

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 17, 2018

The Lincoln County Board of County Commissioners met September 17, 2018 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

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 September 17, 2018 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 Beam presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, September 17, 2018
6:30 PM

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 1. Residents Rights Proclamation
 2. Tax Requests for Releases – 7/16 – 8/15/18

3. Planning Board Recommendations - Randy Hawkins
4. Centralina COG Proclamation Honoring Lincoln County - Jim Prosser
5. East Meets West Ag Adventure & Farm Tour - Tom Dyson
6. Schedule of Values Public Hearing - Susan Sain and Chris Nelson
7. 4H Report - April Dillon
8. Lincoln Soil and Water/Natural Resources Department Annual Report - Patty Dellinger and Tommy Houser
9. Discussion of Golf Cart Ordinance - Josh Grant
10. Public Comments
11. Finance Officer's Report - Deanna Rios
12. County Manager's Report
13. County Commissioners' Report
14. County Attorney's Report
15. Vacancies/Appointments
16. Calendar
17. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

18. Closed Session

Adjourn

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda as amended, moving Item 4 before Item 3.

Consent Agenda: Josh Grant reviewed the items on the Consent Agenda.

1. Residents Rights Proclamation
2. Tax Requests for Releases – 7/16 – 8/15/18

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

Centralina COG Proclamation Honoring Lincoln County: - Jim Prosser, Executive Director of Centralina Council of Governments, said CCOG is celebrating its 50th anniversary throughout 2018 and is highlighting one county in the region each month. Centralina COG is highlighting Lincoln County during the month of September. Mr. Prosser presented the Board with a Proclamation Honoring Lincoln County.

Planning Board recommendations: Randy Hawkins presented the following:

PA #45 Denver Land Development, LLC, applicant (Parcel ID# 86899) A request for preliminary plat/sketch plan approval for three additional lots in the Quinlan Estates subdivision. The 4.6-acre tract is located on the north side of N.C. 150 between Quinlan Lane, Waterview Trail and Diesel Drive in Ironton 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 PA #45 – Denver Land Development, LLC, applicant, as recommended by the Planning Board.

CUP #381 Roddey Edwards, applicant (Parcel ID# 29828 and 29833) A request for a conditional use permit to locate a detached garage in front of the front building line of a house on a lot adjacent to Lake Norman. The 0.45-acre lot is located at 2163 Willow Cove Lane, about 600 feet west of Camelia Lane, in Catawba Springs Township. **The Planning Board voted 7-0 to recommend approval.**

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

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CUP #381 – Roddey Edwards, applicant, as recommended by the Planning Board.

CUP #382 Christopher Pence Jr., applicant (Parcel ID# 70464) A request for a conditional use permit to allow vehicle sales in the I-G (General Industrial) district. The 1.85-acre parcel is located at 230 Joshua Court, about 1,300 feet northeast of N.C. 27, in Ironton 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 #382 – Christopher Pence, Jr., applicant, as recommended by the Planning Board.

CUP #383 Mark Powell, applicant (Parcel ID# 34779) A request for a conditional use permit to operate a bed and breakfast with one guest suite in the R-SF (Residential Single-Family) district in a proposed new house. The 0.8-acre parcel is located at 5143 Windward Point Lane, at the end of Windward Point Lane about 900 feet north of Harbor Lane, in Catawba Springs Township. **The Planning Board voted 5-2 to recommend disapproval.**

Mr. Deaton advised that any testimony that was given at the Planning Board meeting downstairs should not be taken into account in this decision.

Application No. **CUP #383**

Applicant **Mark Powell**

Property Location **5143 Windward Point Lane** Parcel ID# **34779**

Zoning District **R-SF**

Proposed Conditional Use **bed and breakfast**

(i) ***BOARD OF COMMISSIONERS' FINDINGS OF FACT***

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. **NO 5-0 Motion made by Commissioner Oakes.**

Applicant presented evidence that Airbnb requires guests to provide identity credentials and Airbnb vets the guests and “we require photo ID” and that at one time a renter was removed by Airbnb before the transaction was finished. The applicant passed out at the hearing this document that contains apparently all of Airbnb’s conditions.

Quoting from what the applicant provided: “In addition, we are not conducting these checks on additional guests staying with the guest who books an accommodation. In this case, only the guest who books that accommodation will be checked as part of that booking, when we have the necessary information.” So what that tells me is that only one of the many people who might show up are being checked.

The document goes on to say: “In addition, for users who live in the United States, we do not always check every state and county courthouse records or other criminal registries or other public databases.... It’s important to know that the criminal record information searched and reported for each type of check varies by state, and sometimes county, due to variations in state laws and state and county criminal record reporting systems.” And: “Lastly, because of differences in foreign laws, language, and the manner in which foreign records are maintained and reported, we may not run background checks on users located outside the United States, and, even if we do, the scope and accuracy of coverage may vary.”

This document goes on to say: “The databases we check are not necessarily complete, and may not include records of prior criminal conduct. For example, not all criminal records are public in all states, and not all criminal records are captured by the databases we check, and convictions and records of crimes committed outside the country where the background check is conducted may not be included.”

It goes on to say: “Search results do not guarantee safety. In sum, while we hope these vetting tools will be useful to help protect our community, they don’t always identify a person’s past crimes or other red flags, cannot guarantee that a person won’t break the law in the future, and are never a guarantee of safety or that a host or guest who has completed a background check is safe or safer than any unknown person you may meet in any other way.”

In summary, I move we find Airbnb’s vetting process is weak, being unable to check foreign renters, N.C. renters and anyone who accompanies the person paying the rental, and therefore we should deny this on public safety grounds.

2. The use meets all required conditions and specifications. YES 5-0 Motion made by Commissioner Oakes.

Applicant will comply with Lincoln County Environmental Health Division standards as required for the conditional use permit for Bed and Breakfast.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES 4-1 Motion made by Commissioner Oakes. (Permenter against) The property will continue to appear as a single family residence. There will not be any signage on property to advertise the B&B. The Airbnb guests will use the Airbnb app to make reservation requests. The property site plan will be developed to provide privacy to the guest and neighbors. The location of the site is at the end of a peninsula so only two neighbors are directly impacted. Buffers of vegetation will be developed along the property lines that adjoin our neighbors.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will in general conformity with the Land Use Plan for the area in question. NO 5-0 Motion made by Chairman Beam.

It’s a bed and breakfast in a single-family neighborhood that’s on a point on Lake Norman. There’s no evidence of a bed and breakfast being in a single-family neighborhood on a point on Lake Norman. It’s not on a public street. Nobody knows who the street belongs to. The applicant stated that he didn’t know, that he had never paid any monies to work on the road. It’s kind of a neighborhood project. It’s not in harmony for a business to be on that kind of road. There were a number of photographs that were presented and measurements and so forth to describe that street to us.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to deny CUP #383 Mark Powell, applicant, based on the Findings of Fact.

CUP #384 Verizon Wireless, applicant (Parcel ID# 33066) A request for a conditional use permit to erect a 225-foot wireless telecommunications tower in the R-T (Transitional Residential) district. The proposed site, part of a 153-acre parcel, is located on the north side of N.C. 73 about 1,500 feet east of Schronce Road, in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted 4 – 1 (Oakes against due to the fact that he didn't feel that Verizon made any effort to locate this tower further away from a very expensive development) to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted 4 – 1 (Oakes against) to approve CUP #384 – Verizon Wireless, applicant, based on the Findings of Fact approved by the Planning Board.

ZMA #654 Eddie Faulkner, applicant (Parcel ID# 11111) A request to rezone 6.7 acres from B-G (General Business) to R-S (Residential Suburban). The property is located on the south side of N.C. 27 and north side of Lackey Road about 900 feet west of the intersection of the two roads in North Brook Township. **The Planning Board voted 6-1 to recommend approval.**

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve ZMA #654 – Eddie Faulkner, applicant, as recommended by the Planning Board.

ZMA #655 Gerald Henley, applicant (Parcel ID# 81545) A request to rezone 1.0 acre from I-G (General Industrial) to R-T (Transitional Residential). The subject property, part of a 5.0-acre tract, is located about 300 feet west of Henry Dellinger Road and 800 feet south of N.C. 150 in Ironton Township. **The Planning Board voted 7-0 to recommend approval.**

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve ZMA #655 – Gerald Henley, applicant, as recommended by the Planning Board.

PD #2018-1 Cambridge Commons MF, LLC, applicant (Parcel ID# 90176 and 30400) A request to rezone 10.3 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit 260 multi-family dwelling units. The subject property is located on the west side of North Pilot Knob Road on the north and south sides of Cresset Dellinger Road in Catawba Springs Township. **The Planning Board voted 6-1 to recommend approval and instructed staff to work with the applicant to come up with a proposal for a monetary contribution in lieu of traffic improvements that would be affected by N.C. 73 widening project.**

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

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve PD #2018-1 Cambridge Commons, MF, LLC, applicant, as recommended by the Planning Board.

East Meets West Ag Adventure and Farm Tour: Tom Dyson reported to the Board on the East Meets West Agricultural Tour, highlighting stops made on the trip. The trip started at the East Lincoln Community Center, stopping at Ellis Farms, Piedmont Jerseys, Lutz Dairy Farm, Knob Creek Orchard, and Woodmill Winery. He said the Tour was well attended and received and they would like to do future tours.

Schedule of Values Public Hearing: Susan Sain stated that the Schedule of Values will be on the October 1, 2018 agenda for approval since it must be held open for 7 days following the public hearing.

Chairman Beam opened the public hearing concerning the Schedule of Values. No speakers appeared and the public hearing was held open until the next meeting, when it will be on the agenda for approval.

4-H Report: April Dillon introduced Emily Atkinson, JD Stevenson, Addie Dillon, Kelly Saine, Guy Perkins, Mason Carpenter, and Sophie Perkins, who reported on 4-H programs delivered in Lincoln County and the program impacts and successes.

Chairman Beam thanked the 4-H Group for providing snacks before the meeting.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve a Proclamation for National 4-H Week in Lincoln County for October 7 – 13, 2018.

Lincoln Soil and Water/Natural Resources Department Annual Report: Tommy Houser, Chairman of the Lincoln Soil and Water Conservation Board thanked the Board for their support given to Soil and Water and Natural Resources Department.

Patty Dellinger presented the Annual Report for Soil and Water/Natural Resources Department giving highlights of work accomplishments in FY 18.

Discussion of Golf Cart Ordinance: The Board discussed a Golf Cart Ordinance and various options concerning registration fees. An Ordinance will be drafted, advertised for a public hearing, and placed on the October 15, 2018 agenda for the Board's consideration.

Public Comments: Chairman Beam opened Public Comments.

Alan Hoyle informed the Board that he would be going to the Eastern part of the state to help with Hurricane relief and will also be delivering supplies if anyone would like to donate. He informed the Board that today is Constitution Day.

Being no additional speakers, Chairman Beam closed Public Comments.

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

County Manager's Report: Mr. Kelly Atkins informed the Board the emergency shelter for the hurricane will remain open until tomorrow morning when the rivers crest. The shelter was not opened to the public due to it not being needed.

Mr. Atkins said he will be setting up orientations with the Commissioners-elect in October.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Commissioner McCall said she received a nomination from NACo's President for membership as the Community Economic Workforce Development Policy Steering Committee and also a Presidential Appointment for membership on the International Economic Development Task Force. She said she will also be going on the Partners Board as the Commissioner representative.

Vacancies/Appointments: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the following appointments:

PARTNERS BOARD

Appoint

- Commissioner Anita McCall

CHILD FATALITY TEAM

Appoint

- Lt. John Caudle

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318 to discuss Economic Development and potential transfer of property at the Lincolnton-Lincoln County Regional Airport.

The Board returned to Open Session and Chairman Beam announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners