

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 5, 2018

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 5, 2018, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Dr. Crystal Mitchem, Chair
Floyd Dean, Secretary
Matt Burton
Matt Fortune
Keith Gaskill
Jamie Houser
Milton Sigmon

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 meeting to order. He led in a Moment of Silence, asking everyone to remember the family of Oswald Lynch, and led 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, February 5, 2018
6:30 PM

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

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - VTS Refunds
 - Surplus Property
 - Approval of Minutes
3. Resolution #2018-5: Resolution Honoring Eagle Scout and Presentation to William Morra
4. Resolution #2018-6: Resolution Honoring Eagle Scout and Presentation to Andrew Paul Berley
5. Zoning Public Hearings - Randy Hawkins

CUP #374 Jamar Wright, applicant (Parcel ID# 55206) A request for a conditional use permit to sell vehicles in the B-G (General Business) district. The proposed 0.71-acre site is located at 3485 E. NC 27 Hwy., on the east side of N.C. 27 about 100 feet north of Joshua Court, in Ironton Township.

CUP #375 Michael Forrest, applicant (Parcel ID# 57419) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The proposed 1.0-acre site is located at 4330 Racing Drive, on the east side of Racing Drive about 800 feet south of N.C. 16 Business, in Catawba Springs Township.

ZMA #646 James Hunter, applicant (Parcel ID# 34170) A request to rezone 15 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The property is located about 2,000 feet west of Little Egypt Road and 3,200 feet north of N.C. 73 in Catawba Springs Township.

6. Vote on CZ #2018-1 - First Class Autos, Inc. - Randy Hawkins
7. Performance Guarantee Extension for Trilogy Lake Norman (Carolina Ridge) Parcel G/H Map 1 & 2 - Jeremiah Combs
8. 2 Performance Guarantee Extensions for Fox Chase Subdivision - Jeremiah Combs
9. Resolution #2018-3: Resolution of Support for High Impact/Low Cost Projects (NCDOT) - Andrew Bryant
10. Annual Report from the Nursing and Adult Care Home Community Advisory Committee - Cindy Englert
11. Approval of Fire and Rescue Contracts - Rodney Emmett
12. Approval of Purchasing Policy Update - John Henry

13. Approval of Snow Removal Policy Update - John Henry
14. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
15. Local Option Sales Tax Discussion
16. Other Business
17. Closed Session to discuss economic development

Recess to February 8, 2018 at 10:00 AM for budget work session

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

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

- o VTS Refunds
- o Surplus Property
- o Approval of Minutes – January 22, 2018

Resolution #2018-5: Resolution Honoring Eagle Scout and Resolution #2018-6:

Resolution Honoring Eagle Scout: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Resolutions #2018-5 and #2018-6.

The Board presented Resolutions to Eagle Scouts William Morro and Andrew Paul Berley

New Business/Advertised Public Hearings: Mr. Wesley Deaton gave information on the zoning cases and asked if any Board member has had ex parte communication on the Conditional Use Permits.

CUP #374 Jamar Wright, applicant: Mr. Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the B-G (General Business) district. Under the Unified Development Ordinance, vehicle sales is a conditional use in the B-G district. A site plan has been submitted as part of the application. The sales office would be located in an existing commercial building that is currently being used to detail cars (a permitted use in the B-G district), and the vehicle display area would be limited to the existing paved area.

SITE AREA AND DESCRIPTION

The 0.71-acre parcel is located at 3485 E. NC 27 Hwy., on the east side of N.C. 27 about 100 feet north of Joshua Court, in Ironton Township. It is adjoined by property zoned B-G, I-G (General Industrial) and R-S (Residential Suburban). Land uses in this

area include business and residential. A vehicle sales lot is located nearby on the southwest corner of N.C. 27 and Joshua Court. The subject property is located in an area designated by the Land Use Plan as Mixed Residential/Commercial, suitable for higher-density residential uses and small-scale office and retail uses.

Chairman Beam opened the public hearing concerning CUP #374 – Jamar Wright, applicant.

Jamar Wright, applicant, said he wants to sell a few used cars on the paved area of the lot. He said he will have 6 to 8 cars for sale. He incorporated his prepared Findings of Fact into his testimony.

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

CUP #375 – Michael Forrest, applicant:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. Under the Unified Development Ordinance, vehicle sales is a conditional use in the I-G district. A site plan has been submitted as part of the application. The sales office would be located in an existing commercial building that is currently being used for an wholesale auto dealership that includes servicing vehicles (permitted uses in the I-G district), and the vehicle display area would be limited to the area shown on the plan.

SITE AREA AND DESCRIPTION

The 1.0-acre parcel is located at 4330 Racing Drive, on the east side of Racing Drive about 800 feet south of N.C. 16 Business, in Catawba Springs Township. It is surrounded by property zoned I-G. Land uses in this area are primarily industrial. The subject property is located in an area designated by the Lincoln County Land Use Plan as industrial.

Chairman Beam opened the public hearing for CUP #375 – Michael Forrest, applicant.

Michael Forrest, applicant, said he has been at this location as a wholesale business, but is getting his retail license to be able to sell the vehicles. He said it will mainly be doing internet sales and the site will not look any different than it does now, except there will be a small area for sales. Mr. Forrest incorporated his Findings of Fact into his testimony.

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

ZMA #646 James Hunter, applicant:

The applicant is requesting the rezoning of 15 acres from R-T (Transitional Residential) to R-SF (Residential Single Family).

Site Area & Description

The property is located about 2,000 feet west of Little Egypt Road and 3,200 feet north of N.C. 73 in Catawba Springs Township. It is adjoined by property zoned R-SF, R-T (pending a Jan. 22 decision on proposed rezoning to R-SF), and PD-R (Planned Development Residential). Land uses in this area include residential and institutional (church). This property is in an area designated by the Lincoln County Land Use Plan as Suburban Residential, primarily single family in character, appropriate for densities of up to two dwelling units per acre in areas with public water and sewer. A sewer main crosses this property and water lines are located in this area.

Additional Information

Permitted uses

Under current R-T zoning: manufactured homes, duplexes, modular homes, site-built houses, church.

Under proposed R-SF zoning: modular homes, site-built houses, church.

Minimum lot size

Under current R-T zoning: 32,500 square feet (0.746 acre).

Under proposed R-SF zoning: 22,500 square feet (0.516 acre) with public water and sewer, 32,500 square feet otherwise.

Adjoining zoning and uses

East: zoned R-T, undeveloped tract.

South: zoned R-SF, undeveloped tract

West: zoned R-SF, undeveloped tract

North: zoned PD-R, site of the planned Canopy Creek subdivision.

Chairman Beam opened the public hearing concerning ZMA #646 James Hunter, applicant.

Being no speakers, Chairman Beam closed the public hearing.

Vote on CZ #2018-1 – First Class Autos, Inc.: A MOTION by Commissioner Oakes to approve the following Statement of Consistency against the conditional zoning:

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

The Land Use Plan designates this property as part of the NC 16 Corridor.

- 1) The NC 16 Corridor Vision Plan recommends that strip commercial and sprawl development be reduced by placing commercial development at nodes. The location is not at a node, but is part of a strip commercial and sprawl development.

- 2) The NC 16 Corridor Vision Plan recommends the elimination or mitigation businesses with outdoor equipment & storage of raw materials in front. A car lot is the type of business that has storage of outdoor equipment in front. The Corridor Vision Plan envisions for these types of businesses to be concentrated in specific areas of the corridor with other related businesses rather than placed next to, e.g., professional offices and restaurants. The proposed location is in front of a residential development.

The rejection of this proposed amendment is reasonable and in the public interest in that it applies the goals of the Corridor Vision Plan of reducing strip commercial and sprawl development, and reduces businesses with outdoor equipment and materials.

The proposed amendment is not reasonable and not in the public interest in that:

The proposed amendment does not move the NC 16 Corridor toward the stated land use plan and its related goals, but rather, would move the NC 16 Corridor away from its long-stated goals as stated in the Corridor Vision Plan.

Discussion:

Commissioner Mitchem asked about outdoor storage allowed at this site. Randy Hawkins said it is a fine line between storage and a contractor's storage yard.

Chairman Beam said this case unearthed some deficiencies, which made it extremely difficult to handle the current situation.

**VOTE: 3 – 2 AYES: McCall, Oakes, Permenter
 NOES: Beam, Mitchem**

UPON MOTION by Commissioner McCall, the Board voted unanimously to ask Planning to bring back a proposal that will make it mandatory to bring a building into compliance with façade standards in the ELDD and UDO and to define outside storage.

The Planning Board recessed their meeting to the 2nd floor balcony.
Chairman Beam called for a brief recess and called the meeting back to order.

Performance Guarantee Extension for Trilogy Lake Norman (Carolina Ridge) Parcel G/H Map 1 & 2: Jeremiah Combs presented the Performance Guarantee Extension for Trilogy Lake Norman (Carolina Ridge).

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Performance Guarantee Extension for Trilogy Lake Norman (Carolina Ridge) as presented.

Performance Guarantee Extension for Fox Chase Subdivision: Jeremiah Combs presented the Performance Guarantee Extension for Fox Chase Subdivision.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Performance Guarantee Extension for Fox Chase Subdivision as presented.

Resolution #2018-3: Resolution of Support for High Impact/Low Cost Projects (NCDOT): Andrew Bryant presented the Resolution for the Board's approval.

RESOLUTION OF SUPPORT FOR HIGH IMPACT / LOW COST PROJECTS

WHEREAS, Senate Bill 257 has appropriated funds for construction projects that are high impact and low cost; and

WHEREAS, Projects funded under this subsection of the bill should include intersection improvement projects, minor widening projects, and operational improvement projects; and

WHEREAS, NCDOT Division 12 has developed a project in Lincoln County suitable for meeting the requirements of this program.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of County Commissioners does hereby support the project described below.

Project	County	Proposed Improvement	Cost to the Program
Intersection of NC16 and Optimist Club Road	Lincoln	Turn lane extensions, signalization, pavement markings and signing improvements to the superstreet intersection	>\$250,000

A motion was made by _____ and seconded by _____ for approval, and being put to a vote was duly approved.

Bill Beam, Chair
Lincoln County Board of County
Commissioners

Subscribed and sworn to me this the
5th of February 2018

Notary Public
My Commission expires: _____

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Resolution #2018-3: Resolution of Support for High Impact/Low Cost Projects.

Annual Report from the Nursing and Adult Care Home Community Advisory Committee: Cindy Englert and Julia Gaskill presented the Nursing and Adult Care Home Community Advisory Committee indicating a desperate need for additional volunteers on the Committee. They invited the Commissioners to attend the visits with the Committee.

Approval of Fire and Rescue Contracts: Rodney Emmett presented the Fire and Rescue contracts for approval. As requested by the County Manager and Fire and Rescue Association, several amendments were made to the contract.

UPON MOTION by Commissioner Mitchem, the Board voted (4-1 – Oakes against) to approve the Fire and Rescue contracts as presented.

Approval of Purchasing Policy Update: John Henry presented the Purchasing Policy Update.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Purchasing Policy Update as presented.

Approval of Snow Removal Policy Update: John Henry presented the Snow Removal Policy Update.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Purchasing Policy Update as presented.

Public Comments: Chairman Beam opened Public Comments.

Being no speakers, Chairman Beam closed Public Comments.

Local Option Sales Tax Discussion: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt Resolution #2018-6 as presented.

**RESOLUTION 2018-6: RESOLUTION DIRECTING THE LINCOLN COUNTY
BOARD OF ELECTIONS TO CONDUCT AN ADVISORY REFERENDUM PURSUANT
TO N.C.G.S. §105-537**

Whereas the Lincoln County Board of Education (the “Board of Education”) has identified current and future financial deficits; and

Whereas, the Board of Education has submitted to the Lincoln County Board of Commissioners (the “Board of Commissioners”) a proposed budget which requires greatly increased funding due to state-imposed unfunded mandates; and

Whereas, the Board of Commissioners believes the financial deficits may be funded, in whole or in part, by a one-quarter percent (0.25%) sales and use tax authorized by N.C.G.S. §105-537; and

Whereas, if such a sales and use tax were levied, the Board of Commissioners intends (though such statement of intent is not, and may not be, binding) to apply the proceeds therefrom to fund said financial deficits both within Lincoln County Schools and the Charter Schools located within the county, in proportion to their needs and to their in-county student enrollments; and

Whereas, the Board of Commissioners desires, pursuant to N.C.G.S. §105-537 to call a county-wide advisory referendum on whether to levy such a local sales and use tax.

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln County Board of Commissioners directs the Lincoln County Board of Elections, pursuant to N.C.G.S. §105-537(b), to conduct an advisory referendum on the question of whether to levy a local sales and use tax in Lincoln County as provided in Article 46 of Chapter 105 of the North Carolina General Statutes.

Adopted this 5th day of February, 2018.

Bill Beam, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

The Commissioners commended Dr. Morrow for her very informative presentation at the joint meeting.

Closed Session: UPON MOTION by Commissioner McCall, the Board entered Closed Session to discuss Economic Development.

Recess: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to recess until February 8, 2018 at 1:00 P.M. for a budget work session.