

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 22, 2018

The Lincoln County Board of County Commissioners met January 22, 2018 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

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 January 22, 2018 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in 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, January 22, 2018
6:30 PM

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 1. Surplus Property

2. Tax Request for Refunds 12/4 - 12/17/17
 3. Minutes to be approved - 12/18/17, 1/8/18
 4. Tax Request for Releases 11/16 - 12/15/17
- 2a. Approval of Resolution #2018-2: Resolution Honoring Eagle Scout Garrett S. Long and Presentation of Resolution
3. Planning Board Recommendations - Randy Hawkins

CUP #373 Jeremy Wallace, applicant (Parcel ID# 27710) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 10.4-acre parcel is located at 2154 Ellen Finger Trail, at the end of Ellen Finger Trail about 750 feet north of Car Farm Road, in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

ZMA #643 Jason Owen and Allan Carswell, applicants (Parcel ID# 30226 and 84887) A request to rezone 1.8 acres from B-N (Neighborhood Business) to R-SF (Residential Single-Family). The property is located at 3673 N. NC 16 Business Hwy., on the south side of N.C. 16 Business about 500 feet east of Saint James Church Road, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

ZMA #644 Mary Hunter Key, applicant (Parcel ID# 34190) A request to rezone 20.6 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family.) The property is located about 1,200 feet west of Little Egypt Road and 3,200 feet north of N.C. 73 in Catawba Springs Township.

The Planning Board voted 7-2 to recommend approval.

ZMA #645 Mark and Angela McClure et al (Parcel ID# 74253 and 94029) A request to rezone 2.5 acres from R-SF (Residential Single-Family) to R-R (Rural Residential). The property is located on the east side of Mount Zion Church Road about 1,200 feet southwest of Sadler Road in Ironton Township.

The Planning Board voted 7-2 to recommend approval.

CZ #2018-1 First Class Autos, Inc., applicant (Parcel ID# 75925) A request to rezone 0.78 acre from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales and vehicle service. The property is located at 1598 N. NC 16 Hwy., on the east side of N.C. 16 Business about 750 feet north of Smith Harbour Drive, in Catawba Springs Township.

The Planning Board voted 7-2 to recommend approval.

~~CZ #2018-2 Ron Barbagli, applicant (Parcel ID# 30999) A request to rezone 0.84 acre from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle sales and vehicle repair. The property is located at 422 N. NC 16 Hwy., on the east side of N.C. 16 Business and west side of North Pilot Knob Road, in Catawba Springs Township.~~

~~**The Planning Board voted 7-2 to recommend approval.**~~

UDO Proposed Amendment #2018-2 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 4.6.2.C.2 of the Lincoln County Unified Development Ordinance to state that a residential accessory structure may be located in the road yard provided it is set back a minimum of 100 feet from the edge of the road right-of-way.

The Planning Board voted 8-1 to recommend approval.

- 3a. Performance Guarantee for sewer line improvements related to the Rock Creek Subdivision - Andrew

Bryant

4. Performance Guarantee Application Approval for Brody Acres - Andrew Bryant
5. Audit Presentation - Deanna Rios
6. Health Insurance Renewal - Candy Burgin
- 6a. Public Comments
7. Capital Project Ordinance Amendment #3 - Deanna Rios
8. Finance Officer's Report - Deanna Rios
9. County Manager's Report
10. County Commissioners' Report
11. County Attorney's Report
12. Vacancies/Appointments
13. Calendar
14. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

- ~~15. Closed Session—Consult with County Attorney~~

Recess to January 25, 2018 at 6:30 PM at the Lincoln County Board of Education Administrative Office, 353 N. Generals Blvd, Lincolnton, NC

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda removing Closed Session.

Consent Agenda: Mr. Atkins reviewed the items on the Consent Agenda.

Surplus Property

Tax Request for Refunds 12/4 - 12/17/17

Minutes to be approved - 12/18/17, 1/8/18

Tax Request for Releases 11/16 - 12/15/17

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

Approval of Resolution #2018-2: Resolution Honoring Eagle Scout Garrett S. Long and Presentation of Resolution: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Resolution #2018-2: Resolution Honoring Eagle Scout Garrett S. Long. The Board presented the Resolution to Mr. Long.

Planning Board recommendations: Randy Hawkins presented the following:

CUP #373 Jeremy Wallace, applicant (Parcel ID# 27710) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 10.4-acre parcel is located at 2154 Ellen Finger Trail, at the end of Ellen Finger Trail about 750 feet north of Car Farm Road, in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

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

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve CUP #373 – Jeremy Wallace, applicant, as recommended by the Planning Board.

ZMA #643 Jason Owen and Allan Carswell, applicants (Parcel ID# 30226 and 84887) A request to rezone 1.8 acres from B-N (Neighborhood Business) to R-SF (Residential Single-Family). The property is located at 3673 N. NC 16 Business Hwy., on the south side of N.C. 16 Business about 500 feet east of Saint James Church Road, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve ZMA #643 – Jason Owen and Allen Carswell, applicant, as recommended by the Planning Board.

ZMA #644 Mary Hunter Key, applicant (Parcel ID# 34190) A request to rezone 20.6 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family.) The property is located about 1,200 feet west of Little Egypt Road and 3,200 feet north of N.C. 73 in Catawba Springs Township.

The Planning Board voted 7-2 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve ZMA #644 – Mary Hunter Key, applicant, as recommended by the Planning Board.

ZMA #645 Mark and Angela McClure et al (Parcel ID# 74253 and 94029) A request to rezone 2.5 acres from R-SF (Residential Single-Family) to R-R (Rural Residential). The property is located on the east side of Mount Zion Church Road about 1,200 feet southwest of Sadler Road in Ironton Township.

The Planning Board voted 7-2 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve ZMA #645 – Mark and Angela McClure et al, applicants, as recommended by the Planning Board.

CZ #2018-1 First Class Autos, Inc., applicant (Parcel ID# 75925) A request to rezone 0.78 acre from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales and vehicle service. The property is located at 1598 N. NC 16 Hwy., on the east side of N.C. 16 Business about 750 feet north of Smith Harbour Drive, in Catawba Springs Township.

The Planning Board voted 7-2 to recommend approval.

Since the last meeting, the applicant has agreed to a condition “a brick façade, a minimum of 10 feet in height, shall be added to the front of the main building and to the first four feet of each side, prior to the opening of the vehicle sales business”.

There was a discussion about the building and it’s compliance with ELDD standards.

A MOTION by Commissioner Mitchem to approve the statement of consistency and reasonableness as presented by the Planning Board. **VOTE: 1 – 4 (Mitchem for; Beam, McCall, Permenter, Oakes against)**

The Board asked Randy Hawkins to prepare a statement of consistency before the end of the meeting to bring back before the Board.

UDO Proposed Amendment #2018-2 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 4.6.2.C.2 of the Lincoln County Unified Development Ordinance to state that a residential accessory structure may be located in the road yard provided it is set back a minimum of 100 feet from the edge of the road right-of-way.

The Planning Board voted 8-1 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendment #2018-2 Lincoln County Planning and Inspections Department, applicant.

Steve Taylor, applicant for First Class Autos, said he feels misled because Randy Hawkins called him and said that Martin Oakes said if he would do the brick on the front and sides of the building, he would probably have enough votes for approval. He said he is already in business

on Hwy. 16 in a pretty lousy location, but would like to improve his business by moving to the new location. He said he cannot understand why the Board would want to leave it as is when it could be improved.

Todd Coles, property owner, said he has backup offers on the property, for uses that are allowed under the current zoning, but are less desirable. He said the building was grandfathered and that means something.

Commissioner Mitchem expressed his displeasure with the other Board members for not approving CZ #2018-1 First Class Autos.

Performance Guarantee for sewer line improvements related to the Rock Creek

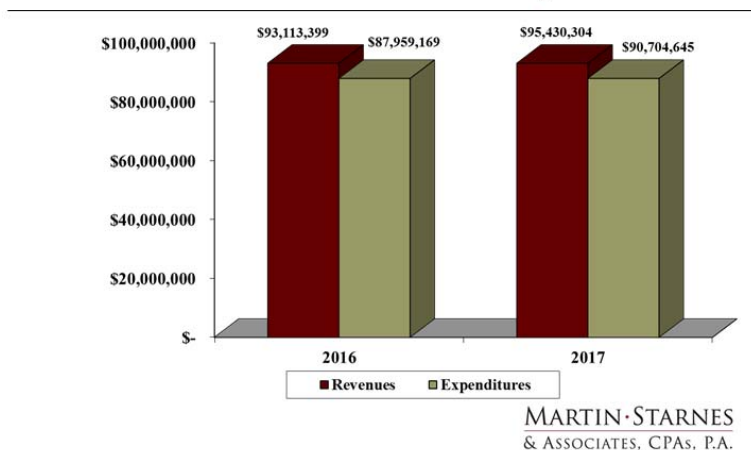
Subdivision: UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Performance Guarantee for Rock Creek Subdivision.

Performance Guarantee Application Approval for Brody Acres: UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Performance Guarantee for Brody Acres.

Audit Presentation: Deanna Rios introduced Elsa Watts, with Martin Starnes and Associates, who gave the Audit Presentation

The County received an unmodified opinion (which is a clean opinion) and had a cooperative staff.

General Fund Summary



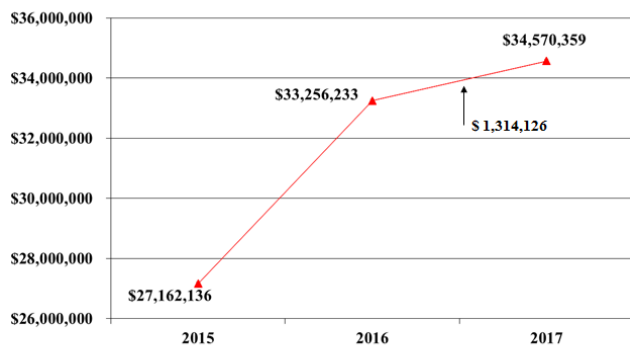
Fund Balance

- Serves as a measure of the County’s financial resources available.
 - Assets + Deferred outflows of resources– Liabilities – Deferred inflows of resources = Fund Balance

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

Total Fund Balance General Fund



MARTIN STARNES
C. ASSOCIATES, CPAs, P.A.

Fund Balance

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 you to other units and calculating your fund balance percentages.

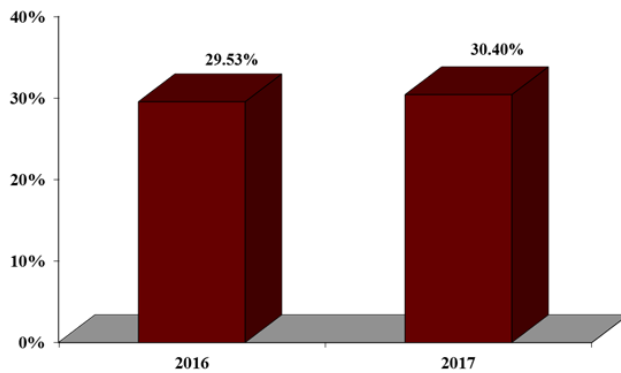
Fund Balance Position General Fund

Total Fund Balance	\$34,570,359
Non-spendable	- 229,546
Stabilization by State Statute	<u>- 5,093,410</u>
Available Fund Balance	\$29,247,403

Available Fund Balance 2016	\$ 26,089,936
Increase in Available FB	\$ 3,157,467

MARTIN STARNES
& ASSOCIATES, CPAs, P.A.

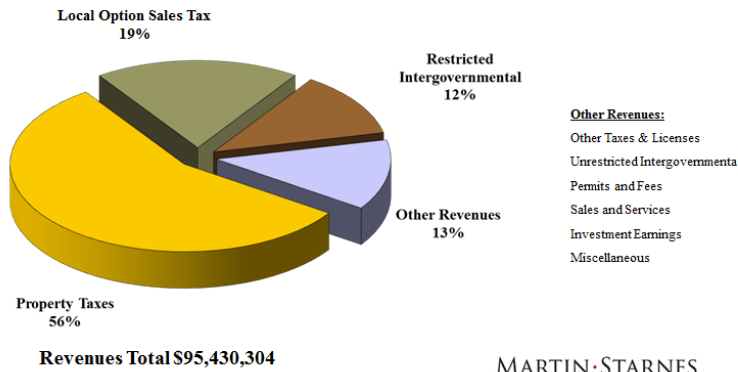
Available Fund Balance as a Percent of Expenditures and Transfers Out – General Fund



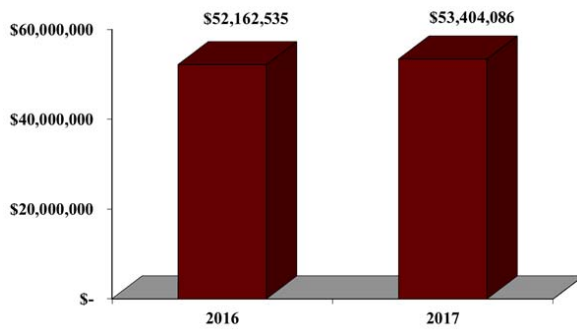
Unassigned Fund Balance - General Fund

	<u>2016</u>	<u>2017</u>
□ Unassigned Fund Balance	\$18,408,808	\$24,512,423

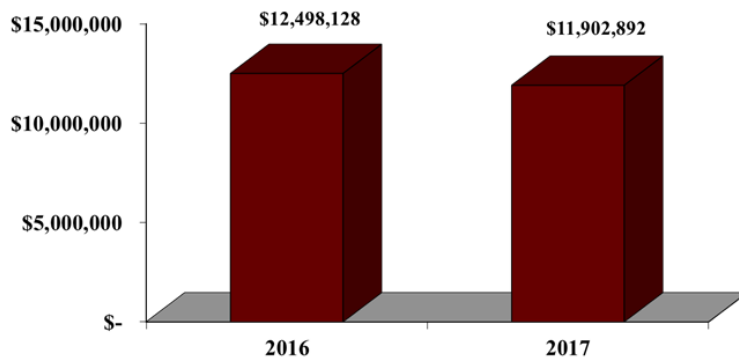
Top 3 Revenues: General Fund



Property Tax

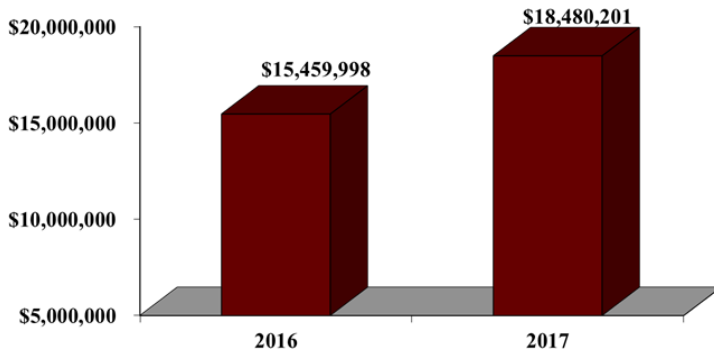


Restricted Intergovernmental

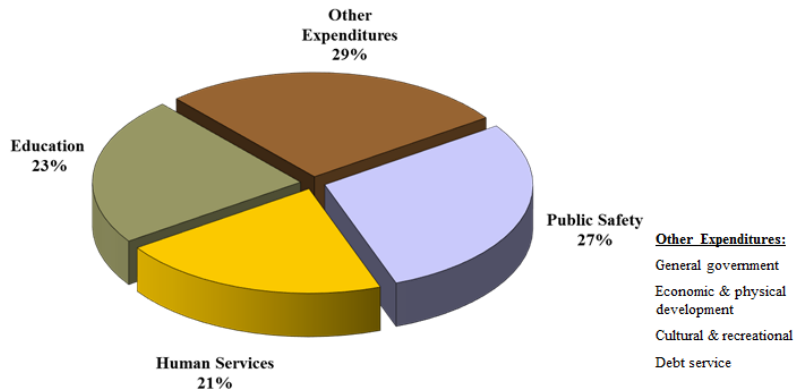


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Local Option Sales Taxes



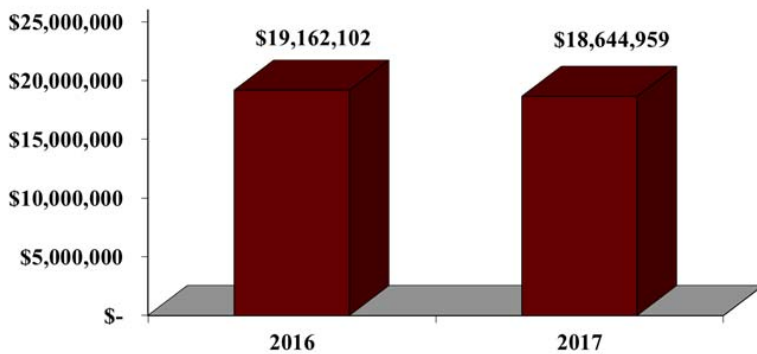
Top 3 Expenditures: General Fund



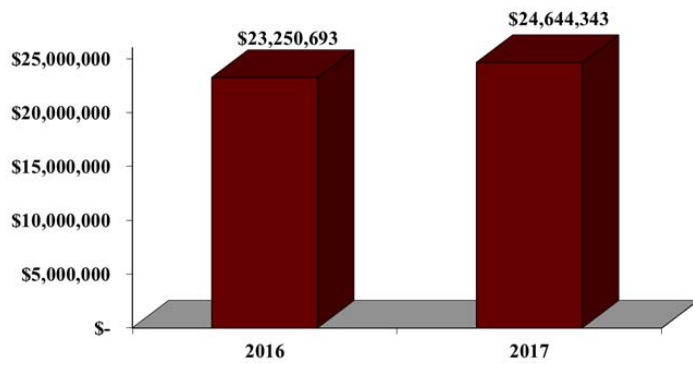
Expenditures Total \$90,704,645

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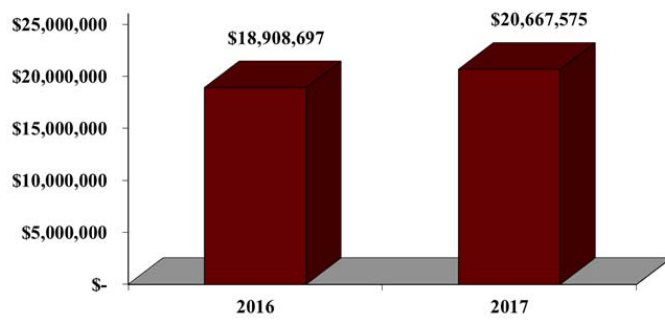
Human Services



Public Safety



Education



**Enterprise Funds
Income (Loss)
Budgetary/Cash Basis**

	<u>Solid Waste</u>	<u>Water/Sewer</u>	<u>E. Lincoln Water/Sewer</u>
Revenues	\$ 4,659,697	\$13,497,300	\$ 23,569
Expenditures	<u>6,794,715</u>	<u>8,273,766</u>	<u>832,176</u>
Income (Loss) Before Other Sources (Uses)	(2,135,018)	5,223,534	(808,607)
Other Financing Sources (Uses)	<u>3,301,670</u>	<u>(1,286,251)</u>	<u>867,014</u>
Total Income (Loss)	<u>\$ 1,166,652</u>	<u>\$ 3,937,283</u>	<u>\$ 58,407</u>

Enterprise Funds

	<u>Solid Waste</u>	<u>Water/Sewer</u>	<u>E. Lincoln Water/Sewer</u>
Required Debt Service	\$ 195,921	\$ 1,646,840	\$ 832,176
Cash Flows From Operations	\$ 1,484,293	\$ 7,368,956	\$ 22,907
Unrestricted Cash	\$ 7,084,237	\$13,564,871	\$ 167,520
Unrestricted Net Position	\$ (4,130,745)	\$12,743,241	\$ 170,964

OPEB – GASB 75

- Actuarial study required for 2017/2018
- Significant impact on net position

Compliance

- Changes that we know for FY 2018:
 - Direct benefit programs' expenditures will be coming off Schedule of Expenditures of Federal and State Awards
 - Office of State Auditor will require Agreed Upon Procedures engagement for State selected programs, separate from audit engagement

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Audit as presented.

CZ #2018-1 – First Class Auto: Randy Hawkins, at the Board’s request came back with a Statement of Consistency and Reasonableness in the negative, which included a recommended a 4th option, rejecting the zoning amendment and simultaneously amending the NC Corridor Vision (redevelopment of properties). Mr. Deaton said he cannot suggest this option and would advise the Board to come up with facts to why it is inconsistent with the plan or why the rejection is reasonable and in the public interest.

UPON MOTION by Commissioner Oakes, the Board voted 3 – 2 (Permenter and Mitchem against) to table this until the next meeting and in the interim get an opinion from the School of Government.

Health Insurance Renewal: Candy Burgin introduced Mark Browder with Mark III and Associates for the Health Insurance Renewal information.

Mr. Browder presented the following:

The Medical Plan continues to trend well.

Based on plan performance and continued strong reserve position, there is no Plan or Funding changes for 2018-2019.

The County HSA contribution will go to \$900.

To improve the health of the diabetic population, the County plans to implement a Diabetic Disease Management Strategy

Additionally, to better measure the performance of the Plan and wellness initiatives, the County will implement a Data Analytics program.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Health Insurance Renewal as presented.

Public Comments: Chairman Beam opened Public Comments.

Patty Korn, speaking on behalf of Keep Lincoln County Beautiful, asked for Overgrown Vegetation Ordinance, Sign Amortization, Smoke-free parks, Solid Waste Management amendments including: C&D on Sundays, Cover Recycling Containers during transit, household hazardous waste collection events, options for currently unaccepted items, Storm Water Ordinance and Tree Protection Ordinance.

Ben Benoit, representing the Catawba Riverkeeper Foundation spoke about the need for a Storm Water Ordinance to regulate post construction runoff.

Being no additional speakers, Chairman Beam closed Public Comments.

Capital Project Ordinance Amendment #3: UPON MOTION by Commissioner McCall, the Board voted unanimously to approve Capital Project Ordinance Amendment #3.

Finance Officer's Report: Scott Cook presented the Finance Officer's Report.

County Manager's Report: Mr. Kelly Atkins reminded the Board of the joint meeting with the Board of Education on Thursday at 6:00 PM.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Commissioner Permenter said he attended the Report to the People by the County Extension Agent and feels like this should be publicized more in the future. He said they are doing a great job and have really good programs.

Commissioner McCall let everyone know she will be participating in a fundraiser at the Lincoln Cultural Center for the Arts Council and her bond is \$1000. This will be on Friday, February 23, 2018.

Mr. Atkins reminded the Board of the next budget retreat on February 8, 2018 at 10:00 AM.

Recess: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to recess until January 25, 2018 at 6:30 PM at the Lincoln County Board of Education Administrative Office, 353 N. Generals Blvd, Lincolnton.

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners