

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 2, 2021

The Lincoln County Board of County Commissioners met on August 2, 2021, in the Commissioners Room, Lincoln County Administration Office, 353 N. Generals Blvd., Lincolnton, at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Anita McCall
Bud Cesena
Cathy Davis

Others Present:

Wesley Deaton, County Attorney
Deanna Rios, Finance Director
Josh Grant, Programs Manager
Amanda Hallman, Deputy Clerk

Members Present:

Doug Tallent, Vice-Chair
Robert Shugarman, Secretary
Jenni Boyles
Keith Gaskill
Jim Konieczny
Kyle Land
George Mull
Keith Poston

Staff Present:

Andrew Bryant, Director
Randy Hawkins, Zoning Administrator
Amy Brown, Clerk to Planning Board

Commissioner Cesena asked everyone to remember Raye Watson-Smyth, who has been sick and was taken to the hospital this afternoon.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 2, 2021
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
 - a. Approval of Minutes – July 19, 2021
 - b. Tax Releases Over \$100 – June 16 – July 15, 2021
 - c. VTS Refunds
 - d. Jail Health Plan
 - e. Resolution #2021-30
3. Zoning Public Hearings – Randy Hawkins

Joint Public Hearings with Planning Board - Legislative Cases:

CZ #2021-5 Ron Barbagli, applicant (Parcel ID# 30999) A request to rezone a 0.84-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. The property is located at 422 N. NC 16 Business Hwy., on the east side of N.C 16 Business at its intersection with Forest Oak Drive and on the west side of Pilot Knob Road, in Catawba Springs Township.

Following the joint meeting, the Lincoln County Board of Commissioners will hold public hearings to consider the following matters:

WSSUP #27 Daniel Renckens, applicant (Parcel ID# 23734, 59501 and 74794) A request for a special use permit to exceed 36% impervious surface area in the Hoyle Creek WS-IV Protected Area as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing the addition of a two-story, 42,552-square-foot self-storage building to an existing self-storage facility, increasing the impervious surface area of the overall development to approximately 70%. The 4.23-acre site is located at 3800 E. NC 27 Hwy. in Ironton Township.

SUP #442 Jonathan Sickler, applicant (Parcel ID# 26963) A request for a special use permit to place a singlewide manufactured home in the R-S (Residential Suburban) district. The 1.43-acre parcel is located on the south side of Car Farm Road about 1,200 feet east of its intersection with Horseshoe Lake Road in Ironton Township.

SUP #443 Todd McGee, applicant (Parcel ID# 28191) A request for a special use permit to place a singlewide manufactured home in the R-S (Residential Suburban) district. The 0.6-acre parcel is located on the west side of Lenhaven Trail about 500 feet south of N.C. 27 in Ironton Township.

SUP #444 Denver Retail, LLC, applicant (Parcel ID# 87825, 90154 and 87820) A request for a special use permit to develop a site in the Eastern Lincoln Development District (ELDD) overlay district for commercial uses that have an anticipated peak hour trip generation in excess of 100 trips. The development plan calls for a 3,550-square-foot restaurant and a 2,500-square-foot coffee shop, each with a drive-through window, and a 3,500-square-foot space for office or retail use. The 2.6-acre site is located on the north side of N.C. 73 about 600 feet west of N.C. 16 Business in Catawba Springs Township.

SUP #445 Crete Solutions, LLC, applicant (Parcel ID# 101053) A request for a special use permit to operate a concrete plant in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD) overlay district. The proposed 4.8-acre site is located on the west side of N.C. 16 Business and north side of Quarry Lane on Jameson Way in Catawba Springs Township.

4. Adoption of a Resolution Calling for a Public Hearing on Debt Financing – Emergency Services Facility – Deanna Rios
5. Request from Solid Waste to purchase a new Road Tractor Truck through Transource Inc a national purchasing cooperative – Don Chamblee
6. Request from Solid Waste to purchase a new Roll Off Truck from Transource a national purchasing cooperative – Don Chamblee
7. Request from Solid Waste to purchase a new Articulated CAT 730 Dump Truck from Carolina CAT a national purchasing cooperative – Don Chamblee
8. Request from Public Works for Adoption of Easement Acquisition Guidelines and Procedures – Don Chamblee
9. Public Comments
10. Other Business

Adjourn

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the agenda adding Item 10a – Closed Session.

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

- a. Approval of Minutes – July 19, 2021
- b. Tax Releases Over \$100 – June 16 – July 15, 2021

- c. VTS Refunds
- d. Jail Health Plan
- e. Resolution #2021-30

Zoning Public Hearings: Wesley Deaton, County Attorney, presented information concerning legislative and quasi-judicial hearings. He asked if any Board member has a conflict regarding any of the quasi-judicial cases. None were disclosed.

Commissioner Sigmon asked to be recused from voting on WSSUP #27 – Daniel Reneckens, applicant due to the fact that he owns adjoining property.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to recuse Commissioner Sigmon voting on WSSUP #27 – Daniel Reneckens, applicant due to the fact that he owns adjoining property.

Chairman Mitchem recognized Randy Hawkins, who is retiring at the end of August saying this will be his last meeting presenting zoning cases.

Randy Hawkins presented the following cases:

CZ #2021-5 – Ron Barbagli, applicant:

The applicant is requesting the rezoning of a 0.84-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. Vehicle sales, which is not permitted in the B-N district, is a special use in the B-G district and in the Eastern Lincoln Development District (ELDD) overlay district, in which this property is located. Vehicle service (oil change, brake service, alignment, etc.) is a special use in the B-N district and a permitted use in the B-G district, and has been recognized as a grandfathered use of this property. A site plan has been submitted as part of the rezoning application. It shows that no more than 15 vehicles would be displayed for sale. Minutes from a June 17 community involvement meeting are also included. If the rezoning request is approved, the use of the property would be limited to the specified uses.

Site Area & Description

The subject property is located at 422 N. NC 16 Hwy., on the east side of N.C. 16 Business at its intersection with Forest Oak Drive and on the west side of Pilot Knob Road. It is adjoined by property zoned B-N, CZ B-G (Conditional Zoning General Business) and R-T (Transitional Residential). Land uses in this area include business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services.

Background

This property was the subject of a rezoning hearing in January 2018. The applicant had applied to rezone the property from B-N to CZ I-G (General Industrial) to permit vehicle sales and

vehicle repair (body shop/vehicle restoration). The Planning Board voted 7-2 to recommend approval of the rezoning request, but the applicant withdrew the application before the recommendation was submitted to the Board of Commissioners for a final decision.

Additional Information

Permitted uses Under current zoning: vehicle service, retail sales, offices, personal services, restaurant, etc.

Under proposed zoning: vehicle sales, vehicle service.

Adjoining zoning and uses

East (opposite side of Pilot Knob Road): zoned CZ B-G and R-T, vacant lots and residence.

South: zoned B-N, undeveloped lot. West (opposite side of N.C. 16 Business): zoned B-N and CZ B-G, medical offices and vehicle sales.

North: zoned B-N, convenience store/gas station. Staff's Recommendation Staff recommends approval of the rezoning request.

Chairman Mitchem opened the Public Hearing concerning CZ #2021-5 – Ron Barbagli, applicant.

Ron Barbagli, applicant, asked for the Board's approval of his request to add car sales to an existing service shop. He said the family has had the business in the area for around 40 years and has spent around \$50,000 on the interior and exterior of the building. He said he would be willing to limit to 12 to 15 cars for sale.

Commissioner Sigmon said he attended the public information meeting and the building is splendid on the inside. He said no citizens showed up, only he and a reporter.

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

The Planning Board recessed their meeting to room 310.

WSSUP #27 – Daniel Reneckens, applicant:

The applicant is requesting a special use permit to exceed 36% impervious surface area in the Hoyle Creek WS-IV Protected Area watershed district as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing the addition of a two-story, 42,552-square-foot self-storage building to an existing self-storage facility. The project would increase the impervious surface area of the overall development to approximately 70%. Stormwater runoff would be directed into an existing pond.

The subject property is zoned I-G (General Industrial). A self-storage facility is a permitted use in the I-G district.

Under the 10/70 option, 10 percent of the acreage in a watershed district may be developed with new nonresidential projects having up to 70% impervious surface area. Approval is on a project-by-project basis, subject to the issuance of a special use permit by the Board of Commissioners.

One of the findings of fact that must be made in approving a permit for a special nonresidential intensity allocation is that the project will substantially increase the county's tax base or otherwise significantly promote or expand economic development and/or job opportunities, or serve a community purpose such as a place of worship, school, or other community facility.

The Hoyle Creek watershed district covers 6,321 acres. To date, 1.47 acres has been allocated under the 10/70 option. If this request is approved, 626.4 acres would be available for future allocation.

SITE AREA AND DESCRIPTION

The subject property is located at 3800 E. NC 27 in Ironton Township. It is adjoined by property zoned I-G and R-SF (Residential Single-Family). Land uses in this area include business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services.

Commissioner Cesena asked about stormwater runoff on this site.

Chairman Mitchem opened the Public Hearing concerning WSSUP #27 – Daniel Reneckens, applicant.

Daniel Renckens, applicant, said there is a strong demand for self storage in this area. He said there is a large farm pond that the site drains to, which is not on their property.

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

UPON MOTION by Commissioner McCall, the Board voted unanimously (Commissioner Sigmon recused) to approve the findings of fact as submitted by the applicant.

UPON MOTION by Commissioner McCall, the Board voted unanimously (Commissioner Sigmon recused) to approve WSSUP #27 –Daniel Renckens, applicant, based on the findings of fact.

SUP #442 – Jonathan Sickler, applicant

The applicant is requesting a special use permit to place a singlewide manufactured home in the R-S (Residential Suburban) district. A singlewide or doublewide manufactured home is a special use in the R-S district.

SITE AREA AND DESCRIPTION

The 1.43-acre parcel is located on the south side of Car Farm Road about 1,200 feet east of its intersection with Horseshoe Lake Road. It is surrounded by property zoned R-S. County water is available at this location. Land uses in this area are mostly residential and include manufactured homes. Four singlewide manufactured homes are located on adjoining parcels. The subject

property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

Chairman Mitchem opened the Public Hearing concerning SUP #442 – Jonathan Sickler, applicant.

Jonathan Sickler, applicant, said the mobile home is for his father and his dog. He said he prepared and would like to incorporate the Findings of Fact into his testimony.

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the findings of fact as submitted by the applicant.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve SUP #442 – Jonathan Sickler, applicant, based on the findings of fact.

SUP #443 – Todd McGee, applicant:

The applicant is requesting a special use permit to place a singlewide manufactured home in the R-S (Residential Suburban) district. A singlewide or doublewide manufactured home is a special use in the R-S district.

SITE AREA AND DESCRIPTION

The 0.6-acre parcel is located on the west side of Lenhaven Trail about 500 feet south of N.C. 27 in Ironton Township. It is surrounded by property zoned R-S. Land uses in this area include residential and business. The subject property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services.

Land Use Plan Recommendation

Staff recommends that the Board of Commissioners amend the Land Use Plan to designate the subject property and Parcel ID# 79543, an adjoining 6.1-acre tract owned by the applicant, to Single-Family Neighborhood to match the designation of the adjoining properties to the south. Staff has discussed the proposed change with the applicant, who has no objection.

UPON MOTION by Commissioner McCall, the Board voted unanimously to amend the Land Use Plan to designate the subject property and Parcel ID# 79543, an adjoining 6.1-acre tract owned by the applicant, to Single-Family Neighborhood to match the designation of the adjoining properties to the south.

Chairman Mitchem opened the Public Hearing concerning SUP #443 – Todd McGee, applicant.

Todd McGee, applicant, said he would like to put a mobile home on the property for his mom to live in. He said Lenhaven Trail is a private road that his family lives on. He said he prepared and would like to incorporate the Findings of Fact into his testimony.

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

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the findings of fact as submitted by the applicant.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve SUP #443 – Todd McGee, applicant, based on the findings of fact.

SUP #444 – Denver Retail, LLC, applicant:

The applicant is requesting a special use permit to develop a site in the Eastern Lincoln Development District (ELDD) overlay district for commercial uses that have an anticipated peak hour trip generation in excess of 100 trips. The development plan calls for a 3,550- square-foot restaurant and a 2,500-square-foot coffee shop, each with a drive-through window, and a 3,500-square-foot space for office or retail use. A site plan and a traffic impact analysis have been submitted as part of the application. The traffic study shows that the proposed development is expected to generate a total of 380 trips (entering and exiting) in the a.m. peak hour and 231 trips in the p.m. peak hour. Under Section 2.5.E of the Unified Development Ordinance, proposed uses that have an anticipated peak hour trip generation in excess of 100 trips are subject to review as a special use.

SITE AREA AND DESCRIPTION

The proposed 2.6-acre site is located on the north side of N.C. 73 about 600 feet west of N.C. 16 Business. It is zoned B-G (General Business) and is surrounded by property zoned B-G. Restaurants, including fast-food restaurants, offices and retail sales are permitted uses in the B-G district and in the ELDD district. (In the ELDD, the proposed uses are special uses if the site is located adjacent to or within 100 feet of a residential zoning district, which this site is not.) Land uses in this area include business and multi-family residential (apartments). The subject property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services.

Chairman Mitchem opened the Public Hearing concerning SUP #444 – Denver Retail, LLC, applicant.

Jeff Watson, applicant, said they have been in business 20 years developing retail and have national tenants planning to go in this space. He said their access is from the back driveway. He said he said he prepared and would like to incorporate the Findings of Fact into his testimony.

Andrew Topp, Traffic Engineer, said he prepared and would like to incorporate the Traffic Impact Study into his testimony.

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve SUP #444 – Denver Retail, LLC, applicant, based on the Findings of Fact.

SUP #445 –Crete Solutions, LLC, applicant:

The applicant is requesting a special use permit to operate a concrete plant in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD) overlay district. A site plan has been submitted as part of the application. A concrete plant is a special use in the I-G district and in the ELDD overlay district.

SITE AREA AND DESCRIPTION

The 4.8-acre parcel is located on the west side of N.C. 16 Business and north side of Quarry Lane on Jameson Way. It is part of the Prestige Business Park. A 150-foot-wide power line right-of-way crosses the side of the property near Quarry Lane. Access to the proposed concrete plant would be via Quarry Lane and Jameson Way, not directly from N.C. 16 Business. The subject property is adjoined by property zoned I-G and, on the opposite side of N.C. 16 Business, R-T (Transitional Residential). Land uses in this area include industrial and residential. The industrial uses include a landfill, a quarry, an asphalt plant and an existing concrete plant. The subject property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center.

Commissioner Cesena spoke about the Noise Ordinance and asked if this site would be in compliance.

Chairman Mitchem opened the Public Hearing concerning SUP #445 – Crete Solutions, LLC, applicant.

William West, President of Crete Solutions, said they are excited to come to Lincoln County to help serve the development. He said the trucks they buy do not have jake breaks. He said they don't take deliveries early and he does not allow slamming of tailgates.

Tyler Shaw said he prepared and would like to incorporate the Traffic Impact Study into his testimony.

Jonathan Carter, said he is the Engineer that designed the site and he is here to answer any questions.

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

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve SUP #445 – Crete Solutions, LLC, applicant, based on the Findings of Fact.

Adoption of a Resolution Calling for a Public Hearing on Debt Financing – Emergency Services Facility – Deanna Rios presented the following Resolution for the Board’s approval.

RESOLUTION CALLING PUBLIC HEARING

Commissioner McCall moved adoption the following resolution, that motion was seconded by Commissioner Davis, and the resolution was read by the above title.

WHEREAS, the Board of Commissioners (the “Board”) for the County of Lincoln, North Carolina (the “County”), is required by NCGS 160A-20 to hold a public hearing in connection with an installment financing relating to the construction of a new Emergency Services Facility, and the Board wants to call that public hearing;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. The Board hereby calls a public hearing relating to the installment financing described above, to be held during the Board’s regularly scheduled meeting on August 16, 2021.

Section 2. This resolution shall take effect immediately upon its passage.

The motion to adopt the resolution was adopted by the following vote:

Unanimously approved.

RESOLUTION AUTHORIZING PURSUING AN INSTALLMENT FINANCING

Commissioner McCall moved adoption the following resolution, that motion was seconded by Commissioner Davis, and the resolution was read by the above title.

WHEREAS, Davenport & Company LLC, on behalf of the County, has distributed a Request for Proposals to secure a bank commitment for an installment financing relating to the construction of a new Emergency Services Facility, and the County wants to accept the proposal of Truist Bank (ten year call; 1.92%);

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:

1. The Board hereby accepts that proposal and authorizes County staff to work and negotiate with that organization regarding that proposed contract.
2. This Resolution shall become effective immediately upon its adoption.

Unanimously approved

Request from Solid Waste to purchase a new Road Tractor Truck through Transource Inc a national purchasing cooperative – Don Chamblee presented the following:

Solid Waste requests approval from the Board of Commissioners to purchase a new Road Tractor Truck through Transource Inc a national purchasing cooperative. Public Works budgeted \$135,000 for FY22 to purchase a new Road Tractor Truck for Solid Waste. The Road Tractor Truck is \$134,833.37.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the purchase of a new Road Tractor Truck through Transource Inc a national purchasing cooperative for \$134,833.37.

Request from Solid Waste to purchase a new Roll Off Truck from Transource a national purchasing cooperative – Don Chamblee presented the following:

Solid Waste requests approval from the Board of Commissioners to purchase a new Roll Off Truck from Transource a national purchasing cooperative. Public Works budgeted \$175,000 for FY22 to purchase a new Roll Off Truck for Solid Waste. The Roll Off Truck is \$172,583.13.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the purchase a new Roll Off Truck from Transource a national purchasing cooperative for \$172,583.13.

Request from Solid Waste to purchase a new Articulated CAT 730 Dump Truck from Carolina CAT a national purchasing cooperative – Don Chamblee presented the following:

Solid Waste requests approval from the Board of Commissioners to purchase a new Articulated CAT 730 Dump Truck from Carolina CAT a national purchasing cooperative. Public Works budgeted \$450,000 for FY22 to purchase a new Articulated CAT 730 Truck for Solid Waste. The Articulated CAT 730 Truck is \$449,800.40.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the a motion to approve purchase of a new Articulated CAT 730 Dump Truck from Carolina CAT a national purchasing cooperative for \$449,800.40.

Request from Public Works for Adoption of Easement Acquisition Guidelines and Procedures: Don Chamblee presented the Easement Acquisition Guidelines and Procedures.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to table this matter for further discussion.

Public Comments: Chairman Mitchem opened Public Comments.
Being no speakers, Chairman Mitchem closed Public Comments

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

The Board returned to Open Session.

Chairman Mitchem announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners