

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 17, 2020

The Lincoln County Board of County Commissioners met on August 17, 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
Milton Sigmon
Bud Cesena
Anita McCall

Others Present:

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

Call to Order: Chairman Mitchem called the August 17, 2020 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 Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 17, 2020
6:30 PM

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

Call to Order - Chairman Carrol Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

1. Tax Requests for Releases - More than \$100
2. Tax Requests for Refunds - Over \$100
3. Approval of Minutes
4. Subdivision Performance Guarantee Application for Canopy Creek Phase 1
5. Approval and Acceptance of \$30,005.00 SLNC CARES Project Grant Funds
6. BOA #1
7. GPO #1
3. Coronavirus Update from Health Department - Davin Madden, Director
4. Planning Board Recommendations - Randy Hawkins
5. Department of Social Services Request for Employment and Training Case Manager Position - Candy Burgin, Tony Carpenter
6. Approval of Purchase of Model GR64FR - 2021 Mack Roll-Off from Transource Truck and Trailer Centers - Don Chamblee
7. Airport Gateway Beautification Project Update - Josh Grant
8. Public Comments
- 8a. Resolution Approving an Amendment to an Installment Financing Contract and Authorizing the Execution and Delivery of Documents in Connection Therewith - Deanna Rios
9. Finance Officers Report
10. County Manager's Report
11. County Commissioners' Report
12. County Attorney's Report
13. Vacancies/Appointments
14. Calendar
15. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

UPON MOTION by Commissioner Sigmon, the Board voted unanimously approve the agenda, adding Item 8a - Resolution Approving an Amendment to an Installment Financing Contract and Authorizing the Execution and Delivery of Documents in Connection Therewith.

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

1. Tax Requests for Releases - More than \$100
2. Tax Requests for Refunds - Over \$100
3. Approval of Minutes – August 3, 2020
4. Subdivision Performance Guarantee Application for Canopy Creek Phase 1
5. Approval and Acceptance of \$30,005.00 SLNC CARES Project Grant Funds
6. BOA #1
7. GPO #1

Coronavirus Update from Health Department: Davin Madden, Director, gave a Coronavirus update.

Planning Board Recommendations: Randy Hawkins presented the following:

CUP #418 – Dawn Blackburn, applicant (Parcel ID# 02782) A request for a conditional use permit to allow a former church to be used to host weddings and other events in the R-T (Transitional Residential) district. The 0.85-acre parcel is located at 5795 Old Plank Road, on the east side of Old Plank Road about 2,400 feet north of Ingleside Farm Road, in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval.

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #418 – Dawn Blackburn, applicant based on the findings of fact approved by the Planning Board.

PCUR #104A – Jeff and Rhonda Harvey, applicant (Parcel ID# 102405) A request to amend the approved plan for the Cline Farm development to designate an existing house as a single-family residence rather than a component of a commercial area and to permit the addition of a 1,000-square-foot detached garage. The request involves a 1.2-acre site located at 1783 Reepsville Road, on the west side of Reepsville Road and south side of Cline Farm Road, in Howards Creek Township.

The Planning Board voted 7-0 to recommend approval.

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

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve PCUR #104A – Jeff and Rhonda Harvey, applicants based on the findings of fact approved by the Planning Board.

CZ #2020-3 John and Carolyn Prime, applicants (Parcel ID# 02291) A request to rezone a 0.87-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. The property is located at 1656 N. NC 16 Business Hwy., on the east side of N.C. 16 Business at Galway Lane, in Catawba Springs Township.

The Planning Board voted 6-1 to recommend disapproval.

UPON MOTION by Commissioner Cesena, the Board voted 4 – 1 (Mitchem against) to adopt the Statement of Consistency and Reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted 4 – 1 (Mitchem against) to deny CZ #2020-3 John and Carolyn Prime, applicants, based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness approved by the Planning Board.

ZMA #673 – Damon Lusk, applicant (Parcel ID# 89707) A request to rezone 1.5 acres from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is located on the east side of Wexford Lane about 400 feet south of N.C. 16 Business in Catawba Springs Township.

The Planning Board voted 6-1 to recommend approval.

Commissioner Cesena expressed concerns that the applicant does not know what will go there.

UPON MOTION by Commissioner Permenter, the Board voted 3 – 2 (FOR: Permenter, Sigmon, Mitchem; AGAINST: McCall, Cesena) to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Permenter, the Board voted 3 – 2 (FOR: Permenter, Sigmon, Mitchem; AGAINST: McCall, Cesena) to approve ZMA #673 – Damon Lusk, applicant, based on the recommendation of the Planning Board and the statement of consistency and reasonableness.

ZMA #674 Jerry Hartsoe, applicant (Parcel ID# 70362) A request to rezone a 0.9-acre lot from I-G (General Industrial) to R-SF (Residential-Single Family). The property is located on the north side of N.C. 27 about 900 feet west of Rock Dam Road in Howards Creek Township.

The Planning Board voted 7-0 to recommend approval.

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

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve ZMA #674 – Jerry Hartsoe, applicant based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness.

ZMA #675 – Milia McAbee, applicant: (Parcel ID# 24933) A request to rezone a 0.56-acre lot from R-S (Residential-Suburban) to Neighborhood Business (B-N). The property is located on the north side of N.C. 150 and east side of National Way in Ironton Township. The Planning Board voted 7-0 to recommend approval.

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

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve ZMA #675 – Milia McAbee, applicant based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness.

WSCUP #23 Scott O’Neil, applicant: (Parcel ID# 34692) A request for a watershed conditional use permit to use the high-density option in the Catawba River/Lake Norman WS-IV Protected Area. The applicant is proposing to develop a 4.1-acre site for a self-storage facility. The high-density option would allow the development to have a built-upon surface area covering up to 70 percent of the site, with the use of engineered stormwater controls. The property is located on the east side of N.C. 16 Business south of Balsom Ridge Road in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval

UPON MOTION by Commissioner Permenter, 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 WSCUP #23 – Scott O’Neil, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #420 Hornet Solar, LLC, applicant: (Parcel ID# 29536, 33495, 33572, 33949, 34232, 54666, 55956, 57984, 57985 and 88482) A request for a conditional use permit to establish a solar farm in the R-T (Transitional Residential) district. The 708-acre Lincoln County portion of the proposed site, which also includes 791 acres in Gaston County, is located south of Old Plank Road, on both sides of portions of June Dellinger Road and

about 2,000 feet west of N.C. 16 Business in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #420 – Hornet Solar, LLC, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #421 WynnWorth, LLC, applicant (Parcel ID# 31275) A request for a conditional use permit to allow contractors' offices with indoor and outdoor storage in the I-L (Light Industrial) district in the ELDD (Eastern Lincoln Development District) overlay district. The 11-acre parcel is located on the north side of Mundy Road about 400 feet west of N.C. 16 Business in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #421 – WynnWorth, LLC, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #422 Richard Aderholdt, applicant (Parcel ID# 28850) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 0.87- acre parcel is located at 736 Sandra Lane about 1,100 feet south of Keener Road in Ironton Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve CUP #422 – Richard Aderholdt, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #423 Jared Miller, applicant (Parcel ID# 72225) A request for a conditional use permit to place a Class D manufactured home (a 1973 singlewide) in the R-R (Rural Residential) district. The 0.6-acre parcel is located on the west side of Herter Road about 900 feet north of Ritchie Road in Lincolnton Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #423 – Jared Miller, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #424 David Clark Jr., Caroline Clark, Allison Clark and Walter Clark, applicants (Parcel ID# 87374) A request for a conditional use permit to allow the operation of a charter school for grades K-8 in the B-G (General Business) district. The proposed 5.25-acre site is located at the end of Forney Creek Parkway on the east side of N.C. 16 bypass about 4,600 feet north of Optimist Club Road in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #424 – David Clark, Jr., Caroline Clark, Allison Clark and Walter Clark, applicants based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #425 Justin Morrow, applicant: (Parcel ID# 59495) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The proposed 1.5- acre site is located on Workman Lane about 1,600 feet west of Cat Square Road in Howards Creek Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #425 – Justin Morrow, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #426 Skadoosh Properties, LLC: (Parcel ID# 56204) A request for a conditional use permit to operate a concrete plant in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD) overlay district. The 2.5-acre parcel is located on the north side of Quarry Lane about 400 feet west of N.C. 16 Business in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Permenter, 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 #426 – Skadoosh Properties, LLC, applicant based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #427 John and Joyce Gerlits (Parcel ID# 102310) A request for a conditional use permit to place a private residential storage building on a lot less than 2.0 acres in size prior to the placement of a home. The 1.0-acre parcel is located on the north side of Lackey Road at its intersection with Tower Road in North Brook Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve CUP #427 – John and Joyce Gerlits, applicants based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

CUP #428 Big Wheels Trucking, LLC (Parcel ID# 102324) A request for a conditional use permit to allow a trucking operation in the I-G (General Industrial) district in the Eastern Lincoln Development District ELDD) overlay district. The 6.2-acre parcel is located at the end of Jameson Way on the west side of N.C. 16 Business about 500 feet north of Quarry Lane in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #428 – Big Wheels Trucking, LLC, applicants based on the recommendation of the Planning Board and the Findings of Fact approved by the Planning Board.

Department of Social Services Request for Employment and Training Case Manager Position: Candy Burgin and Tony Carpenter presented the following:

The Department of Social Services is requesting to add a position titled Employment and Training Case Manager which will be funded through September 30, 2021 with 100% Federal funding from the USDA. There is no county match. At the end of the grant funding, the county would determine whether the position would continue and it could switch to 50% county and 50% federal funding at that time.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the addition of the position titled Employment and Training Case Manager, which will be funded through funding from the USDA.

Approval of Purchase of Model GR64FR – 2021 Mack Roll Off Truck from Transource Truck and Trailer Centers: Don Chamblee presented the following:

Public Works/Solid Waste is requesting that the Board of Commissioners authorize the purchase of a roll off truck to support hauling services from convenience and recycling centers. This is a typical annual replacement plan for the fleet of roll off trucks. This quote is priced under NCDOT Contract #070E.

Mr. Chamblee asked for approval from the Board to purchase a Mack Roll-off Truck from Transource for an amount not to exceed \$162,770.17.

Commissioner Sigmon asked about the warranty on this vehicle.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to table until September 14 to get more information on the warranty on the vehicle.

Airport Beautification Project Update: Josh Grant gave an update on the Airport Gateway Beautification Project.

The Board thanked Josh Grant for his hard work on the Airport Beautification Project.

Public Comments: Chairman Mitchem opened Public Comments.

Ronnie Mullins, 6237 Orchid Ct., stated that he lives in The Terraces. He spoke about the zoning that was approved earlier in the meeting.

Robert Armstrong stated that he lives in The Terraces. He said it concerning to him that he does not know what will be put on the site that was rezoned.

Being no additional speakers, Chairman Mitchem closed Public Comments.

Resolution Approving an Amendment to an Installment Financing Contract and Authorizing the Execution and Delivery of Documents in Connection Therewith:

Deanna Rios explained that the Amendment to the Installment Financing Contract, reduces the interest rate to 1.89% which will save around \$225,000. This Resolution approves the amendment.

RESOLUTION APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH

Commissioner Sigmon moved adoption the following resolution, that motion was seconded by Commissioner McCall, and the resolution was read by the above title.

WHEREAS, the County and First Bank, as successor to Carolina Bank, want to lower the interest rate on their Installment Financing Contract dated July 21, 2016 (the “Contract); and

WHEREAS, there has been available at this meeting a draft of the form of Amendment to Installment Financing Contract relating to the Contract (the “Amendment”):

WHEREAS, the Board of Commissioners of the County wants to approve the Amendment and to authorize other actions in connection therewith; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:

1. The Amendment in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Finance Director, and the Clerk to the Board are each hereby authorized and directed to execute and deliver that document, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
2. The Chairman of the Board, the County Manager, the Finance Director, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and the Amendment.
3. This Resolution shall become effective immediately upon its adoption.

The motion to adopt the resolution was adopted by the following vote:

AYES: _____

NAYS: _____

AMENDMENT TO INSTALLMENT FINANCING CONTRACT

This **AMENDMENT TO INSTALLMENT FINANCING CONTRACT**, dated August __, 2020, is between **[FIRST BANK**, a North Carolina state-chartered bank] (the “Bank”), as successor to Carolina Bank, and the **COUNTY OF LINCOLN, NORTH CAROLINA**, a body corporate and politic and a political subdivision of the State of North Carolina (the “County”), under the Constitution and laws of the State of North Carolina (the “State”).

PREAMBLE

WHEREAS, the County and the Bank have agreed to lower the interest rate as of the date hereof on the Amount Advanced under the Installment Financing Contract dated July 21, 2016 (the “Contract”);

NOW, THEREFORE, the parties hereto agree as follows:

The definition of “Interest Rate” in the Contract is hereby amended to read as follows:

“Interest Rate” means 1.89% per annum calculated on the basis of a 360-day year of twelve 30-day months.

The Payment Schedule is deleted and the following is substituted in lieu thereof:

Installment Payment Date	Principal Component	Interest Component	Total Installment Payment
01/15/2021			
07/15/2021	\$587,000		
01/15/2022			
07/15/2022	598,000		
01/15/2023			
07/15/2023	610,000		
01/15/2024			
07/15/2024	622,000		
01/15/2025			
07/15/2025	634,000		
01/15/2026			
07/15/2026	646,000		
01/15/2027			
07/15/2027	280,000		
01/15/2028			
07/15/2028	284,000		
01/15/2029			
07/15/2029	288,000		
01/15/2030			
07/15/2030	292,000		
01/15/2031			
07/15/2031	297,000		
01/15/2032			
07/15/2032	301,000		
01/15/2033			
07/15/2033	306,000		
01/15/2034			
07/15/2034	311,000		

01/15/2035	
07/15/2035	316,000
01/15/2036	
07/15/2036	321,000

Except as amended hereby, the Contract remains unchanged and fully in effect. As amended hereby, the Contract is in all respects ratified and confirmed and the Contract as so amended shall be read, taken and construed as one and the same instrument.

[Signature Pages Follow]

[Counterpart Signature Page to the Amendment to Installment Financing Contract,
dated August __, 2020, between FIRST BANK
and the COUNTY OF LINCOLN, North Carolina]

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by their duly authorized officers as of the day and year first above written.

COUNTY OF LINCOLN, NORTH CAROLINA

[SEAL]

By: _____
Carrol D. Mitchem, Chair of the Board of
Commissioners for the County

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners
for the County

[Signatures Continued on the Following Page]

[Counterpart Signature Page to the Amendment to Installment Financing Contract,
dated August __, 2020, between FIRST BANK
and the COUNTY OF LINCOLN, North Carolina]

FIRST BANK, as Bank

By: _____

Finance Officer's Report - Deanna Rios presented the Finance Officer's Report.

Commissioner Cesena asked Mr. Atkins to send out a press release detailing all the work from the Finance Department and the savings.

County Manager's Report: Mr. Atkins asked if the Board would be agreeable to revisit the capital and employee increases at some point in the very near future. Commissioner Cesena said he would like to do this sooner rather than later. He reported that staff is moving forward with the purchase of the property beside the old Health Department. He said negotiations continue with Duke representatives concerning the play beach. The Chromebook Memorandum of Understanding will be on a future agenda.

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