

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 14, 2018

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on May 14, 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
Martin Oakes, Vice Chair
Anita McCall
Carrol Mitchem

Commissioner Absent:

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 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, May 14, 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
 - Minutes for Approval
3. Zoning Public Hearings - Randy Hawkins

ZMA #650 Tommy Gilmore, applicant (Parcel ID# 29785) A request to rezone a 0.57-acre lot from R-T (Transitional Residential) to B-N (Neighborhood Business). The subject property is located at 1182 S. NC 16 Business Hwy., on the west side of N.C. 16 Business across from Sifford Road, in Catawba Springs Township.

~~ZMA #651 Jeff Smiley, applicant (Parcel ID# 70724) A request to rezone a 2.1 acre lot from R-S (Residential Suburban) to B-G (General Business). The subject property is located on the south side of N.C. 150 about 900 feet east of Lee Moore Road in Ironton Township.~~

ZMA #652 Darren Waugh, applicant (Parcel ID# 51340) A request to rezone a 1.96-acre lot from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The subject property is located between Campground Road and Will Proctor Street about 200 feet north of N.C. 16 Business in Catawba Springs Township.

PD #2014-2-A5 Prestige Corporate Development, LLC, applicant (Parcel ID# 91818) A request to amend the master plan for the planned Rivercross mixed-use development to permit 228 multi-family dwelling units on a 12.5-acre site that's currently approved for 200 multi-family dwelling units and 12 duplex units. The subject property is located on the southern end of Triangle Circle about 250 feet west of N.C. 16 Business in Catawba Springs Township.

4. Opioid Litigation - Garry Witaker
5. Approval of Research Institute for Public Libraries (RIPL) Conference Scholarship - Jennifer Sackett
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)

7. Request to proceed with repairs at Shanklin Library - John Henry
8. Capital Project Ordinance Amendment #5 - Deanna Rios
Budget Ordinance Amendment #9
Budget Ordinance Amendment #10
9. Other Business

Adjourn

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

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

- VTS Refunds
- Surplus Property
- Minutes for Approval – April 6, 2018; April 20, 2018

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.

ZMA #650 – Tommy Gilmore, applicant: Mr. Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 0.57-acre lot from R-T (Transitional Residential) to B-N (Neighborhood Business). This property is located in the Eastern Lincoln Development District (ELDD). It contains an A-frame building that houses a nonconforming, grandfathered use, a beauty salon.

Site Area & Description

The subject property is located at 1182 S. NC 16 Business Hwy., on the west side of N.C. 16 Business across from Sifford Road. This property is adjoined by property zoned B-N, B-G (General Business), I-G (General Industrial) and R-SF (Residential Single Family). Land uses in this area include business, industrial and residential. This property is located in an area designated by the NC 16 Corridor Vision Plan as a community center, an area where commercial activities should be concentrated.

Additional Information

Permitted uses

Under current R-T zoning: continued operation of beauty salon, or manufactured home, duplex, modular home or site-built house.

Under proposed B-N zoning: retail sales, offices, personal services.

Adjoining zoning and uses

East (opposite side of N.C. 16 Business): zoned R-SF, residential use.
South: zoned B-G, house formerly used as business.
West: zoned I-G, site of Julius Blum Inc. manufacturing plant.
North: zoned B-N, professional office.

Chairman Beam opened the public hearing for ZMA #650 – Tommy Gilmore, applicant.

Tommy M. Gilmore, applicant, said he had originally planned to build on this property, but would like it rezoned to sell it.

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

ZMA #652 – Darren Waugh, applicant:

The applicant is requesting the rezoning of a 1.96-acre lot from R-SF (Residential Single Family) to B-N (Neighborhood Business). This property is located in the Eastern Lincoln Development District (ELDD).

Site Area & Description

The subject property is located between Campground Road and Will Proctor Street about 200 feet north of N.C. 16 Business in Catawba Springs Township. It is adjoined by property zoned B-N, CZ B-N (Conditional Zoning Neighborhood Business), R-SF and R-S (Residential Suburban). Land uses in this area included business and residential. This property is located in an area designated by the updated Lincoln County Land Use Plan as Suburban Commercial.

Additional Information

Permitted uses

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

Under proposed B-N zoning: retail sales, offices, personal services, etc.

Adjoining zoning and uses

East (opposite side of Will Proctor Street): zoned B-N and R-S, business and residence.

South: zoned B-N, businesses.

West (opposite side of Campground Road): zoned R-SF, residence at rear of property.

North: zoned CZ B-N, business.

Chairman Beam opened the public hearing for ZMA #652 – Darren Waugh, applicant.

Darren Waugh, applicant, said he owns the strip mall in front of the property. He said he would like it rezoned in case he decides to develop or sell it.

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

PD #2014-2-A5 – Prestige Corporate Development, LLC, applicant:

The applicant is requesting to amend the master plan for the planned Rivercross mixed-use development to permit 228 multi-family dwelling units (apartments) on a 12.5-acre site that's currently approved for 200 multi-family dwelling units and six duplexes (12 dwelling units).

The 116-acre Rivercross site is also approved for 135 single-family detached houses, 173 townhouses and 100,000 square feet of commercial space.

The site consists of three tracts that are under separate ownership: the apartment area, a 73.9-acre site for detached houses and townhouses, and a 29.3-acre tract that includes the commercial area plus a site for 40 of the approved townhouses. No construction work has started in any of the areas.

Rivercross was initially approved in February 2015. The master plan calls for the development to be accessed by a main boulevard off N.C. 16 Business and a second road off Triangle Circle.

In March 2017, the Board of Commissioners approved modifications in the Rivercross phasing plan to allow the development of the apartment site to proceed first.

In November, the board approved an amendment to the master plan for the adjoining Wildbrook planned residential development to permit a charter school on a 10.6-acre portion of that development. The charter school site is adjacent to the apartment site and will share its access off Triangle Circle.

Under the Wildbrook amendment, the charter school cannot open until the Rivercross boulevard and the road off Triangle Circle are constructed and connected and a connecting road is completed through the Wildbrook development to Rufus Road.

Chairman Beam opened the public hearing for PD #2014-2-A5 – Prestige Corporate Development, LLC, applicant.

Steve Bailey, said they hope to begin in 90 to 120 days. He said the entire project will probably take a year.

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

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.

Opioid Litigation: Garry Whitaker, Attorney, presented information concerning the opioid problem and litigation and Paul Coates

UPON MOTION by Commissioner Oakes, seconded by Commissioner McCall, the Board voted unanimously to approve Resolution #2018-16 as presented.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF LINCOLN
COUNTY, NORTH CAROLINA**

Date: _____

RESOLUTION NO. _____ (2018)

WHEREAS, Lincoln County Board of Commissioners has the authority to adopt resolutions with respect to county affairs of Lincoln County, North Carolina, pursuant to N.C. Gen. Stat. Ann. § 153A121;

WHEREAS, the Lincoln County Board of Commissioners has the authority to take action to protect the public health, safety, and welfare of the residents and citizens of Lincoln County;

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Lincoln County;

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Lincoln County;

WHEREAS, the opioid crisis unreasonably interferes with rights common to the general public of Lincoln County; involves a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Lincoln County; includes the delivery of controlled substances in violation of State and Federal law and regulations; and therefore constitutes a public nuisance;

WHEREAS, the opioid crisis is having an extended and far reaching impact of the general public, health, and safety, of residents and citizens of Lincoln County and must be abated;

WHEREAS, the violation of any laws of the State of North Carolina, or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the residents and citizens of Lincoln County constitutes a public nuisance;

WHEREAS, the Lincoln County Board of Commissioners has the authority to abate, or cause to be abated, any public nuisance including those acts that unreasonably interfere with rights common to the general public of Lincoln County and/or involve a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Lincoln County;

WHEREAS, Lincoln County has expended, is expending, and will continue to expend in the future County funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality within Lincoln County; and

WHEREAS, the Lincoln County Board of Commissioners have received information that indicates that the manufacturers and wholesale distributors of controlled substances have distributed in areas surrounding Lincoln County, North Carolina, may have violated Federal and/or State laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners, assembled on this day at which a quorum is present, that based upon the above the Lincoln County Board - 2 - of Commissioners are declaring the opioid crisis a public nuisance which must be abated for the benefit of Lincoln County and its residents and citizens.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded. The motion to approve the foregoing resolution was made by Commissioner Oakes, seconded by Commissioner McCall, and the following vote was recorded:

Chair Bill Beam
Vice Chair Anita McCall
Commissioner Martin Oakes
Commissioner Carrol D. Mitchem

Approval of Research Institute for Public Libraries (RIPL) Conference

Scholarship: Jennifer Sackett presented the following information:

The State Library has awarded Jennifer Sackett, Library Director, a scholarship to attend the Research Institute for Public Libraries in Atlanta, Georgia July 29 through August 1, 2018. The State Library of North Carolina will take care of registration and lodging expenses. The grant portion of the scholarship will reimburse up to \$500.00 in travel costs.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve acceptance of the grant as presented.

Public Comments: Chairman Beam opened Public Comments.

Bud Cesena asked the Board to recognize and honor National Police Week.

Being no speakers, Chairman Beam closed Public Comments.

Request to proceed with repairs at Shanklin Library: John Henry presented the following:

Repairs are needed at Shanklin Library to eliminate water from infiltrating the crawlspace, repair sunken sidewalks and concrete pad, and eliminate water from continuously flowing across parking lot. The estimated cost is \$131,320.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the repairs to Shanklin Library.

Capital Project Ordinance Amendment #5:

Budget Ordinance Amendment #9

Budget Ordinance Amendment #10

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CPO #5, BOA 9 and 10.

Other Business: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt a 2018 National Police Week Proclamation.

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