

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 13, 2021**

The Lincoln County Board of County Commissioners met on September 13, 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
Amy S. Atkins, Clerk to the Board

Members Present:

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

Staff Present:

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

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, September 13, 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 – August 16, 2021](#)
 - b. [Performance Guarantee - The Farm at Ingleside Phase 6](#)
3. [Zoning Public Hearings](#) – Jeremiah Combs

Joint Public Hearings with Planning Board - Legislative Cases:

[ZMA #683 Brenda Vinsant](#) (Parcel ID# 31659) A request to rezone a 0.7-acre lot from R-SF (Residential-Single Family) to I-G (General Industrial). The property is located at 4282 N. NC 16 Business Hwy., on the east side of N.C. 16 Business about 500 feet south of its intersection with Mundy Road, in Catawba Springs Township.

[PD #2016-10-A Real Estate Development Partners, LLC](#) (Parcel ID# 90176) A request to amend the master plan for a PD-C (Planned Development-Commercial) district to permit a 12,070-square-foot retail store on a 1.9-acre portion of 6.2-acre tract approved for an office park. The subject property is located on the north side of Cresset Dellinger Road between N.C. 16 Business and North Pilot Knob Road in Catawba Springs Township.

[PD #2021-3 Springs at Westport Club, LLC](#) (Parcel 93583) A request to amend the master plan for a conditional zoning district for attached and detached residential development that was approved in 2006. The proposed amendments include eliminating the amenity center, adding another point of access from N.C. 16 Business, and reducing the setback of the attached housing portion of the development closest to the adjoining properties on N.C. 16 Business and Ron Howard Lane. The subject property is located on the east side of N.C. 16 Business near the end of Ron Howard Lane in Catawba Springs Township.

Following the joint meeting, the Lincoln County Board of Commissioners will hold a public hearing to consider the following matter:

[SUP #446 Graham Gott](#) (Parcel ID# 93849) A request for a special use permit to include an apartment in a proposed detached garage to serve an accessory use to a single-family dwelling. The request involves a 5.3-acre lot located at 5706 Vesuvius Furnace Road in Ironton Township.

4. [Solid Waste Environmental Monitoring Contract Award - LaBella Associates](#) – Andrew Bryant, Mark Bivins

5. [Substance Abuse and Mental Health Services Projects Grant, Lincoln County Emergency Medical Services Training](#) – Kim Campbell
6. [Emergency Services Center construction contract award](#)– John Henry
7. [Approval to accept two \\$1500.00 scholarships from the State Library](#) – Jennifer Sackett
- 7a. [Adoption of a Resolution Approving an Installment Financing Contract](#) – Deanna Rios
8. [Public Comments](#)
9. [Other Business](#)

Adjourn

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the agenda as presented.

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

- a. [Approval of Minutes – August 16, 2021](#)
- b. [Performance Guarantee - The Farm at Ingleside Phase 6](#)

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.

Jeremiah Combs presented the following cases:

ZMA #683 – Brenda Vinsant: The applicant has requested to postpone the hearing.

PD #2016-10-A Real Estate Development Partners, LLC, applicant:

The applicant is requesting to amend the master plan for a PD-C (Planned Development-Commercial) district to permit a 12,070-square-foot retail store on a 1.9- acre portion of a 6.2-acre tract that was approved for an office park.

A site plan has been submitted as part of the rezoning application. Also included are minutes from an August 11 community involvement meeting.

The master plan, which was approved in December 2016, calls for an office park with up to 55,000 square feet of office space, but no development has taken place on the site. The approved concept plan is included in this packet along with the proposed site plan for the retail store.

Site Area & Description

The subject property is located on the north side of Cresset Dellinger Road between N.C. 16 Business and North Pilot Knob Road. Cresset Dellinger Road serves Cambridge Village, which consists of a commercial development anchored by a Publix grocery store and a 248-unit apartment complex that's under construction. When the office park was approved, the Lincoln County Land Use Plan designated this area as Suburban Commercial, suitable for a wide array of retail, business and support services. The current Land Use Plan designates this area as a Walkable Activity Center, suitable for a mix of commercial and residential uses.

Staff's Recommendation Staff recommends approval of the plan amendment request.

Chairman Mitchem opened the Public Hearing concerning PD #2016-10-A– Real Estate Development Partners, LLC, applicant.

Judd McAdams, Applicant, said he is a personal developer with his primary type of development as strip center development. He has been in the business around 40 years. He said he started working with Goodwill about 13 years ago. He said Goodwill is a nonprofit with 28 stores in 8 counties. Stores are 12,000 square feet, which include retail area, sorting and drop off areas. 90% of the proceeds goes to workforce development. Mr. McAdams said the Master Plan included this site as office space, which is no longer needed especially with Covid and more employees working from home. He said the Lincoln County Land Use Plan designated this area as Suburban Commercial, suitable for a wide array of retail, business and support services. The current Land Use Plan designates this area as a Walkable Activity Center, suitable for a mix of commercial and residential uses.

Commissioner Cesena asked about the tax implications of a nonprofit Goodwill store. Mr. McAdams said they still pay property taxes.

Jeff Pariano, Planning Board Member, asked about the traffic implications going from office to a Goodwill store.

Amy Jordan, with Goodwill, said this building will have 3 docks and trucks will most likely run every other day. She said the revenue they generate is used for job training and for skills development.

Milton Sigmon, voiced concerns about nonprofits and what their CEO's make. He asked what the CEO at Goodwill makes. He spoke about the walkability in the Master Plan and his concerns for now amending the plan for the retail store.

Mr. McAdams said Master Plans are commonly amended for current conditions.

Jose Luis spoke concerning wages at the store, which can range from \$13 to over \$20 per hour depending on the skill level and position..

Commissioner McCall said the current CEO of Goodwill is making \$730,000 per year not including benefits. It was pointed out that this is the CEO of Goodwill International, not Goodwill of the Southern Piedmont.

Commissioner McCall said when this was approved in 2006, they Board approved knowing it would be retail space and she is not sure a Goodwill is the correct method for the space.

Mr. Luis said their stores are very clean and they are a valued member of the community. He said they train employees to have the skills needed for the workforce.

Karen Danza, 1697 Dogwood Hill Drive, Denver, spoke about local charities that will be harmed by Goodwill, such as Amy's Closet, Kings Daughters Penny Thrift and East Lincoln Christian Ministries. She asked the Board to deny the request.

Maria McNulty, 1700 Dogwood Hill Drive, Denver, said from a citizen point of view, Cambridge Village is a prime location with a vision for new and unique opportunities. She asked the Board to not approve rezoning.

Teresa Dearnley said this is a prime location. She asked the Board to stick to the plan as and not approve rezoning.

Richard Permenter said he was on the Board in 2006 when this was approved and asked the Board to reject this request.

Linda Ostergaard stated that she agrees with all the speakers in opposition. She said traffic patterns are much different than retail space and asked the Board to deny the request.

Mr. McAdams said this is 2 acres of the 4 acres remaining. He said that office spaces have not happened. He asked the Board to consider the request.

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

PD #2021-3 – Springs at Westport Club, LLC, applicant:

The applicant is requesting to amend the master plan for an 82-acre residential planned development for attached and detached homes to eliminate the amenity center, add another point of access from N.C. 16 Business, and reduce the setback of the attached housing portion of the development closest to the adjoining properties on N.C. 16 Business and Ron Howard Lane.

A site plan has been submitted as part of the rezoning application. Also included are the approved 2006 plan and the minutes from an August 10th community involvement meeting.

Site Area & Description

The subject property is located on the east side of N.C. 16 Business near the end of Ron Howard Lane, in Catawba Springs Township. It is adjoined by property zoned R-SF (Residential-Single Family), B-G (General Business), B-N (Neighborhood Business), and PD-MU CU (Planned Development Mixed-Use Conditional Use). Land uses in this area include business, residential, religious, and institutional (school). The subject property is part of an area designated by the Lincoln County Land Use Plan as Walkable Activity Center, suitable for an interconnected mixture of commercial and residential uses.

Additional Information

Adjoining zoning and uses

East: zoned PD-MU CU, residential subdivision.

South: zoned R-SF and B-G, residences and commercial strip.

West: zoned B-G and B-N, undeveloped tract.

North: zoned PD-R, residential subdivision and undeveloped portion of tract.

Staff's Recommendation Staff recommends approval of the rezoning request.

Chairman Mitchem opened the Public Hearing concerning PD #2021-3 – Springs at Westport Club, LLC, applicant.

Tom Daniel, applicant, said he was before the Board in November 2006, when he presented the plan which was approved. In 2007, Lincoln County sewer capacity was gone and they lost contracts with builders. In 2008 there was a deep recession. He said they have been actively building and developing since then and there is a current sewer capacity restriction going on. Mr. Daniel said a setback was not established for the townhome portion of project since the plan was conceptual. At this point, the plan needs to be adjusted. Mr. Daniel said he has heard this will negatively impact Westport residents, but there is only one property on Ron Howard Lane that will be impacted. He said removal of the pool and clubhouse is a marketing move since 30% of residents use them and 100% have to pay for them. The residents could join and use Westport Swim and Tennis Club.

Peggy Tschudin, 3762 Deer Run, said she has lived here for 21 years. She said she has concerns that with the amendments presented. She said they are concerned that there is no amenity center for 189 homes and there is currently a waiting list for the Westport pool. Mrs. Tschudin opposed the amendments as presented and asked everyone in attendance with the same concerns to raise their hands.

Vivian Cimino, 2425 Shiny Leaf Drive, spoke against the request, saying amendments would not be beneficial.

Kirk Gavel, 7729 Golf Course Drive, asked Board to not approve anything that puts more traffic by their house.

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

Chairman Mitchem said he has said over the years that not expanding the sewer system slows growth, and this case is a good example of how it does.

Commissioner Cesena thanked everyone for their support during his recent health issues, especially his wife Ann.

The Planning Board recessed their meeting to Room 310.

Jordan Tubbs presented the following:

SUP #446 – Graham Gott, applicant:

The applicant is requesting a special use permit to include a garage apartment in a proposed detached garage as an accessory use to a single-family dwelling in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, private residential quarters in the form a guest house or garage apartment may be permitted as a special use in any residential district, subject to certain standards. In this case, the applicant is proposing a 2,304-square-foot garage/workshop with a 768-square-foot apartment above it.

SITE AREA AND DESCRIPTION

The request involves a 5.3-acre lot located at 5706 Vesuvius Furnace Road in Ironton Township. The property is zoned R-T (Transitional Residential) and is surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential.

ORDINANCE STANDARDS

Under the UDO, the term used for a garage apartment or guest house is “private residential quarters.”

Chairman Mitchem opened the Public Hearing concerning SUP #446 – Graham Gott, applicant.

Graham Gott, applicant, said he prepared the Findings of Fact and would like to incorporate them 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 #446 – Graham Gott, applicant, based on the findings of fact.

Solid Waste Environmental Monitoring Contract Award - LaBella Associates – Andrew Bryant presented the following:

The County's Solid Waste operations requires the monitoring of groundwater, methane emission and stormwater. The County's previous contractor is no longer included in our on-call engineering services contract. LaBella Associates provided a proposal that we have accepted. The total cost is \$67,600 per year and saves the County approximately \$13,000 per year.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Solid Waste Environmental Monitoring Contract with LaBella Associates.

Substance Abuse and Mental Health Services Projects Grant, Lincoln County Emergency Medical Services Training – Kim Campbell presented the following:

This grant is designed to help with job related mental stress that is associated with burnout, fear and PTSD. It also focuses on suicide prevention and awareness, physical fitness and personal protective equipment. There are funds to purchase \$10,000 physical fitness equipment for the new ES Facility gym, Narcan for first responder agencies (the other program that supplied Narcan to first responders ended in June), PAPR devices for EMS crew members, training and certification cost as well as 380 hours of professional counselling services for first responders.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the SAMHSA grant in the amount of \$199,946.

Emergency Services Center construction contract award – John Henry presented the following:

Purchasing issued RFB 2021-0824 on July 24. On August 24th, Purchasing received nine bids of which Hickory Construction was the lowest responsible, responsive bidder. Staff recommends award to Hickory Construction in the amount of \$16,110,000.00

UPON MOTION by Commissioner Cesena, the Board voted unanimously to award the Emergency Services Center Construction Contract Award to Hickory Construction in the amount of \$16,110,000.

Approval to accept two \$1500.00 scholarships from the State Library: Jennifer Sackett presented the following:.

The State Library has awarded two \$1500 scholarships to two library staff members. These scholarships will allow them to attend the Association of Rural and Small Libraries (ARSL) conference in Reno, Nevada. These funds will cover travel expenses. She asked the Board to approve accepting two scholarship awards of \$1500 each to attend the ARSL conference. The total award amount is \$3,000.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve and accept two \$1500 scholarships from the State Library.

Adoption of Resolution Approving an Installment Financing Contract:

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT WITH STI INSTITUTIONAL & GOVERNMENT, INC. AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH

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

WHEREAS, the Board of Commissioners of the County duly conducted a public hearing on August 16, 2021 regarding an installment financing contract;

WHEREAS, there have been available at this meeting drafts of the forms of the following:

- (1) Installment Financing Contract (the “Contract”) between the County and STI Institutional & Government, Inc. (the “Lender”); and
- (2) Deed of Trust and Security Agreement (the “Deed of Trust”) from the County to a trustee for the benefit of the Lender.

WHEREAS, the Board of Commissioners of the County wants to approve the Contract and the Deed of Trust and to authorize other actions in connection therewith; and

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

1. Each of the Contract and the Deed of Trust, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Finance Director, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
2. The Chairman of the Board, the County Manager, the Finance Director, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be

necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Execution of the Contract by the Chairman of the Board, the County Manager or the Finance Director, shall conclusively evidence approval of all such details of the financing.

3. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.
4. This Resolution shall become effective immediately upon its adoption.

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

Unanimously approved

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

Other Business: UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the following appointments:

- **Recreation Commission**
 - Appoint Joe Lampron
- **Board of Adjustment**
 - Appoint Beverly Moore
- **Region F Aging Advisory**
 - Appoint Sue Jane Sides to Alternate
- **N 321 Volunteer Firefighters Relief Fund Board**
 - Appoint Tommy Walker

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

Amy S. Atkins, Clerk

Carrol Mitchem, Chairman

Board of Commissioners

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