and R-SF, house.

Chairman Beam opened the public hearing concerning ZMA #632 – Wyatt Dinken, applicant.

Wyatt Dinken, 3890 Lakeshore Road South, said he is here to answer any questions. He said they are thinking the duplex units will be 2 bedroom, one bath.

William Adhers, 5101 Burris Road, said he purchased the property adjacent to this parcel and it is in trust for his brother, who is handicapped, as an investment property. He said they looked up the zoning on this parcel before they purchased the property to make sure only a single family home could be built there. He said they are concerned about the drainage with this type of structure. He said he is a property investor, not a realtor or appraiser, but he believes it will harm his property values. Mr. Adhers said he had a real estate license in New York and believes it would harm property values.

Being no additional speakers, Chairman Beam closed the public hearing.

**Growth in Catawba Springs Township and Sewer Capacity:** Commissioner

Permenter proposed setting a date for a public hearing, with that hearing occurring as soon as possible, to consider an ordinance to develop a 25-year vision document for the Catawba Springs Township, during the course of a 6-month moratorium on residential development in Catawba Springs Township. The moratorium would apply to any residential applications requiring Board of Commissioners approval.

Commissioner Permenter presented the following:

Moratorium is a serious step that requires specifically identifying the need, the things subject to the moratorium, the length of time, and the actions to be taken during the moratorium.

It also turns out that building moratoria are not particularly uncommon. A paper by the UNC School of Government -- a part of the UNC that exists solely to assist county and municipal governments -- in May 2014 shows that slightly over 20% of the counties in the state used a moratorium during a 3-year period alone, with the statement,

"The moratoria are most often of short duration (typically six months) and are normally focused on particular types of development."

A quote from the opening of the paper reads as follows:

**"Given the time needed to complete the procedures required for adoption or amendment of development regulations or to even rezone property, local governments sometimes adopt moratoria on development to preserve the status quo while plans are made, management strategies are devised and debated, ordinances are revised, or other development management concerns are addressed. Moratoria**

**are also sometimes used when there are insufficient public services necessary to support development, such as inadequate water supply or wastewater treatment capacity."**

Those quotes and situations apply directly to us. All we've heard the last few years is "out of control growth -- do something about it";

That's because we lack a central and unifying vision; no sense of where we want to be or need to be and certainly no specific vision, shared and commonly understood by our citizens, of what our county should look like 25 years from now. Every topic is considered inside its' own limited box. Roads are treated independently, water, sewer, school location, parks, greenspaces, libraries. There is no central unifying vision.

We have not taken the steps necessary to actively engage our citizens in accomplishing this. Not because of malice or neglect -- in fact our county planning staff has gone to considerable trouble to do so -- but it hasn't happened just due to a lack of time by county staff, and the fact that the traditional approaches to getting citizen input and buy-in just don't work anymore, at least in this case.

It's time to think outside the box; hit the "reset" button. The need is greatest in the eastern part of the county, so let's start with Catawba Springs Township as the region getting hit the hardest now and in the immediate future. If the approach works, it can be used as a template for other parts of the county.

The two of us from the eastern part of the county will assemble a small ad-hoc group of local residents with technical expertise in growth and infrastructure management. We will bring in other volunteer experts to address quality-of-life topics as we proceed, and incorporate these into the vision document. We will also require substantive input from our county experts for frequent reality checks. We will actively seek out participation, input, comments and criticisms from the hardest to reach demographic -- people still in their 40s and younger still busy raising families and earning a living. I've already taken steps towards this. These are the folks we need to reach, and we haven't.

We have a commitment from our state legislator, Rep. Jason Saine, to help make this effort work and to provide us with access to unique growth modeling expertise from UNCC, and we also have the ability to access help from the UNC School of Government.

We will provide briefings, formal and informal, to the BOC and Planning Board, as required but not less than 3 formal updates. We will seek out any group willing to listen informally.

Why an ad-hoc group? We'll move faster with less bureaucratic hurdles, be able to make simplifying assumptions and decisions, and move needed expertise in and out as necessary.

Why 6 months? Anything less won't be long enough, and anything more will be too long. 6 months is the most common length of time (as mentioned in the SOG paper), and it provides for a highly visible effort with a sense of urgency.

Finally, this is a Vision Document. It isn't a Land Use Plan. It is intended to serve as a comprehensive and easily understood description of what Catawba Springs Township is expected to look like in 25 years, and that vision will be defined by our citizens and our county government. This is what the people want -- we've all heard that message loud and clear -- and I believe we can do it if we try. We and our citizens will define our own future. The need is great and the time is now.

Commissioner Oakes stated that there are also sewer capacity issues and the problem is that no one knows exactly what they are. He said as an example, Sylvan Creek was recently approved in Denver and the developer has discovered that he cannot get sewer capacity because the local lines are insufficient and he is now thinking about running a mile or so to Verdict Ridge to connect there. He said the Public Works Director has acknowledged that this part of the township is out of capacity because of the line situation. We may also be about to hit capacity at the sewer plant overall. He said a consultant will be hired to do a flow study of the whole sewer system. Commissioner Oakes said developers come in to get allocation letters, which are not being given because we are not sure we have the capacity. He said continuing to approve developments when we don't know if they can get sewer seems a little silly. He said in 2016 there was a sewer moratorium enforced by DENR, the State came in and said we were out of capacity and shut us down. He said if we are not careful, we will hit this wall again. He suggested stopping, getting the plan together, the consultant in, and research. He said this is another reason to put a pause on things.

Greg Smith, Planning Board member, said it seems inconsistent with the questioning the Planning Board has had over the past 18 months or so, where it has been asked consistently at different points with the developments with no indication of any constraint. He said they have been concerned and have been told there is no constraint. He said it seems they have been given incorrect information.

Commissioner Oakes said Public Works and Planning are currently understaffed and are overwhelmed with the amount coming in.

Commissioner Mitchem said if sewer lines are not extended and capacity is not extended, it will slow down growth. He said taking lot size back to an acre will also slow growth. He said he could go along with a moratorium, but he wasn't sure it would really accomplish anything.

Chairman Beam said with moratorium there are very narrowly confined restricted laws that have to be followed. He said there will be a public hearing scheduled to hear from citizens and counsel.

Wesley Deaton said all the Board can do at this point is decide if they want to hold a public hearing. He said the Statute was changed in 2011 and read the wording. He said there is pretty tight criteria for a moratorium and pretty limited basis for doing one.

Keith Johnson, Planning Board member, said some thought needs to be given to what the Board wants to stop, whether it's every new building in the county, only in Catawba Springs and Ironton, He said a lot of thought needs to be given to this.

Christine Poinsette, Planning Board Chair, said Commissioner Permenter mentioned bureaucracy, but the bureaucracy is there for a reason, very wise men and women put together a process for moratoriums. She said there will be a joint meeting on February 13 and growth in East Lincoln is one of the topics on that agenda.

Commissioner McCall asked the difference between the Land Use Plan and a Vision document.

Commissioner Oakes said the Land Use Plan is a small part of the whole thing, there needs to be a transportation plan and a plan for expanding water and sewer. These are not part of the Land Use Plan.

Commissioner Oakes said there is supposed to be a county Transportation Plan. He said if you don't show up with a traffic study and plan at the regional planning organization, you do not get your traffic improvements in the cue.

Commissioner Permenter explained that time is of the essence with this and the Board and Planning Board could even meet during the day to come up with this information.

Commissioner Mitchem asked Don Chamblee to give an update on capacity. Mr. Chamblee said they just upgraded the plant from 1.68 million gallons per day to 3.3 million gallons per day. He said we are at about 52% allocated right now with 40% allocation left, which is 6,000 to 7,000 homes at the plant. At each of the lift stations, there is an exact calculation of the design that came from the engineer that says how much flow you can have at the location and for every house that goes to that, they have the exact amount. With every lift station, they know exactly where they are at and are at or below capacity at all the lift stations, at station 15 they are doing an upgrade to get more capacity there. He said it would probably be around 3 years before we are out of sewer capacity, assuming around 2,000 homes per year. Mr. Chamblee said they are in the process of getting a proposal to expand the plant to 5.0 million gallons per day, which would take around 3 years to implement.

Commissioner Mitchem asked if there is a sewer problem in Lincoln County. Mr. Chamblee said there is capacity at the sewer plant. He said there are lift stations that are at capacity, like number 11 where the Sylvan development was. He said they have so many people wanting to tie into the same lift stations, they cannot dedicate this to developers.

He said sewer has already been allocated for any development already permitted. The remaining 2800 homes will take away from the 6,000.

Commissioner Mitchem asked the Planning Department and Public Works to get together and bring a report back with numbers on where we are with development and sewer.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to hold a public hearing on February 27 for a moratorium on residential development based on sewer capacity issues at a special meeting.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to establish an Ad Hoc Committee for a 25 year Vision Plan for East Lincoln.

The Planning Board recessed their meeting to the 2<sup>nd</sup> floor balcony. Chairman Beam called for a brief recess and then called the meeting back to order.

**Consideration of a recommendation to the North Carolina State Historic Preservation Office regarding the boundary expansion of the Rock Spring Camp Ground listing in the National Register of Historic Places** - Andrew Bryant presented a proposal to consider a recommendation to the North Carolina State Historic Preservation Office regarding the boundary expansion of the Rock Springs Camp Ground listing in the National Register of Historic Places.

The original nomination for the Rock Springs Camp Ground did not include all of the property, just the arbor and tents. The boundary increase will encompass the whole of the property including Rock Spring and Mud Spring.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to recommend that the boundary increase meet the criteria for listing in the National Register and that the Board recommends the property be submitted for listing in the Register.

**Public Comments:** Chairman Beam opened Public Comments. Being no speakers, Chairman Beam closed Public Comments.

**Sole Source Purchases:** Jennifer Sackett presented the following:

**Little Bits STEAM Education Class pack** - The Lincoln County Public Library is requesting permission to make a sole source purchase of one LittleBits STEAM Education Class Pack with funds awarded from a Bosch Community Fund Grant. The purpose of this grant is to purchase technology and supplies that support STEAM (Science, Technology, Engineering, Arts and Math) in education.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Sole Source Purchase of Little Bits STEAM Education Class Pack.

**Dash and Dot Robotic Classroom pack** – The Lincoln County Public Library is requesting permission to make a sole source purchase of one Dash and Dot Robotic Classroom Pack with funds awarded from aa Bosch Community Fund Grant. The purpose of this grant is to purchase technology and supplies that support STEAM (Science, Technology, Engineering, Arts and Math) education.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Sole Source Purchase from Wonder Workshop in the amount of \$2,260.

**Budget Ordinance #6:** Scott Cook presented Budget Ordinance #6 for the Board's approval.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance #6.

**Vehicle Tax Systems Refunds:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Vehicle Tax Systems Refunds.

**Other Business:** Commissioner McCall requested the Board's approval to form an Ad-Hoc Committee lead by Commissioner McCall to assist LCAS in getting to "No-Kill" status (90% or greater live release rate for 12 consecutive months) and maintaining the status. (No vote necessary, no objections voiced)

Mr. Atkins reminded the Board of the work session on February 16 at 9 a.m. to discuss solid waste, public water, and sewer.

**Recess:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to recess the meeting to February 13, 2017 at 6:30 p.m. to hold a work session with the Planning Board.