

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 4, 2021**

The Lincoln County Board of County Commissioners met on October 4, 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:

Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Planning Board Members:

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

Planning Staff:

Andrew Bryant, Director of Development Services
Joshua Grant, Planning & Inspections Division Mgr
Jeremiah Combs, Planner
Jordan Tubbs, Planner
Amy Brown, Clerk to Planning Board

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

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, October 4, 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 – September 20, 2021
 - b. GPO #1
 - c. CPOA #1
 - d. CPOA #2
 - e. BOA #2
 - f. VTS Refunds
 - g. Emergency Nurses Week Proclamation
 - h. Ordinance Declaring the 2021 Denver Christmas Parade to be a County Sponsored Event Including Road Closures
3. Zoning Public Hearings – Jeremiah Combs

Joint Public Hearings with Planning Board - Legislative Cases:

CZ #2021-6 BLBJC Properties, LLC, applicant (Parcel ID#00248) A request to rezone a 6.1-acre tract from B-N (Neighborhood Business) to CZ I-L (Conditional Zoning Light Industrial) to permit a contractor’s office and contractor’s yard. The 6.1-acre parcel is located at 3089 W. Old N.C. 150 Hwy., at the southeast corner of the intersection of W N.C. 150 Hwy, Crouse Rd, and W Old N.C. 150 Hwy, in Howards Creek Township.

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

WSSUP #28 BLBJC Properties, LLC, applicant (Parcel ID#00248) A request for a special use permit to exceed 36% impervious surface area in the South Fork/Catawba River WS-IV Protected Area as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing contractor’s offices, equipment storage buildings, and a materials storage yard, increasing the impervious surface area of the overall development to approximately 54%. The 6.1-acre parcel is located at 3089 W. Old N.C. 150 Hwy., at the southeast corner of the intersection of W N.C. 150 Hwy, Crouse Rd, and W Old N.C. 150 Hwy, in Howards Creek Township.

SUP #448 BDB, LLC, applicant (Parcel ID# 56204) A request for a special use permit to allow a contractor’s office and contractor’s yard in the Eastern Lincoln Development District (ELDD) overlay district in the I-G (General Industrial) district. The request involve a 2.5-acre lot located on the north side of Quarry Lane and west side of Jameson Way in Catawba Springs Township.

SUP #449 Michael Rodelli, applicant (Parcel ID# 77953) A request for a special use permit to sell vehicles in the I-G (General Industrial) district. The 1.0-acre parcel is located at 6399 Denver Industrial Park Road in Catawba Springs Township.

4. Public Comments
5. Other Business
6. Closed Session pursuant to NCGS 143-318.11(a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Adjourn

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

Consent Agenda

- a. Approval of Minutes – September 20, 2021
- b. GPO #1
- c. CPOA #1
- d. CPOA #2
- e. BOA #2
- f. VTS Refunds
- g. Emergency Nurses Week Proclamation
- h. Ordinance Declaring the 2021 Denver Christmas Parade to be a County Sponsored Event Including Road Closures

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

Jeremiah Combs presented the following cases:

CZ #2021-6 BLBJC Properties, LLC, applicant

Request: The applicant is requesting the rezoning of a 6.1-acre tract from B-N (Neighborhood Business) to CZ I-L (Conditional Zoning Light Industrial) to permit a contractor's office and contractor's yard. A site plan is included in this packet. Minutes from an August 31st community involvement meeting are also included. If the rezoning request is approved, the use of the property will be limited to the specified uses as depicted on the site plan.

Site Area & Description: The subject property is located at 3089 W. Old N.C. 150 Hwy., at the southeast corner of the intersection of W N.C. 150 Hwy, Crouse Rd, and W Old N.C. 150 Hwy, in Howards Creek Township. It is adjoined by property zoned B-N and R-T (Transitional Residential). Land uses in this area include business, residential, and religious. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services.

Additional Information

Permitted uses

Under current zoning: retail sales, offices, personal services, restaurant, etc.

Under proposed zoning: contractor's office and contractor's yard

Adjoining zoning and uses

East: zoned B-N, hair salon

South (opposite side of railroad): zoned R-T, undeveloped lot

West (opposite side of N.C. 150): zoned R-SF, undeveloped lot

North (opposite side of W Old N.C. 150): zoned B-N, retail store

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

Chairman Mitchem opened the Public Hearing concerning CZ #2021-6 BLBJC Properties, LLC, applicant.

Bobby Fuller, applicant, said he will be happy to answer any questions.

Dennis Williams, speaking on behalf of the applicant, said he developed the Site Plan and has been working with Fuller Construction for three years to find a site in Lincoln County. Mr. Williams said the applicant has a letter of support from LEDA and has about \$2.65 million taxable property that is non-real estate. The site plan shows a \$2.8 additional investment in the site that would build the maintenance and training operations building. They currently have 60 employees and are an asset to the county and local community.

Brandi Fuller Wyant, 2988 Wyant Road, said she is here as a representative of the company. She said she is excited with the possibility of her company being able to operate in Lincoln County, where she has lived for the past 13 years.

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

The Planning Board recessed their meeting to Room 310.

WSSUP #28 – BLBJC Properties, LLC, applicant:

The applicant is requesting a special use permit to exceed 36% impervious surface area in the South Fork/Catawba River WS-IV Protected Area watershed district as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing a contractor's office, equipment storage buildings, and a materials storage yard. The project would increase the impervious surface area of the overall development to approximately 54%.

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 South Fork/Catawba River watershed district for the High Shoals intake covers 12,281 acres. To date, 20.7 acres has been allocated under the 10/70 option. If this request is approved, 1199.8 acres would be available for future allocation.

Site Area & Description

The subject property is located at 3089 W. Old N.C. 150 Hwy., at the southeast corner of the intersection of W N.C. 150 Hwy, Crouse Rd, and W Old N.C. 150 Hwy, in Howards Creek Township. It is adjoined by property zoned B-N 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

Chairman Mitchem opened the Public Hearing concerning WSSUP #28 – BLBJC Properties, LLC, applicant.

Dennis Williams, speaking on behalf of the applicant, said the proposed Site Plan has been presented. He said he would anticipate 3 to 5 years for complete buildout. He said he prepared and would like to incorporate the application and proposed 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 table a vote until the next meeting.

Jordan Tubbs presented the following:

SUP #448 – BDB, LLC, applicant:

The applicant is requesting a special use permit to allow a contractor's office and contractor's yard in the Eastern Lincoln Development District (ELDD) overlay district in the I-G (General Industrial) district. A site plan has been submitted as part of the application. A contractor's office and a contractor's yard are permitted uses in the I-G district and special uses in the ELDD overlay district.

Site Area and Description

The request involves a 2.5-acre lot located on the north side of Quarry Lane and west side of Jameson Way in Catawba Springs Township. The property is zoned I-G (General Industrial) and is surrounded by property zoned I-G. Land uses in this area include a landfill, a quarry, an asphalt plant, and residences. This property is part of an area designated by the Lincoln County Land Use Plan as Industrial Center.

Chairman Mitchem opened the Public Hearing concerning SUP #448 – BDB, LLC, applicant.

Elias Joy, spoke representing his parents who are the applicants. He said he prepared the Findings of Fact and would like to incorporate them into his testimony.

Art Howard, 749 S. Business Highway 16, asked about the hours of operation and the type of lighting that will be used for the facility.

Mr. Joy said their crews get to the shop by around 7:00 AM and leave by 5:00 PM at the latest. He said the administrative office will have lights, but he is unsure of the plans for the site.

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.

Commissioner Cesena asked about lights going onto adjacent property. Jeremiah Combs said UDO standards say that light must be contained on the site.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve SUP #448 – BDB, LLC, applicant, based on the Findings of Fact.

SUP #449 – Michael Rodelli, applicant:

The applicant is requesting a special use permit to sell vehicles in the I-G (General Industrial) district. The sales office would be located in an existing building that is currently used for vehicle repair. A site plan has been submitted as part of the application, and the applicant has

indicated an area in front of the building for the display of no more than 6 vehicles at a time. Vehicle sales is a special use in the I-G district.

Site Area and Description

The request involves a 1.0-acre parcel located at 6399 Denver Industrial Park Road in Catawba Springs Township. The property is zoned I-G (General Industrial) and is adjoined by property zoned I-G and R-T (Transitional Residential). Land uses in this area include industrial, business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as Industrial Center.

Chairman Mitchem opened the Public Hearing concerning SUP #449 – Michael Rodelli, applicant.

Michael Rodelli, applicant, said the property has been a body shop for more than 10 years. He said they would just like to have a small retail/wholesale car sales lot. 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 Sigmon, the Board voted unanimously to approve SUP #449 – Michael Rodelli, applicant, based on the Findings of Fact.

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

Other Business: Mr. Atkins formally introduced the new County Attorney, Megan Gilbert.

Commissioner Cesena thanked the Sheriff for putting the radar trailer in his neighborhood and said speeds have been greatly reduced.

Commissioner Sigmon said he and Commissioner McCall attended the Agricultural Event and it was well done. He congratulated staff for doing a great job on this event.

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11(a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners