The Lincoln County Board of County Commissioners met on November 21, 2022, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:
Milton Sigmon, Vice-Chairman
Bud Cesena
Cathy Davis
Anita McCall

Chairman Carrol Mitchem joined remotely via speakerphone

Others Present:
Davin Madden, County Manager
Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Vice-Chairman Sigmon called for a Moment of Silence and led in the Pledge of Allegiance.

Commissioner Cesena thanked the fine folks at EMS for the treatment he received last night. He thanked Commissioner Sigmon for his service to the citizens.

Adoption of Agenda: Vice-Chairman Sigmon presented the agenda for the Board’s approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, November 21, 2022
6:30 PM

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

Call to Order – Vice-Chairman Sigmon

Moment of Silence

Pledge of Allegiance
1. Adoption of the Agenda

2. Consent Agenda
   a. Tax Releases $100 or more – September 16 – October 15, 2022
   b. Tax Refunds $100 or more – October 10 – 23, 2022
   c. Approval of Minutes – November 7, 2022
   d. Amended 2022 Meeting Schedule (Changing location of 12/5/22 meeting to James W. Warren Citizens Center Auditorium)

3. Planning Board Recommendations – Jeremiah Combs

4. Public Hearing – NCDOT Capital (5310) Purchase of Service Grant for FY24 – Kathryn Saine

5. Public Hearing – TLC Combined Capital Grant Application – Andrew Bryant

6. Municipal Agreement for Signal Installation at Cherry Point Dr. – Andrew Bryant

7. Pump Station Upgrade Engineering Contract – Andrew Bryant

8. Public Hearing – Proposed Private Road Name – Mimosa Tree Ln – Susan Sain

9. Revaluation Presentation – Susan Sain, Chris Nelson, John Shrell

10. Request from Airport Authority for Approval of Local Match for FAA Grant – Joe Tate

11. Public Comments

12. County Manager’s Report

13. County Attorney’s Report

14. County Commissioners’ Report

15. Vacancies/Appointments

16. Other Business

   Information only – no action needed
   - Register of Deeds Report
   - Property Tax Collection Report

17. Closed Session

   Adjourn
UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the agenda adding 15a – motion to set the bond for Sheriff and 15b – motion to set the bond for the Register of Deeds.

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

Consent Agenda
a. Tax Releases $100 or more – September 16 - October 15, 2022
b. Tax Refunds $100 or more – October 10 – 23, 2022
c. Approval of Minutes – November 7, 2022
d. Amended 2022 Meeting Schedule (Changing location of 12/5/22 meeting to James W. Warren Citizens Center Auditorium)

Planning Board Recommendations: Jeremiah Combs presented the following:

PD #2022-3 Taylor Morrison Homes, applicant (Parcel ID# 50191, 71279, and 51877) A request to rezone 30.91 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 55 single-family detached homes. The property is located at the end of Creek Park Drive west of N. Little Egypt Road in Catawba Springs Township.

Planning Board voted 4-3 to recommend disapproval (James Dean, Doug Tallent, and Kyle Land opposed)

Mr. Combs presented the Planning Board's Statement, but also an alternate statement drafted by staff.

There was discussion concerning the one access, with a pinch point, to the development.

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the alternate Statement of Consistency and Reasonableness as recommended by the Planning staff.

This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 1.78 units per acre.
This proposed amendment is **not reasonable** in that:

**The only means of access to the proposed development, including construction traffic, is through an existing neighborhood.**

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to deny PD #2022-3 Taylor Morrison Homes, applicant, based on the Statement of Consistency and Reasonableness.

**PD #2022-4 Pace Development Group, applicant** (Parcel ID# 51877, 02664, and 02482) A request to rezone 113.27 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 199 single-family detached homes. The property is located on the west side of N. Little Egypt Road at the intersection with Optimist Club Road in Catawba Springs Township.

Planning Board voted 4-3 to recommend disapproval (James Dean, Doug Tallent, Kyle Land opposed)

There was a discussion concerning the access to the development. The applicant has provided a new site plan with a second full access.

Commissioner Davis asked the Board to postpone any vote on this matter until the Board has time to consider the new information brought forth

Chairman Mitchem asked for the Fire Marshal’s approval in the packets moving forward.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to send back to the Planning Board for consideration of the new access to be brought to the Commissioners in January.

**PD #2022-5 Garden Street Communities Southeast, LLC, applicant** (Parcel ID# 00702, 26955, and 27330) A request to rezone 158.78 acres from R-T (Transitional Residential) and R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 148 single-family detached homes. The property is located on the west side of Salem Church Road about 1700 feet south of the intersection with Keever Dairy Farm Road in Ironton Township. Planning Board voted 5-2 to recommend approval (Kyle Land and Keith Gaskill opposed)

A **MOTION** by Commissioner Mitchem to adopt the Statement of Consistency and Reasonableness from the Planning Board.

This proposed amendment is **consistent** with the Lincoln County Land Use Plan and other adopted plans in that:
The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 0.93 units per acre.

This proposed amendment is reasonable in that:

Developed property in the surrounding area is primarily residential. The plans for this subdivision meet all of the requirements of the Unified Development Ordinance. Approximately 24.5% of the property will be set aside as recreation and open space.

VOTE: 4 – 1       AYES: Mitchem, Sigmon, McCall, Davis
NOES: Cesena

A MOTION by Commissioner McCall to reconsider the previous vote.

VOTE: 4 – 1       AYES: Cesena, Sigmon, McCall, Davis
NOES: Mitchem

A MOTION by Commissioner McCall to adopt the alternate Statement of Consistency and Reasonableness.

VOTE: 4 – 1       AYES: Cesena, Sigmon, McCall, Davis
NOES: Mitchem

This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 0.93 units per acre.

This proposed amendment is not reasonable in that:

The scale of this proposed development is not compatible with the surrounding area, which is mostly rural with some small subdivisions.

A MOTION by Commissioner McCall to deny PD #2022-5 Garden Street Communities, Southeast, LLC, applicant, based on the Statement of Consistency and Reasonableness.

VOTE: 4 – 1       AYES: Cesena, Sigmon, McCall, Davis
NOES: Mitchem

**PD #2022-6 Garden Street Communities Southeast, LLC, applicant** (Parcel ID# 26849, 71497, and 26816) A request to rezone 159.5 acres from R-S (Residential Suburban) and PD-R CU (Planned Development Residential Conditional Use) to PD-R (Planned Development-Residential) to permit a subdivision with up to 150 single-family detached homes. The property is located on the north side of N.C. 150 at the intersection with Shuford Road in Ironton Township. Planning Board voted 4-3 to recommend disapproval (James Dean, Doug Tallent, Jim Konieczny opposed)

A MOTION by Commissioner Mitchem to adopt the Statement of Consistency and Reasonableness from the staff.

This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The subject property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for densities up to 1.35 dwelling units per acre. The proposed density for this development is 0.94 units per acre.

This proposed amendment is reasonable in that:

Developed property in the surrounding area is primarily residential. The plans for this subdivision meet all of the requirements of the Unified Development Ordinance. Approximately 38.62% of the property will be set aside as recreation and open space.

VOTE: 3 – 2   AYES: Mitchem, Sigmon
           NOES: Cesena, McCall, Davis

A MOTION by Commissioner Cesena to adopt the Alternate Statement of Consistency and Reasonableness.

This proposed amendment is reasonable in that:

Developed property in the surrounding area is primarily residential. The plans for this subdivision meet all of the requirements of the Unified Development Ordinance. Approximately 38.62% of the property will be set aside as recreation and open space.

VOTE: 2 - 3   AYES: Cesena, McCall, Davis
           NOES: Mitchem, Sigmon
Commissioner Cesena amended his motion to read:

This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The subject property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for densities up to 1.35 dwelling units per acre. The proposed density for this development is 0.94 units per acre.

This proposed amendment is not reasonable in that:

This parcel is located in an area where the development pattern transitions to a more rural nature. The size and scale of this proposed development is not compatible with the adjoining parcels.

VOTE: 2 - 3 AYES: Cesena, McCall, Davis NOES: Mitchem, Sigmon

A MOTION by Commissioner Cesena to deny PD #2022-6 Garden Street Communities, Southeast, LLC, applicant, based on the Statement of Consistency and Reasonableness.

VOTE: 2 - 3 AYES: Cesena, McCall, Davis NOES: Mitchem, Sigmon

ZMA #705 Timothy and Marian Dellinger, applicant (Parcel ID# 90501) A request to rezone 13.005 acres from R-SF (Residential-Single Family) to R-S (Residential Suburban) to allow the construction of duplexes as a residential use type on the property. The subject property is located on the north side of Webbs Road at its intersection with Burton Lane in Catawba Springs Township. Planning Board voted 4-3 to recommend disapproval (Kyle Land, Keith Gaskill, and Doug Tallent opposed

A MOTION by Commissioner McCall to adopt the Planning Board’s Statement of Consistency and Reasonableness.

VOTE: 4 – 1 AYES: Cesena, Sigmon, McCall, Davis NOES: Mitchem
This proposed amendment is not consistent with the Lincoln County Land Use Plan and other adopted plans in that:

The land use plan designates this parcel and others in the immediate vicinity as Single Family Neighborhood, suitable for detached homes.

This proposed amendment is not reasonable in that:

It is not in harmony with the residential zoning classifications in the area. The current zoning classification of the parcel and those surrounding the parcel are R-SF and Planned Residential Development.

A MOTION by Commissioner McCall to deny ZMA #705 – Timothy and Marian Dellinger, applicant.

VOTE: 4 – 1  AYES: Cesena, Sigmon, McCall, Davis
NOES: Mitchem

Public Hearing – NCDOT Capital (5310) Purchase of Service Grant for FY24 – Kathryn Saine presented the following:

Lincoln County Senior Services will partner with Veteran’s Services to offer transportation services to Lincoln County residents or older or legally disabled.

The request is that the Board approve the Capital 5310 Purchase of Services application in the amount of $80,000 and to adopt the Resolution to Apply for the Capital 5310 Capital Grant. There is a 20% match, but will be provided by another grant, so no county funds involved.

Vice-Chairman Sigmon declared the public hearing open on the NCDOT Capital (5310) Purchase of Service Grant for FY24. Being no speakers, Chairman Sigmon declared the public hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the Resolution to apply for the Capital 5310 Capital Grant as presented.

Public Hearing – TLC Combined Capital Grant Application – Andrew Bryant presented the following:

This item is a combined capital grant application for 5310 funds for Transportation Lincoln County for the replacement of light transit vehicles and administrative costs
He requested approval of Combined Capital Grant Application and Adoption of Public Transportation Program Resolution (FY24), with a local match of $52,314.

Vice-Chairman Sigmon declared the public hearing open on the TLC Combined Capital Grant Application. Being no speakers, Chairman Sigmon declared the public hearing closed.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Combined Capital Grant Application and Adoption of Public Transportation Program Resolution (FY24), with a local match of $52,314.

Municipal Agreement for Signal Installation at Cherry Point Dr.: Andrew Bryant presented the following:

The agreement with NCDOT to install a signal at Cherry Point Dr. obligates the County to provide 100% of the cost of the work. At this time to work is estimated to cost $300,000 and is payable in three installments
• $100,000 upon full execution of this Agreement.
• $100,000 upon execution of the Department’s Utility Relocation Agreement for utility relocation costs
• $100,000 upon construction contract award, the County shall submit a check for the remaining total estimated cost including administrative costs of the project.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Municipal Agreement for Signal Installation at Cherry Point Drive.

Pump Station Upgrade Engineering Contract – Andrew Bryant presented the following:

This contract is for professional engineering services associated with the rehabilitation of three Lincoln County lift stations, PS-11, PS-14, and PS-29. The project includes SCADA upgrades for all three lift stations, repairs to lift stations PS-14 and PS-29, and the installation of manholes at PS-14 and PS-29 for future by-pass pumping operations.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Pump Station Upgrade Engineering Contract as presented.

Public Hearing – Proposed Private Road Name – Mimosa Tree Ln: Susan Sain presented the following:

The request is for a private driveway that needs to be named, due to 2 structures accessing the private driveway. The tax parcel Id# is 87535, is in the process of building a new structure that will also access this private driveway.
Vice-Chairman Sigmon declared the public hearing open on the proposed private road name Mimosa Tree Ln. Being no speakers, he declared the public hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the Ordinance Officially Naming an Existing Private Drive as Mimosa Tree Ln.

ORDINANCE OFFICIALLY NAMING AN EXISTING PRIVATE DRIVE AS MIMOSA TREE LN

WHEREAS, pursuant to N.C.G.S. §153A-239.1, the County may, by ordinance, name or rename roads within its territorial jurisdiction pursuant to a procedure established by County ordinance; and

WHEREAS, on April 16, 2001, the Lincoln County Commissioners enacted Chapter 93 of the Lincoln County Code of Ordinances, which established a process for naming streets and assigning addresses for properties located within Lincoln County; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.10(A), any existing road within the County may be officially name or renamed by the Board of Commissioners upon recommendation by the Ordinance Administrator (the Lincoln County Tax Administrator) and subsequent adoption by the Board of Commissioners; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.04(E), all roads, both private and public, shall be named and numbered if three or more addressable structures, including mobile homes, are located on and accessed by them; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.10(B), in the event of road naming or renaming, a proper and adequate public hearing shall be scheduled and advertised in accordance with N.C.G.S. §153A-239.1; and

WHEREAS, the Ordinance Administrator is recommending the naming of a private drive located off of Asbury Church Road, near Bishs Way, in the Ironton Township as it meets the requirements for an official road name; and

WHEREAS, at least 10 days prior to this date, notice of the time, place and subject matter of the public hearing was prominently posted at the Lincoln County Courthouse, in at least two public places in the area where the road is located, and notice of the same was published in a newspaper of general circulation in Lincoln County; and

WHEREAS, after due notice, a public hearing was held on this day, at the Lincoln County Administration Building at 353 N. Generals Blvd., Lincolnton, North Carolina.

NOW, THEREFORE, be it and it is hereby resolved that:

1. The Ordinance Administrator has recommended the naming of a private road located in the Ironton Township.
2. The Lincoln County Board of Commissioners held a public hearing pursuant to N.C.G.S. §153A-239.1, and the proper notice was provided as required therein.

3. The naming of the private road, located in the Ironton Township, shown on the attached maps as “Mimosa Tree Ln” is approved by the Lincoln County Board of Commissioners.

4. The Ordinance Administrator is hereby authorized to amend the Street Addressing Map and the GIS maps to include said newly named street.

5. This Ordinance shall be effective upon its adoption by this Board.

Approved and adopted this the 21st day November, 2022.

ATTEST:

Amy S. Atkins, Clerk to the Board

Carrol Mitchem
Chairman of the Lincoln County Board of Commissioners

Revaluation Presentation: Susan Sain, Chris Nelson and John Shrell presented the Revaluation Presentation.
NCGS 105-283, 105-286, 105-317

• Requires Counties to establish values based on current market conditions

• Values should be at or near 100% of market value as of the revaluation date

• Counties MUST do a revaluation within 8 years. Lincoln County, by resolution, has chosen to have revaluations every 4 years

The Revaluation Process

• Collect & Analyze
  ❖ Sales Data
  ❖ Current Construction Costs
  ❖ Income and Expense Data

• Develop
  ❖ Land Pricing Models
  ❖ Building Pricing Models
  ❖ Schedule of Values

• Apply Schedule of Values to Properties
Market value is......

Market value is the most probable selling price that a property will bring in a competitive and open market with both the buyer and seller motivated and well informed.

Market value is NOT......

- Transactions resulting from auctions
- Short sales
- Foreclosures
- Sales involving family or associated companies
- Partial interest sales
- Sales not advertised on the open market
What affects market value?

• An addition, remodeling, or removal of a structure
• Supply and demand for a particular type of property
• The local economy and the factors that determine its stability
• Cost of replacing or building similar structures

Real Estate Sales

Qualified Sales Per Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Sales</th>
</tr>
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<tbody>
<tr>
<td>2019</td>
<td>1500</td>
</tr>
<tr>
<td>2020</td>
<td>2000</td>
</tr>
<tr>
<td>2021</td>
<td>3000</td>
</tr>
</tbody>
</table>
Increases in Market Value

• Approximately one third of parcels will increase less than 50%.

• Approximately one third of parcels will increase between 50% and 62%.

• Approximately one third of parcels will increase more than 62%.
Request from Airport Authority for Approval of Local Match for FAA Grant: Joe Tate presented the following:

The Airport Authority requests approval of 10% local match for FAA Grant #36237.NPE.22. The match amount requested is $16,666.00.
UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the local match for the FAA Grant as requested.

**Public Comments:** Vice-Chairman Sigmon opened Public Comments.

Ronald Thomas, 511 S. Academy Street, thanked the County Commissioners for the care and responsibility for the common good of the County.

Vice Chairman Sigmon expressed to his fellow Commissioners that it has been a privilege to have served with them. He said the county is poised for great opportunities. He thanked the citizens for the opportunity to serve.

Being no additional speakers, Vice-Chairman Sigmon closed Public Comments

**County Manager’s Report:** Davin Madden reported that the roof repair begins today on the County Administration Building. He gave an update on the airport project. Mr. Madden informed the Board of the Employee Awards Luncheon on December 14, 2022 at 11:30 AM.

**County Attorney’s Report:** Megan Gilbert said the County is under contract for the property at 357 N. Generals Blvd and all due diligence has been done. Closing will be scheduled.

**County Commissioners Report:** Chairman Mitchem thanked everyone for the prayers, visits, phone calls and said he is on the mend.

Commissioner McCall said it has been a joy working with Commissioner Sigmon.

Commissioner Davis said she is grateful for all the nonprofits that step up to take care of the vulnerable and less fortunate citizens. She said December 16 is the December Tour of Homes to benefit Speak up for Children.

Commissioner Davis thanked Commissioner Sigmon for taking her under his wing and said she appreciated him.

**Vacancies/Appointments:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to reappoint Tom Anderson to the ABC Board.

**Motion to Set the Sheriff’s Bond:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to set the Sheriff’s Bond at $25,000.

**Motion to Set the Register of Deed’s Bond:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to set the Register of Deed’s Bond at $25,000.
Closed Session: UPON MOTION by Commissioner McCall, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. Closed sessions. (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

The Board returned to open session and Vice Chairman Mitchem announced that no formal action was taken in Closed Session.

UPON MOTION by Commissioner Davis, the Board voted unanimously to amend the Telework Policy to end January 3, 2023.

UPON MOTION by Commissioner McCall, the Board voted unanimously to increase the salary of Amy Atkins, Clerk to the Board, to $83,928, based on an annual performance evaluation. (does not get a COLA)

UPON MOTION by Commissioner Cesena, the Board voted unanimously to set the salary of the Sheriff at $137,259.20 effective December 5, 2022. (subject to receive a COLA increase with other county employees)

UPON MOTION by Commissioner Cesena, the Board voted unanimously to set the salary of the Register of Deeds at $85,363.20 effective December 5, 2022. (subject to receive a COLA increase with other county employees)

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

________________________________ ____________________________________
Amy S. Atkins, Clerk Carrol Mitchem, Chairman
Board of Commissioners Board of Commissioners