

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 2, 2020**

The Lincoln County Board of County Commissioners met on March 2, 2020, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair  
Richard Permenter, Vice Chair  
Anita McCall  
Milton Sigmon  
Bud Cesena

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Josh Grant, Programs Manager  
Amy S. Atkins, Clerk to the Board

Members Present:

Jamie Houser, Chairman  
Matt Burton, Vice-Chairman  
Doug Tallent, Secretary  
James Dean  
Matt Fortune  
Keith Gaskill  
Tracy Ledford  
John Marino

Staff Present:

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

**Call to Order:** Chairman Mitchem called the March 2, 2020 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and the Eagle Scouts in attendance led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, March 2, 2020**  
**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 Agenda
2. Consent Agenda
  - Approval of Minutes
  - Tax Requests for Refunds - January 6 - 19, 2020
  - Resolutions Honoring Eagle Scouts
  - Waived fees - Rotary Auction
3. Presentations to Eagle Scouts
4. Zoning Public Hearings - Jeremiah Combs and Randy Hawkins

**Quasi-Judicial**

CUP #410 Wizards Powersports, LLC (Parcel ID# 53982) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 5.0-acre parcel is located at 6161 Industrial Park Road, on the northwest corner of Denver Industrial Park Road and Sinclair Street, in Catawba Springs Township.

**Legislative**

ZMA #672 Scott Roach, applicant (Parcel ID# 101215 and 101216) A request to rezone 4.5 acres from B-G (General Business) to R-S (Residential Suburban). The property is located on the west side of Windy Hill Road and east side of U.S. 321 bypass at the Lincoln-Gaston county line about 1,200 feet south of Gastonia Highway in Ironton Township.

5. Purchase Hitachi 190W-6N FT4 Wheeled Excavator from James River Equipment - Don Chamblee
6. Purchase A) Ford 750 Crane Truck with Adkins Heavy Crane and B) John Deere 332G ROPS Skid Steer - Don Chamblee
7. Approval of Continued Engineering Services for Water Treatment Plant Construction and Start up- Don Chamblee
8. Approval of equipment resolution for Killian Creek WWTP Phase 3 Expansion - Don Chamblee
9. Approval of Construction Observation & Administration and O&M Manuals Phases of the WK Dickson Engineering Contract of the Killian Creek Waste Water Treatment Plant - Don Chamblee

10. Public Comments
11. Other Business
12. Closed Session - § 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

Adjourn

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

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

- Approval of Minutes
- Tax Requests for Refunds - January 6 - 19, 2020
- Resolutions Honoring Eagle Scouts
- Waived fees - Rotary Auction

**Resolutions Honoring Eagle Scouts:** The Board presented Resolutions Honoring the following Eagle Scouts: Sam Jacob, Ian Bias, Nolan Berry, and Nicholas Robert Gales. All seven Eagle Scouts are from Troop 83, which is chartered by Holy Spirit Catholic Church.

**Zoning Public Hearings:**

**New Business/Advertised Public Hearings:** Wesley Deaton gave information on quasi judicial and legislative zoning cases, asking if anyone had ex parte communications.

**Conditional Use Permit #410 – Wizards Powersports, LLC:** Randy Hawkins presented the following information:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. The sales office would be located in an existing commercial building, one of three buildings on the site. Wizards Powersports, which services and sells personal watercraft and sells parts on-line, is proposing to sell vehicles as a sideline. Vehicle sales is a conditional use in the I-G district.

**SITE AREA AND DESCRIPTION**

The 5.0-acre parcel is located at 6161 Denver Industrial Park Road, on the northwest corner of Denver Industrial Park Road and Sinclair Street. The subject property is surrounded by properties zoned I-G. Land uses in this area include industrial, business and residential. This property is located in an area designated by the Land Use Plan as an Industrial Center.

Chairman Mitchem opened the Public Hearing concerning Conditional Use Permit #410 – Wizards Powersports, LLC, applicant.

Kurt Wolff, applicant, said he prepared the findings of fact and incorporated them into his testimony. He said he currently owns a facility in Catawba County and would like to move the business to Lincoln County. He said they sell 15 to 20 vehicles per year. He said they would maybe have 20 vehicles at a time.

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

**ZMA #672 – Scott Roach, applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 4.5 acres from B-G (General Business) to R-S (Residential Suburban). The stated reason for the request is to allow duplexes to be built. See information below on permitted uses in each district. Site Area & Description

The subject property is located on the west side of Windy Hill Road and east side of U.S. 321 bypass at the Lincoln-Gaston county line about 1,200 feet south of Gastonia Highway. (A portion of one of the two parcels is located on the opposite side of U.S. 321 and is not included in the rezoning request.) The subject property is adjoined by properties zoned B-G and R-S. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for primarily single-family homes with densities of 0.2-1.35 dwelling units per acre.

#### Additional Information

Permitted uses Under current B-G zoning: retail sales, offices, personal services, church, etc. Under proposed R-S zoning: site-built houses, modular homes, duplexes, church.

Adjoining zoning and uses East: zoned R-S, residences. South: zoned R-15 (High Shoals residential zoning district), residence. West (opposite side of U.S. 321): zoned B-G, residence. North: zoned R-S, residence. Staff's Recommendation

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing concerning ZMA #672 – Scott Roach, applicant.

Scott Roach, applicant, said he has the property under contract pending this request and a perk test.

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

**Purchase of Hitachi 190W-6N FT4 Wheeled Excavator from James River Equipment** – Don Chamblee presented information:

Public Works is requesting purchase of a Hitachi 190W-6N FT4 Wheeled Excavator from James River Equipment for the Solid Waste Department. The Hitachi Zaxis 190W-6N Wheeled Excavator will be used by the Solid Waste Department at the Landfill for Loading Scrap Metal primarily. The current excavator is a 1991 tracked excavator will be requiring extensive maintenance. The purchase price of this excavator is \$ 210,968.00 plus tax of \$14,767.76 for total of \$225,735.76. Commissioner Sigmon pointed out that the taxes will be returned to the county.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the purchase of a Hitachi Zaxis 190W-6N Wheeled Excavator as presented.

**Purchase of Ford 750 Crane Truck with Adkins Heavy Crane and John Deere 332G ROPS Skid Steer:** Don Chamblee presented the following:

Public Works requests approval of A) Ford 750 Crane Truck with Adkins Heavy Crane and B) John Deere 332G ROPS Skid Steer. Public Works Utilities uses a crane truck for servicing pump stations. The purchase price is \$139,894.90 from Piedmont Truck Center. The Waste Water Treatment Plant will use the skid steer for unloading chemical deliveries and general maintenance at the plant (less snow blades). The purchase price is \$50,792.95 from James River Equipment.

Commissioner Sigmon pointed out that the Ford 750 Crane Truck with Adkins Heavy Crane, which has a purchase price of \$139,894.90 does include \$2,000 tax which the county will not get back.

Commissioner Sigmon pointed on that the John Deere 332G ROPS Skid Steer, which has a price of \$50,792.95 plus tax of \$3,555.51 for total of \$54,348.46. The taxes will be returned to the county on this purchase.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Purchase of Ford 750 Crane Truck with Adkins Heavy Crane and John Deere 332G ROPS Skid Steer as presented.

**Approval of Continued Engineering Services for Water Treatment Plant Construction and Start-up:** Don Chamblee presented the following:

The Water Treatment Plant construction is ongoing with scheduled contract completion by September 2020. The construction inspection and engineering services were estimated for this

phase of the project. Additional services are needed to complete the project for start up and certification. This request is to authorize and increase in the contract by \$194,312.

Commissioner Sigmon expressed concerns about the project starting late and now asking for additional money to complete the project.

**UPON MOTION** by Commissioner Cesena, the Board voted 4 – 1 (Commissioner Sigmon against) to approve the continued Engineering Services for Water Treatment Plant Construction and Start up.

**Approval of Equipment Resolution for Killian Creek WWTP Phase 3 Expansion:** Don Chamblee asked the Board to approve the Equipment Resolution for Killian Creek WWTP Phase 3 Expansion.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Resolution as presented.

#### RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the County of Lincoln is constructing and intends to upgrade their Killian Creek Wastewater Treatment Facility that will provide sewage treatment service to all within the Facility's service area; and

WHEREAS, the existing treatment systems will be upgraded and expanded; and

WHEREAS, North Carolina General Statute 133-3 requires that preferred alternate equipment approved by the owner shall be approved prior to the opening of bids in an open and public meeting; and

WHEREAS, the preferred alternate equipment is consistent and compatible with the existing equipment currently in operation at the Killian Creek Wastewater Treatment Facility, is conforming to Lincoln County standards, and will facilitate efficient operation and maintenance of the existing and proposed equipment; and

WHEREAS, the preferred alternate equipment will maintain or improve the functioning of the Water Treatment Plant; and

WHEREAS, the preferred alternate equipment is recommended on the basis of maintaining or improving the functioning of existing processes, minimizing spare parts, improving coordination with equipment manufactures and vendors; and

WHEREAS, each of the preferred alternate equipment items will be included in the bid as separate items to reviewed and selected on an individual basis as determined by Lincoln County to be in its best interest.

NOW, THEREFORE, in consideration of the requirements of North Carolina General Statute 133-3, the listed items below have been approved in an open meeting by the owner as preferred alternates to the base bid for the Killian Creek Wastewater Treatment Facility Expansion project:

SBR and Digester Equipment – Evoqua  
Submersible Pumps in SBR, Digester, and Sludge Holding - Wilo  
Submersible Mixers in Post EQ – Xylem, Flygt  
Centrifugal Chemical Pumps - Finish Thompson, Inc.  
SCADA Controls – Dorsett Technologies

Adopted this the 2<sup>nd</sup> day of March, 2020 at Lincoln County, North Carolina

ATTEST:

Witness  
(SEAL) County of Lincoln

ATTEST:  
By: Carrol D. Mitchem Chairman of the Board

County Clerk

**Approval of Construction Observation & Administration and O&M Manuals Phases of the WK Dickson Engineering Contract of the Killian Creek Waste Water Treatment Plant:**

The Board asked for this agenda item to be brought back at the same time as the actual bids.

**Public Comments:** Chairman Mitchem opened Public Comments.

Robert Avery, 4466 Hwy 182, spoke concerning districting the County Commissioner race.

Being no additional speakers, Chairman Mitchem closed Public Comments

**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.

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

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners