

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 7, 2013

The Lincoln County Board of County Commissioners met January 7, 2013 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Planning Board Members:

Christine Poinsette, Chair
Darrell Gettys, Vice-Chair
John Anderson
Keith Johnson
Dr. Crystal Mitchem
Dr. Richard Pence
Tom Campbell
Brian Rabalais
Cathy Davis

Call to Order: Chairman Patton called the January 7, 2013 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 7, 2013
6:30 PM

James W. Warren Citizens Center
115 West Main Street

Lincolnton, North Carolina

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Releases - Over \$100
 - November 16 - December 15, 2012
 - Tax Requests for Refunds - Over \$100
 - November 19 - December 2, 2012
 - Waived Fees
 - Piedmont Council of Boy Scouts
 - Ordinance #2013-1: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
 - Resolution #2013-2: Resolution to Declare a Sheriff's Office Vehicle as Surplus
 - Minutes for Approval – December 3, 2012
3. Zoning Public Hearings - Randy Hawkins

CUP #321 Strata Solar, LLC, applicant (Parcel ID# 19916 and 19888) A request for a conditional use permit to establish a solar power generation facility in the R-T (Transitional Residential) and R-R (Rural Residential) districts. The proposed 35-acre site is located on Tripple H Lane about 1,200 feet west of Maiden Highway in Lincolnton Township.

CUP# 322 Ronald Kennedy, applicant (Parcel ID# 23962) A request for a conditional use permit to place a Class E manufactured home in the R-S (Residential Suburban) district. The 1.0-acre parcel is located off Loop Road about 600 feet north of the intersection of Loop Road and Brent Trail in Ironton Township.

ZMA #600 Linda Schultz and Sheri Ashley, applicants (Parcel ID# 24144 and 24146) A request to rezone 1.0 acre from R-SF (Residential Single-Family) to O-R (Office-Residential). The property is located at 2573 E. NC 150 Hwy., on the north side of N.C. 150 just east of Medical Center Drive, in Ironton Township.
4. Comprehensive Transportation Plan for Lincolnton Urban Area, NC
 1. Presentation by Linda Dosse, NCDOT
 2. Public Hearing
 3. Motion to Adopt Resolution #2013-2: Resolution Adopting Comprehensive Transportation Plan for Lincolnton Urban Area, NC
5. Charles R. Jonas Library Renovation Presentation 2011-2012 Outstanding Remodel Facility Award - Jennifer Sackett

6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
7. Motion to Set a Public Hearing for February 4, 2013 at 6:30 p.m. Concerning the Construction of a Speculative Building in the Airlie Industrial Park - George Wood
8. Motion to Approve Compensation for Members of the Lincoln County ABC Board per recommendation of County Manager - George Wood
9. Recommendations from Planning Board - Randy Hawkins
10. Other Business

Recess to January 10, 2013 at 6:00 p.m. at the Board of Education Admin Building, 353 North Generals Boulevard, Lincolnton, NC (Dinner at 6:00 p.m., meeting begins at 6:30 p.m.)

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

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

- Tax Requests for Releases - Over \$100
 - November 16 - December 15, 2012
- Tax Requests for Refunds - Over \$100
 - November 19 - December 2, 2012
- Waived Fees
 - Piedmont Council of Boy Scouts
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- Minutes for Approval – December 3, 2012

LINCOLN COUNTY
TAX DEPARTMENT
G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)
REQUEST FOR RELEASES
PERIOD COVERED
(November 16, 2012 - December 15, 2012)

NAME	YEAR	A/C NO	AMOUNT
Foster, John E	2008-2011	17075	\$219.07
Maddox, Maggie B	2012	07275	\$244.64
Perkins, Richard Miller	2012	20067	\$13,234.66
Philips Electronics	2012	0230079	\$139.84

TLS Monitoring	2007-2009	0172255	\$565.95
Whitworth, James Robert	2007-2012	15176	\$1,394.73
		TOTAL	\$15,798.89

NAME	YEAR	A/C NO	AMOUNT
Angel, Derek J	2012	0238741	\$109.47
Bridges, Kenneth Eugene	2010	0224522	\$359.91
Brown, Sandra Elizabeth	2012	0242592	\$114.87
Bruce, William S	2012	0115218	\$161.08
Carolina Metal Buildings Inc	2012	0065332	\$3,021.17
Chandler, Harold Lynn	2012	0137813	\$104.65
Clark, David Jr	2012	21267	\$120.34
Crevar, John Michael	2012	0170873	\$419.43
Dellinger, Rita Whisenant	2012	0242818	\$277.46
Deveney Withers, Ashley Denise	2011	0220136	\$126.45
Eaker, Rebecca Lovett	2012	0084121	\$158.65
Ellis, Jonathan Mark	2012	0242567	\$119.39
Holloway, Jenish Marie	2012	0242804	\$167.45
Lawrence Lumber Company Inc	2012	0242507	\$526.08
Mabry, Seth Daniel	2011	0217928	\$102.38
McMickle, Tracy Lee	2012	0241978	\$466.33
Montgomery, James Roger	2012	0182306	\$230.56
Naylor, Adam Edward	2012	0203428	\$243.64
Poccia, Sean James	2012	0242544	\$530.64
Robinson, Clifford	2012	0241582	\$171.15
Telsouth Inc of North Carolina	2012	0133189	\$186.95
VAUL Trust	2012	0199533	\$262.99
Withrow, Jerry	2012	0231066	\$114.77

TOTAL \$8,095.81

**LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES**

REQUEST FOR REFUNDS

PERIOD COVERED (NOVEMBER 19, 2012 - DECEMBER 2, 2012)

G.S. # 105-381(B) ALL REFUNDS MORE THAN \$100.00
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
CHANDLER, HAROLD L.	2012	DFD	0201319	\$149.97	PRO-RATED BILL
CLARK, DAVID JR.	2011	ELFD/ELSD	21267	\$135.26	DISTRICT CORRECTION
DAVID, JENNIFER	2012	ELFD/ELSD	0200505	\$122.02	PRO-RATED BILL
			TOTAL	\$407.25	

**LINCOLN COUNTY TAX DEPARTMENT
ANNUALS**

REQUEST FOR REFUNDS

PERIOD COVERED (DECEMBER 3, 2012-DECEMBER 16, 2012)

G.S. # 105-381(B) ALL REFUNDS ANNUALS MORE THAN \$100.00
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
HAGER, BILLY M	2012	ELFD	0070592	\$100.13	ADJUSTED VALUE
STUDDARD, MICHAEL L.	2012	DFD/ELSD	0228869	\$341.81	BOAT BILLED IN CATAWBA COUNTY
			TOTAL	\$441.94	

**ORDINANCE #2013-:1: AN ORDINANCE AMENDING THE FY 2013 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2013-1, is hereby approved and adopted as amendments to the FY 2013 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 7th day of January, 2012.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2013-1

Capital Project Ordinance Amendment numbered 9.

RESOLUTION #2013-1:

**RESOLUTION TO DECLARE A SHERIFF'S OFFICE
VEHICLE AS SURPLUS**

WHEREAS, the County Commission is authorized to sell any real or personal property owned or held by the County, which is not needed for governmental or other public purposes (GS 160A, Article 12 and G.S.153A-176); and

WHEREAS, Lincoln County's process for disposal of surplus property was approved in March 2010 as part of the Purchasing Policy; and

WHEREAS, on a regular basis, items are submitted to the Board of County Commissioners for approval to dispose of as surplus property, and

WHEREAS, the Sheriff's Office is requesting that the Board of County Commissioners declare the following vehicle, which was previously used by the Investigations Division, as surplus so that it can be traded toward the purchase of newer model vehicle because it is believed that this will be the most cost effective method to dispose of the vehicle:

2004 Chevrolet Impala Vin# 2G1WF52E549173404

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

That Lincoln County agrees to declare as surplus the vehicle listed above so that it can be traded toward the purchase of another vehicle to serve the Sheriff's Office.

That this resolution shall become effective on January 7, 2013.

Adopted this 7th day of January, 2013.

LINCOLN COUNTY

By: _____

ATTEST:

Amy S. Atkins, Clerk to the Board of Commissioners

Zoning Public Hearings: Randy Hawkins presented the following:

CUP #321 – Strata Solar, LLC, applicant:

The applicant is requesting a conditional use permit to establish a solar power generation facility in the R-T (Transitional Residential) and R-R (Rural Residential) districts. A site plan is included as part of the application. Under the Unified Development Ordinance, an electrical generation facility is classified as a major utility, and a major utility is a conditional use in the R-T and R-R districts with no special standards that must be met.

The proposed 35-acre site is located on Tripple H Lane about 1,200 feet west of Maiden Highway in Lincolnton Township. It is adjoined by property zoned R-T, R-R and R-S (Residential Suburban). Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan designates this area as Suburban Residential, primarily single-family in character.

Chairman Patton opened the public hearing.

Kenneth Lautenschlager, Attorney for Strata Solar, presented sworn affidavits for Richard Kirkland and Brent Niemann, which are incorporated by reference and hereby made part of these minutes.

Lance Williams, Site Development Manager for Strata Solar, gave specifics of what they do, the project in question and what it will encompass.

Brent Niemann spoke about grading and construction on the site.

Jerry Church stated that his mother lives near this property. He spoke on the impact on the neighbors with damage to roads, screening, light pollution and noise. He asked the Board to protect the quality of life for the neighbors.

Rich Kirkland, Commercial Appraiser, spoke concerning the impact of solar farms on property values. He said based on research there would likely be no negative impact from solar farms on property values.

Being no additional speakers, Chairman Patton declared the public hearing closed.

CUP# 322 – Ronald Kennedy, applicant:

The applicant is requesting a conditional use permit to place a Class E (singlewide) manufactured home in the R-S (Residential Suburban) district. A Class E manufactured home is one with a metal roof and/or metal siding that was located in Lincoln County as of Sept. 23, 2002, when new appearance requirements were adopted. Under the Unified Development Ordinance, Class E mobile homes are permitted in the R-S district subject to the issuance of a conditional use permit.

The 1.0-acre parcel is located off Loop Road about 600 feet north of the intersection of Loop Road and Brent Trail in Ironton Township. It is surrounded by property zoned R-S. Land uses in this area are mostly residential, including a number of singlewide and doublewide manufactured homes. The Lincoln County Land Use Plan designates this area as Suburban Residential, primarily single-family in character. Chairman Patton opened the public hearing.

Mr. Hawkins said he received a phone call with concerns from Shirley and Randy Cash. He said they are concerned about property values, drugs and other problems. Their house is about 400 feet from this site.

Chairman Patton opened the public hearing concerning CUP #322 – Ronald Kennedy, applicant.

Ronald Kennedy said he and his wife want to put a mobile home there to retire in, they are not trying to hurt any neighbors.

Deborah Kennedy said she has been a nurse for 28 years and would like to be able to retire there.

Being no additional speakers, Chairman Patton declared the public hearing closed.

ZMA #600 – Linda Schultz and Sheri Ashley, applicants:

The applicants are requesting the rezoning of 1.0 acre from R-SF (Residential Single Family) to O-R (Office Residential). The request involves two adjoining parcels, one of which contains a house and is partially located in Lincoln County's extraterritorial zoning jurisdiction (ETJ). The portion of that parcel that is located in the ETJ is zoned O-I (Office Institutional). The other parcel is vacant.

The property is located at 2573 E. NC 150 Hwy., on the north side of N.C. 150 just east of Medical Center Drive, in Ironton Township. (The parcel that is partially located in the ETJ also adjoins Medical Center Drive). This property is adjoined by property zoned RSF, O-R and O-I. Land uses in this area include residential, office and institutional (Carolinas Medical Center-Lincoln). Public water is available at this location, but not public sewer. The Lincoln County Land Use Plan designates this area as Suburban

Residential.

Permitted uses

Under current zoning: single-family home, church.

Under requested zoning: office, bank, office with upper-story residential.

Adjoining zoning and uses

East: Zoned R-SF, residence.

South (opposite side of N.C. 150): zoned R-SF, residences.

West: Zoned O-I, undeveloped area adjoining Medical Center Drive.

North: Zoned O-R and R-SF, medical office and residence.

Traffic

The average daily traffic count on N.C. 150 in this area is approximately 8,500 vehicles, according to 2010 figures.

Chairman Patton opened the public hearing concerning ZMA #600 – Linda Schultz and Sheri Ashley, applicants.

Linda Schultz stated that she is requesting that this parcel be rezoned. She said she will probably move the house on this parcel.

Being no additional speakers, Chairman Patton declared the public hearing closed.

Comprehensive Transportation Plan for Lincolnton Urban Area, NC:

Linda Dosse with NCDOT, presented the Comprehensive Transportation Plan for Lincolnton Urban Area, NC for the Board's approval.

Chairman Patton opened the public hearing. Being no speakers, Chairman Patton closed the public hearing.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2013-2: Resolution Adopting Comprehensive Transportation Plan for Lincolnton Urban Area, NC contingent upon City Council's input and approval.

**RESOLUTION #13-2:
RESOLUTION ADOPTING
COMPREHENSIVE TRANSPORTATION PLAN
FOR LINCOLNTON URBAN AREA, NORTH CAROLINA**

WHEREAS, Lincoln County and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for Lincolnton; and

WHEREAS, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a highway system that will serve present and anticipated volumes of vehicular traffic in and around the

City; and

WHEREAS, it is recognized that the proper movement of traffic within and through the City of Lincolnton and Lincoln County is a highly desirable element of the comprehensive plan for the orderly growth and development of the City and County; and

WHEREAS, after full study of the plan, and following a public hearing, the Board of Commissioners of Lincoln County considers it to be in the best interests of the county to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: That the Lincolnton Urban Area Comprehensive Transportation Plan as shown on the attached map dated December 14, 2012 be approved and adopted as a guide in the development of the highway system in Lincolnton and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption:

Adopted this 7th day of January 2013.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Charles R. Jonas Library Renovation Presentation 2011-2012 Outstanding Remodel Facility Award:

Jennifer Sackett, Librarian, gave a Powerpoint Presentation on the renovation at the Library, which received the 2011-2012 Outstanding Remodel Facility Award from the North Carolina Public Libraries Director's Association and thanked the donors that made it possible.

The Board and Mr. Wood thanked Jennifer Sackett for her hard work with the Library renovation.

Public Comments: Chairman Patton opened public comments.

Elisha Scott, 8302 Normandy Road, spoke asking for police protection at elementary schools.

Rudy Bauer, 8252 Blades Trail, spoke concerning guns and rules for firing them.

Robert Avery, 843 Newton Lane, said the Commissioners need to have a meeting to review Article 5 to make sure taxpayers rights are not violated.

Being no additional speakers, Chairman Patton closed public comments.

Motion to set a public hearing for February 4, 2013 at 6:30 p.m. concerning the construction of a speculative building in the Airlie Industrial Park: UPON MOTION by Commissioner Robinson, the Board voted unanimously to set a public hearing for February 4, 2013 at 6:30 p.m. concerning the construction of a speculative building in the Airlie Industrial Park.

Motion to Approve Compensation for Members of the Lincoln County ABC Board per recommendation of the County Manager: Mr. Wood stated that there was a request during the budget process to look at compensating the Lincoln County ABC Board. Currently, no compensation is provided for this Board. Currently, out of 162 county and city ABC Boards in North Carolina, only 12 so not compensate their board members (one other compensates only its chairman).

In looking at this data, Mr. Wood recommended compensating the ABC Board at \$1,800 annually for the Chairman and \$1,500 for the other two board members. This would be a total of \$4,800 annually, and would be paid as an operating expense of the ABC System, not the County's General Fund. He also recommended making this retroactive to July 1, 2012 since it was requested at that time. The board members are also entitled to reimbursement, just as Board of Commission members are, for any out of town travel on ABC System business (mileage, lodging, and meals).

UPON MOTION by Commissioner Robinson, the Board voted 4 – 1 (Patton against) to approve compensation for members of the Lincoln County ABC Board per recommendation of the County Manager.

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

CUP #321 – Strata Solar, LLC, applicant (Parcel ID# 19916 and 19888)
The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Planning Board's recommendation and the Findings of Fact with respect to CUP #321.

CUP #322 – Ronald Kennedy, applicant (Parcel ID# 23962)

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve CUP #322 based on the recommendation of the Planning Board and the findings of fact.

ZMA #600 Linda Schultz and Sheri Ashley, applicants (Parcel ID# 24144 and 24146)

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Statement of Consistency concerning ZMA #600.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve ZMA #600 Linda Schultz and Sheri Ashley, applicants.

Recess: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to recess to January 10, 2013 at 6:00 p.m. at the Board of Education Admin Building, 353 North Generals Boulevard, Lincolnton NC:

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners