

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, DECEMBER 3, 2018**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 3, 2018, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Todd Burgin, Chairman  
Floyd Dean, Vice-Chairman  
Jamie Houser, Secretary  
Matt Fortune  
Keith Gaskill  
Milton Sigmon  
John Marino

Others Present:

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

**Call to Order:** Kelly Atkins, County Manager, called the meeting to order and asked for a Moment of Silence. The Lincoln County Sheriff's Office Honor Guard presented the flags and led in the Pledge of Allegiance.

**Induction of Commissioner:**

**INDUCT BOARD OF COMMISSION MEMBERS**

**By Fred Hatley, Clerk of Court  
Milton Sigmon  
Bud Cesena**

**Fred Hatley, Clerk of Court, administered the Oath of Office to the newly elected Commission members, Milton Sigmon and Bud Cesena.**

**STATE OF NORTH CAROLINA**

## COUNTY OF LINCOLN

“I, **Vincent Paul Cesena**, do solemnly swear (or affirm) that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner of Lincoln County, so help me God.”

“I, **Vincent Paul Cesena**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.”

I, **Vincent Paul Cesena**, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

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**Vincent Paul Cesena**

Subscribed and sworn to before me this 3rd day of December, 2018, as witness my hand.

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Fred Hatley, Clerk of Court

**STATE OF NORTH CAROLINA  
COUNTY OF LINCOLN**

“I, **Milton Sigmon**, do solemnly swear (or affirm) that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner of Lincoln County, so help me God.”

“I, **Milton Sigmon**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.”

I, **Milton Sigmon**, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

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Milton Sigmon

Subscribed and sworn to before me this 3rd day of December, 2018, as witness my hand.

---

Fred Hatley, Clerk of Court

**Election of Chair:** Mr. Atkins opened the floor to nominations for Chairman. Commissioner Permenter nominated Commissioner Carrol Mitchem as Chairman.

Mr. Atkins called for a vote for Commissioner Mitchem as Chair: Unanimously approved.

**Election of Vice Chair:** Chairman Mitchem conducted the election of Vice Chairman.

Commissioner Cesena nominated Commissioner Permenter for Vice Chairman.

Chairman Mitchem called for votes for Commissioner Permenter: Unanimously approved.

**Approval of Bond for Sheriff and Register of Deeds:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Bond for the Sheriff and Register of Deeds.

**Induct Sheriff Bill Beam by Fred Hatley, Clerk of Court:**

**STATE OF NORTH CAROLINA  
COUNTY OF LINCOLN**

I, **Bill Beam**, do solemnly swear (or affirm) that I will support and maintain the Constitution of the United States; and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sheriff of Lincoln County, so help me God.

I, **Bill Beam**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Bill Beam**, do further swear (or affirm) that I will execute the office of Sheriff of Lincoln County to the best of my knowledge and ability, agreeably to law; and that I will not take, accept or receive, directly or indirectly, an fee, gift bribe, gratuity or reward whatsoever, for returning any man to serve as a juror or making any false return on any process to me directed; so help me God.

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Bill Beam

Subscribed and sworn to before me this 3rd day of December, 2018, as witness my hand.

---

Fred Hatley, Clerk of Court

**Recognition of Sheriff David Carpenter:** The Board recognized Sheriff David Carpenter and Vice Chairman Permenter presented him with a retirement clock.

**Recognition of Commissioner Service:** Vice Chairman Permenter presented a plaque to outgoing Commissioners Bill Beam and Martin Oakes.

Chairman Mitchem called for a recess and announced that the meeting would resume in the Commissioner's Room on the third floor after a brief reception in the lobby. Chairman Mitchem called the meeting back to order.

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

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**DECEMBER 3, 2018**

Call to Order - Kelly Atkins, County Manager

Moment of Silence

Presentation of American Flag - Lincoln County Sheriff's Office Honor Guard

Induct Board of Commission Members

By Fred Hatley, Clerk of Court

Milton Sigmon

Bud Cesena

Seating of Board

Election of Chair

Election of Vice-Chair

Approval of Bond for Sheriff and Register of Deeds

Induct Sheriff Bill Beam

By Fred Hatley, Clerk of Court

Recognition of Sheriff Carpenter's Retirement

Recognition of Commissioner Service

Public Congratulations – The Board will recess for public congratulations and reconvene in the Commissioner's Room on the Third Floor.

1. Adoption of Agenda
2. Adoption of Rules of Procedure
3. Approval of Minutes
4. New Business/Advertised Public Hearings

CUP #389 Joshua and Kimberly Mays, applicants (Parcel ID# 55562) A request for a conditional use permit to allow a 576-square-foot guest house as an accessory use to a detached single-family dwelling in the R-S (Residential Suburban) district. The 2.5-acre parcel is located at 6015 Beam Lumber Road, on the south side of Beam Lumber Road about 1,200 feet west of Cat Square Road, in Howards Creek Township.

CUP #390 Andy Bell, applicant (Parcel ID# 31342) A request for a conditional use permit to build an 800-square-foot private residential storage building on a lot less than two acres in size prior to the construction of a home in the R-SF (Residential-Single Family) district. The 0.22-acre parcel is located on the north side of Sarah Drive about 1,600 feet east of N.C. 16 Business in Catawba Springs Township.

CUP #391 711 Property Management, LLC, applicant (Parcel ID# 34525) A request for a conditional use permit to expand a self-storage facility in the I-G (General Industrial) district and in the Eastern Lincoln Development District (ELDD). The 8.5-acre site is located at 513 N. NC 16 Business Hwy., on the west

side of N.C. 16 Business about 500 feet north of Forest Oak Drive, in Catawba Springs Township.

5. Golf Cart Ordinance - Josh Grant
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
7. Approval of West Lincoln Library Bid and Award of Contract to Hickory Construction in the amount of \$3,379.948 - John Henry
8. Audit Amendment - Crystal Watson
9. ~~Proposed Clinic Fee Schedule – Maggie Dollar~~
10. Other Business
11. Closed Session pursuant to NCGS 143-318.11(a)(6)

Adjourn

\* This meeting will begin in the Auditorium \*

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

**Adoption of Rules of Procedure:** Chairman Mitchem presented the Rules of Procedure for the Board to consider.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the Rules of Procedure.

# **RULES OF PROCEDURE FOR THE LINCOLN COUNTY BOARD OF COMMISSIONERS**

## **INTRODUCTION**

The following rules of procedure were developed for use by the Lincoln County Board of Commissioners. They incorporate general principles of parliamentary procedure and the applicable laws of North Carolina. The Rules were designed with the following guidelines in mind:

1. The Board must act as a body;
2. The Board should proceed in the most efficient manner possible;
3. The Board must act by at least a majority vote;
4. Every member must have an equal opportunity to participate in decision-making;
5. The Board must apply the rules of procedure consistently;
6. When situations occur which are not explicitly covered by these Rules and cannot be resolved through reasonable inference from or interpretation of these Rules, then Robert's Rules of Order shall be followed.

It is the policy of this Board that all hearings, deliberations, and actions be conducted fairly, openly, and consistent with the applicable Statutes of North Carolina.

## **I. THE COUNTY COMMISSIONERS**

Lincoln County has a five-(5) member Board of Commissioners which is elected at-large for four-(4) year terms. The Board sets policies and enacts ordinances which are administered by the County Manager and his/her staff.

## **II. REGULAR MEETINGS**

The Board shall hold regular meetings on the First and third Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be cancelled or held the following Monday, at the Board's discretion. The meeting shall be held at the James Warren Citizen's Center, 3<sup>rd</sup> floor in the Commissioners' Meeting Room, 115 W. Main Street, Lincolnton, NC and shall begin at 6:30 pm and end not later than 11:00 pm, unless extended by majority vote to 12:00 midnight. An extension of the meeting beyond 12:00 midnight shall require a unanimous vote of the Board. If the Board votes to extend the meeting beyond midnight, then the Board shall also vote to determine those items remaining on the agenda on which a vote will be taken. At the first meeting in December following an election of County Commissioners, all the newly elected members of the Board shall take and subscribe the oath of office. At the first meeting in December of each year, as the first order of business, the Board, with the County Manager presiding, shall elect a chairperson. The Board will immediately thereafter elect a vice-chairperson. These officers shall not otherwise be removed from office unless disqualified as a member of the Board.



### III. SPECIAL MEETINGS

The Chairperson or a majority of the members of the Board may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Notice of the meeting shall be delivered to each Board member and posted at the Court House at least 48 hours before the meeting.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

### IV. AGENDA

The Clerk to the Board shall prepare the agenda for the meeting. Agenda packages will be distributed by the end of the Wednesday preceding the meeting date. All agenda materials must be submitted to the Clerk to the Board Ten Days preceding the meeting date by 5:00 p.m. Any board member may have an item placed on the agenda for inclusion in the agenda package.

- 1) A complete copy of the agenda with attached material shall be available for public inspection as soon as distribution to Commissioners has been completed.
- 2) The agenda shall be placed in a prominent location on the County's website and shall contain links to all documents that will be referenced.
- 3) Any member of the Board, the County Manager, or County Attorney may add any item to the Agenda at the beginning of the meeting, by a majority vote of the Board, provided that relevant documents have been provided to the clerk and other members before the start of the meeting and copies are available to the general public,.
- 4) It is the responsibility of the person/group adding an item to the agenda to ensure that the content of the item is available on the county's website. Items, including any presentations which do not include sufficient data shall be removed from the agenda, unless a majority of the board permits same.

As part of the Agenda, the County Manager in consultation with the Chairman or, in the absence of the Chairman, the Vice Chairman shall prepare consent items for the Agenda. These items shall consist of routine business items which are not considered to be controversial, or items which have previously been discussed at a Work session. Any item may be removed by a Commissioner or by a member of the public by signing up to speak on the item. Should any item on the consent agenda be removed from the consent agenda, the Chairman, in his/her discretion, may place the item on the Regular Agenda.

#### **Public Hearings**

A time limit of three (3) minutes per speaker. If a large number of individuals wish to speak, the chairman, or the board by majority vote, may set a total time limit for all speakers, with the time

being divided equally between proponents and opponents. This time limit does not apply to quasi-judicial hearings.

#### **Public Comment Period**

A time limit of three (3) minutes per speaker. A public comment period shall be held at all regular meetings of the Board for citizens who desire to speak on matters relating to county government. The following guidelines are to be used:

- 1) Fifteen (15) minutes shall be allotted for the entire public comment period.
- 2) Citizens desiring to speak should complete a sign-up sheet that will be in the possession of the Clerk to the Board, who will be stationed at the front of the meeting room.
- 3) Citizens will be acknowledged by the Board chair in the order in which their names appear on the sign-in sheet. Citizens will address the Board from the lectern with the microphone. They will begin their remarks by stating their name and address.
- 4) It is recommended that groups or delegations select their spokesperson in advance of the meeting.
- 5) Only one speaker will be acknowledged at a time.
- 6) Comments are to be directed to the Board as a whole. It is not intended to subject the Board to answering impromptu questions.
- 7) Citizens will be expected to be civil in their language and presentation and not engage in slander or name-calling.
- 8) Citizens should not discuss any of the matters which concern a quasi-judicial matter to be considered or currently under consideration by the Board, the candidacy of any person seeking public office, including the person addressing the Board; matters in current or anticipated litigation; matters which are closed session matters including but not limited to matters within the attorney-client privilege, personnel, property acquisition, matters which are made confidential by law. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Board.
- 9) Action, responses or comments by the Board on items brought up during the Public Comment Period will be at the discretion of the Board. At the request of a member of the board, the County Manager, County Attorney or other appropriate staff member present, may respond to a concern raised by a speaker during the public comment period, after the speaker is finished.
- 10) Information sheets outlining the process for public participation in board meetings will be available at the sign-in area.

#### **V. ORDER OF BUSINESS**

The regular meetings of the Board shall follow the following order of business:

- 1) Adjustment of Agenda\*
- 2) Approval of Minutes
- 3) Approval of Consent Items
- 4) Public Hearings

- 5) Public Comments
- 6) Other Business
- 7) Closed Session\*\*
- 8) Adjournment

\*By general consent of the Board, items may be considered out of this order.

\*\*May be at the beginning of the meeting.

## VI. POWERS OF THE CHAIRPERSON

The Chairperson shall preside at meetings of the Board. In the Chairperson's absence, the Vice-Chairperson shall preside and shall have all the powers specified herein. If the Chairman and Vice-Chairman are both absent from the meeting, the Clerk to the Board shall convene the meeting and the remaining members shall elect a member to preside for that meeting or until either the Chairperson or Vice-Chairperson appears. A member must be recognized by the Chairperson in order to address the Board. The Chairperson shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To establish time restraints for discussion, except for matters requiring a quasi-judicial public hearing;
3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
4. To entertain or refer to the County Attorney questions of parliamentary law or procedure;
5. To call a brief recess when needed;
6. To adjourn in an emergency;
7. To conduct public hearings as otherwise provided for herein; and
8. To direct any person to leave the meeting when the person willfully interrupts, disturbs, or disrupts the meeting. Any person who fails to leave the meeting after being directed to do so by the Chairman shall be removed by the Sheriff and charged with a misdemeanor pursuant to G.S. § 143- 318.17.

## VII. ACTION BY THE BOARD

The Board shall proceed to discuss an item, including receipt of comment from the staff or the public, when the item is announced by the Chairman. Upon completion of discussion, the Board shall, unless some other action is deemed appropriate, proceed by motion on the item. Any member, including the Chairman, may make a motion

### Substantive Motions

Only one substantive motion may be considered on the floor. A new substantive proposal may not be put forth until action on the preceding one has been concluded.

A subsidiary motion can be made only while a substantive motion is pending. Examples of subsidiary motions are: a motion to table a motion, to move the previous question, to go into closed session, to amend a main motion, to make a substitute motion with only two substitute motions being allowed to the main motion.



#### Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present unless otherwise required by these rules, an ordinance, or state statute.

#### Debate

The Chairman shall state the motion and then open the floor to debate. The Chairman shall preside over the debate. Any such motion shall be presented according to these general principles:

- (a) The introducer (the person who makes the motion) is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before a member who has previously spoken;
- (c) To the extent possible, the debate should alternate between opponents and proponents of the measure.

#### Procedural Motions

The following procedural motions and no others shall be in order.

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To Take a Recess. The motion is in order at any time a member feels a recess is needed. The Chairman also has the power to call a brief recess.
3. To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter, unless a motion to revive consideration is adopted.
4. To Reconsider. The motion must be made by a member who voted with the prevailing side in the prior action.  
(A) A motion to reconsider an item on which action has been taken following a public hearing required by statute may be considered only after a public hearing on the reconsideration request.
5. To Ratify. To provide clarity the Board may later ratify any action which it has or could have authorized.
6. To Prevent Reconsideration for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and will not be allowed at any other time. The action of the Board, if the motion is adopted, is valid for six (6) months or until the next regular election of county commission board members, whichever occurs first.
7. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by vote. Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.
8. Renewal of Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
9. Withdrawal of a Motion. A motion may be withdrawn by the introducer at any time before a vote.

10. Suspension of the Rules. These rules may be suspended by a majority vote of the Board, but such motion may not be made if a substantive motion is already before the Board.

#### Duty to Vote

Every member must vote unless excused by a majority vote according to law. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members prior to any discussion of the item.

G.S. 153A-44 provides that members may be excused from voting on matters in which they have a direct financial interest, or on questions involving the Board member's official conduct. The County Attorney may be asked by the individual Commissioner, the Board, or any other interested party to render an opinion on questions of conflicts of interest arising from financial interest, official conduct, or any other circumstance presenting the appearance of conflict of interest of any member.

#### Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced at the first meeting in which it is placed on the agenda, regardless of whether it is actually considered by the Board.

#### Adoption of Ordinances

To be adopted at the meeting at which it is first introduced, an ordinance must receive the approval of all members of the Board. If the proposed ordinance is approved by a majority of those voting but not by all the members of the Board, or if the ordinance is not voted on that first meeting of the Board, it shall be considered at the next regular meeting. If it then or at any time thereafter within 100 days of its introduction receives another majority vote, the ordinance is adopted.

#### Closed Session

The Board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote on a motion to do so which specifically refers to the provision(s) of law providing the authority for the closed session as required by the amended Open Meetings Law.

#### Quorum

A majority of the membership of the Board shall constitute a quorum. The members required for a quorum shall not be affected by vacancies. If a member is absent or has withdrawn from a meeting without being excused by a majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present.

#### Public Hearings

Public hearings required by law or deemed advisable by the Board shall be organized and adopted by a majority vote, setting forth the subject, date, place, and time of the hearing.

The Board may adopt a standing rule that the staff may schedule and give notice of public hearings on requests for zone changes and special use permits pursuant to the Unified Development Ordinance.

At the appointed time, and after the staff or other appropriate persons have presented the item, the chairperson shall call the hearing to order, open the public hearing, and when the allotted time expires or no one who has not yet spoken wishes to do so, the Chairman shall declare the hearing ended. To the extent required by state law, the Chairman shall have the authority to administer oaths or authorize the Clerk to do so to witnesses presenting evidence in public hearings. **Except** for matters requiring a quasi-judicial public hearing, the party presenting the request shall have sufficient time to present its request. Any other persons either speaking in favor of or opposed to the request shall have three minutes each for their remarks, or five minutes if the individual is speaking for a group. If someone is speaking for a group, those people must stand and will not be allowed to speak. Additional time shall be allowed for all speakers to answer questions from the Board of Commissioners. Rebuttals will only be permitted if deemed necessary by the Chairman, with time limits therefor being set in the discretion of the Chairman.

#### Minutes

To the extent required by N. C. G. S. Sections 153A-42 and 143-318.10(e) and applicable case law, the Clerk shall keep full and accurate minutes of the proceedings of the Board of Commissioners to record actions taken, including the results of each vote, and evidence that such actions were taken according to proper procedures. Upon the request of any member, the ayes and noes upon any question shall be taken and recorded. The minutes shall not become the official record of the Board's actions until they are adopted by the Board. The minutes shall be available for public inspection.

If the Board becomes aware of an error in minutes that have been previously adopted, the Board may correct the minutes. The Clerk shall note any such correction in the minutes of the meeting at which the correction is made and shall place an appropriate notation and cross reference at the place in the minutes where the provision being corrected appears.

With respect to closed sessions of the Board of Commissioners, the Clerk shall keep full and accurate minutes to the extent required by N. C. G. S. 143-318.10(e) and applicable case law and shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such minutes and accounts shall be public records within the meaning of the Public Records Law, N. C. G. S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with N. C. G. S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

#### Appointments

The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

The chair shall open the floor to the Commissioner that was appointed "Appointment Coordinator." The Appointment Coordinator shall provide his or her recommendation(s) concerning the proposed appointments. At such time, any commissioner may request the list of all others being considered. Once all discussion has concluded, the Chair shall call for the vote(s). It is the duty of each member to vote for as many appointees as there are appointments to be made.

**Reference to *Robert's Rule of Order*.** To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to the latest version of *RRO* to resolve procedural questions.



## RULES OF PROCEDURE FOR LINCOLN COUNTY COMMISSIONERS TO GOVERN WORK SESSIONS

### INTRODUCTION

The following rules of procedure were developed for use by the Lincoln County Board of Commissioners in conducting Work sessions. Since Work sessions have been initiated for the purpose of discussion only with the intent of reducing the amount of time for consideration of items at regularly scheduled meetings, it is intended that no action will be taken on any item during the Work session, other than that of giving directions to the administration and staff as to preparation and presentation of the item at a scheduled regular meeting. However, since notices of the sessions are given as required by the Open Meetings Law, they constitute an Official Meeting of the Board, and action can be taken. It is recommended however, that actions not be taken unless necessary to address an issue which is time-sensitive and which cannot wait until a regularly scheduled meeting of the Board. In the event action is required to be taken on a time-sensitive issue, those Rules of Procedure of the Board of Commissioners, as may be amended from time to time, which relate to motions and votes, shall be followed.

To the extent the Rules of Procedure of the Board of Commissioners, as may be amended from time to time, govern discussions of items and materials, they shall apply to discussions at the Work session.

### I. MEETING TIME

The Work session(s) purpose, location, and time will be will be publically advertised and/or announced during a regular board meeting.

### II. AGENDA

The Clerk to the Board shall prepare the agenda for the meeting. Agenda packages will be distributed on the Wednesday preceding the meeting date. All agenda materials must be submitted to the Clerk to the Board on Monday, two weeks preceding the meeting date. Any board member may, by a timely request, have an item placed on the agenda.

A complete copy of the agenda with attached material shall be available for public inspection as soon as distribution to Commissioners has been completed. Each Board member shall receive a copy of the agenda with the agenda materials by the end of the Wednesday preceding the day of the meeting.

At least one copy of the complete agenda package shall be available for public inspection and reference at the rear of the Commissioners' Meeting Room during the meeting. The Board may, by majority vote, add an item that is not on the agenda.

### III. POWERS OF THE CHAIRPERSON

The Chairperson shall preside at the Work sessions. In the Chairperson's absence, the Vice-Chairperson shall preside and shall have all the powers specified herein. A member must be recognized by the Chairperson in order to address the Board. The Chairperson shall have those powers specified in the Board's Rules of Procedure related to discussion of items and materials on the agenda for the Work session, and specifically

1. To establish time restraints for discussion;



2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain or refer to the County Attorney questions of parliamentary law or procedure;
4. To call a brief recess when needed; and
5. To adjourn in an emergency.

#### IV. DISCUSSION BY THE BOARD

The Board shall proceed to discuss an item, including receipt of comment from the staff, when the item is announced by the Chairman. Upon completion of discussion, the Board shall give the staff and administration direction as to preparation for and presentation of the item at a regularly scheduled meeting. This may take the form of expressed consensus among the members, but if necessary to establish the Board's intent, may be expressed in the form of a motion and voted upon. These rules may be suspended by a majority vote of the Board.

#### Quorum

A majority of the membership of the Board shall constitute a quorum. However, since it is intended that no action will be taken during the Work session, a quorum is not required to discuss materials and agenda items. In the event it is necessary to vote on any item which is time-sensitive, a quorum must be present for the motion and vote. For purposes of such votes in the Work sessions, if a member is absent or has withdrawn from a meeting without being excused by a majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present.

#### V. MINUTES

Minutes of the Work sessions shall be prepared by the Clerk to the Board to the same extent as a regular meeting and as required by law.

These Rules of Procedure to Govern Conduct of Work sessions were adopted by the Lincoln County Board of Commissioners on \_\_\_\_\_ and became effective on that date.

**Approval of Minutes – November 5, 2018 and November 19, 2018:** UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the November 5 and 19, 2018 minutes as presented.

**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. He explained standing in quasi-judicial cases.

**CUP #389 – Joshua and Kimberly Mays, applicants:** Randy Hawkins presented the following:

The applicants are requesting a conditional use permit to add a guest house to serve as an accessory use to a single-family dwelling. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain requirements. In this case, the applicants are proposing a 576-square-foot guest house to go along with an existing 1,456-square-foot house. A site plan has been submitted as part of the application. It shows the guest house would be located in front of the front building line of the main house, but more than 100 feet from the edge of the road right-of-way, meeting the minimum setback for an accessory structure that's located in the road yard.

#### SITE AREA AND DESCRIPTION

The request involves a 2.5-acre parcel located at 6015 Beam Lumber Road, on the south side of Beam Lumber Road about 1,200 feet west of Cat Square Road, in Howards Creek Township. The property is zoned R-S (Residential Suburban) and is surrounded by property zoned R-S. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential.

#### ORDINANCE STANDARDS

Under the UDO, the term used for a guest house is “private residential quarters.” The following standards are set:

#### **§4.6.5. Residential Accessory Use Standards**

##### **K. Private Residential Quarters**

Private residential quarters may be permitted by conditional use permit (See §9.11) as an accessory use to a detached single-family dwelling, subject to the following requirements:

1. Private residential quarters approved as a conditional use shall be subject to annual review for continued compliance in accordance with the requirements of §9.11.
2. Private residential quarters may be attached to or detached from the principal dwelling in the form of a guest house or garage apartment.
3. Private residential quarters shall not be rented or occupied for gain.
4. The area of private residential quarters shall not exceed 1000 square feet or half the size of the principal dwelling, whichever is less.
5. Private residential quarters shall not have a separate electrical meter.
6. The owner of the property shall occupy either the primary structure or the private residential quarters.
7. One additional parking space on the same premises shall be required for the private residential quarters.
8. Private residential quarters shall be architecturally consistent with the principal structure.
9. Manufactured homes may not be used as private residential quarters.

Chairman Mitchem opened the public hearing for CUP #389 – Joshua and Kimberly Mays, applicants.

Kimberly Mays, applicant, said she drafted the Findings of Fact and incorporated them into her testimony. She said her mother will reside in the guest house primarily after she sells her house out of state. She said the parking spot for the guest home will be where environmental health suggested.

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

##### **CUP #390 – Andy Bell, applicant:**

The applicant is requesting a conditional use permit to build a private residential storage building on a lot less than two acres in size prior to the construction of a house. Under the Unified Development Ordinance, a private residential storage building is a conditional use on a lot less than two acres in size that does have a home on it. The applicant is proposing to build an 800-square-foot storage building. He owns and resides on an adjacent lot.

## SITE AREA AND DESCRIPTION

The request involves a 0.22-acre lot located on the north side of Sarah Drive about 1,600 feet east of N.C. 16 Business in the Lakehaven Estates subdivision in Catawba Springs Township. It is zoned R-SF (Residential-Single Family) and is surrounded by properties zoned R-SF. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

## ORDINANCE STANDARDS

Section 4.6.5.L of the UDO defines and sets standards for a private residential storage building as follows:

### **Private Residential Storage Building**

A structure to be used for storage, consistent with the type of storage allowed in a residential accessory structure, may be permitted provided the structure is residential in character, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located. Such buildings may be built prior to the completion of the principal residential structure and the building shall become an accessory structure immediately following the placement of a principle residential structure on the property. Pods and similar detached shipping containers are prohibited for use as private residential storage buildings.

There was a discussion of placement of a home and septic system on this lot.

Chairman Mitchem opened the public hearing for CUP #390 – Andy Bell, applicant.

Andy Bell, applicant, said he could tie onto county water, but will probably put in a well when he builds a home there. He said he is a licensed builder and general contractor and plans to make this a nice garage. Mr. Bell said he prepared the Findings of Fact and incorporated them into his testimony.

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

### **CUP #391 – 711 Property Management, LLC, applicant:**

The applicant is requesting a conditional use permit to expand a self-storage facility in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD) by adding three 6,000-square-foot buildings and an additional outdoor storage area for boats and RVs. Under the Unified Development Ordinance, a self-storage facility is a permitted use in the I-G district and a conditional use in the ELDD. A site plan has been submitted as part of the application.

## SITE AREA AND DESCRIPTION

The 8.5-acre parcel is located at 513 N. NC 16 Business Hwy., about 300 feet west of N.C. 16 Business and 500 feet north of Forest Oak Drive. The rear portion of this property, where an existing outdoor storage area is located, is part of a Duke Energy transmission right-of-way. The subject property is adjoined by properties zoned B-N (Neighborhood Business), CU B-G (Conditional Use General Business), R-SF (Residential-Single Family) and I-G. A self-storage facility with outdoor storage is located on the adjoining property to the south. Land uses in this area include business, residential and industrial. The subject property is part of an area designated as an Industrial Center. It is also part of an area subject to state stormwater permitting.

Chairman Mitchem opened the public hearing for CUP #391 – 711 Property Management, LLC, applicant.

James Willburn, applicant, said he prepared the Findings of Fact and incorporated them into his testimony. He said this will be gravel and he does not expect any drainage issues on the lot.

Josh Peeler, Civil Engineer, said he is here to answer any questions on behalf of the applicant.

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

Chairman Mitchem called for a brief recess while the Planning Board moved their meeting to the 2<sup>nd</sup> floor balcony. Chairman Mitchem called the meeting back to order.

**Public Hearing – Golf Cart Ordinance:** Josh Grant presented the Golf Cart Ordinance for the Board's consideration.

Chairman Mitchem opened the public hearing for the Golf Cart Ordinance.

Jim Hallman, 435 Olde Kings Trail, Vale expressed his concerns that he would need liability insurance to cross the road on his golf cart and also to use it to pick up trash. He said based on what he has heard, he is opposed.

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

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the Golf Cart Ordinance as presented.

## **ORDINANCE # 2018 - 01**

### **AN ORDINANCE OF THE COUNTY OF LINCOLN, NC ALLOWING GOLF CARTS ON ROADWAYS WITHIN THE COUNTY'S JURISDICTIONAL LIMITS IN**

## ACCORDANCE WITH N.C.G.S. 153A-245 AND THE ADDITIONAL PROVISIONS AS ESTABLISHED HEREIN

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Adoption of this Ordinance by the County is not a determination that operation of a golf cart on roads is safe or advisable even if done in accordance with this Ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The County has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the North Carolina state legislature. Any person who owns a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads within the County. An insurance card and proof of ownership shall be carried in the vehicle, and shall be produced upon the request of law enforcement.

(A) **PURPOSE:** The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the County to promote the health, safety and welfare of persons operating cart(s) within the County and to protect the safety of their passengers and other users of roads. Golf carts, if properly used, are an effective way to travel for short distances within the County. However, to insure the public safety and welfare, the operation of golf carts must not only comply with normal regulations intended to protect the operator and passengers in a vehicle that is primarily designed for operation on a golf course or recreational purposes, but also to comply with the terms and conditions of this Ordinance. This Ordinance establishes the basic, minimum standards of care to be used by the operators of golf carts on public roads, streets and highways. Likewise, public safety requires that golf carts, used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of registration and inspection.

(B) **DEFINITIONS:** For the purpose of this section, the following words and phrases shall have the following meanings.

**Golf Cart:** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 Miles Per Hour (MPH). G.S. 20-4.01(12b).

**Driver's License:** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

**Limited Visibility:** Any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

**Operator:** A person at least 16 years of age.

**Owner:** The title holder of the Golf Cart

**Public Road or Street:** Any road or street, whether state maintained or privately owned, that is open for public access, but that contains no more than two lanes and a turn lane.

### **Section 1: Operation of Golf Carts Allowed; Exceptions.**

(a) **Allowed.** The operation of golf carts on the public streets, roads and highways within the unincorporated areas of the County and on property owned or leased by the County in compliance with the provisions of this article shall be permitted; however, it shall be unlawful to operate any golf cart at any place or in any manner not authorized herein.

(b) **Exceptions.** The operation of golf carts is not subject to the provisions of this article under the following circumstances:

- (i) the operation of golf carts at golf courses, private clubs or on private property, with the consent of the property owner;
- (ii) the operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the State;
- (iii) the use of a golf cart in connection with a parade, a festival or other special event provided the consent of the sponsor is obtained and provided such vehicle is only used during such event; and
- (iv) the use of golf carts by the Lincoln County Sheriff on official police business or the use of golf carts by County personnel for official business on County owned property and County leased property, including cemeteries, parks and greenways.

## **Section 2: Rules and Regulations**

This ordinance is to establish guidance in the interest of public safety.

1. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour. The Lincoln County Sheriff may designate certain roads that meet the speed limit criteria as being unsafe for use by golf carts. In such cases, no golf cart shall be operated on those designated roads.
2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been traversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Even if the speed limit is 35mph or less, golf carts shall not be operated on any sections of roadway with 4 or more lanes. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.
3. Any owner of a golf cart shall be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. Anyone who operates a golf cart must be at least sixteen (16) years of age or older.
5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
6. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the County which governs the operation of motor vehicles.
7. An operator shall not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags, which is included only as an example and not an exhaustive list.
8. An operator shall operate the golf cart at a speed which is the lesser of either (a) 20 miles per hour or (b) that speed which is reasonable and prudent for the existing conditions.

9. Golf carts must be operated at the right edge of the roadway and the operator thereof must yield to all vehicular and pedestrian traffic.

10. Operators must park golf carts in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.

11. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Required equipment must include a rear-view mirror, two headlights and two taillights permanently affixed if the golf cart is operated under any conditions of limited visibility, and a rear triangle reflector of the same type required by North Carolina law. 12. If a mechanical turn signal indicator is not installed on a golf cart, then the operator must use hand signals for turns.

#### **Section 4: Enforcement**

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with N.C.G.S 14-4(b) 20 of the North Carolina General Statutes, the penalty (to the owner of the cart) for an offense shall be fifty (\$50).

**Public Comments:** Chairman Mitchem opened Public Comments. Being no speakers, Chairman Mitchem closed Public Comments.

#### **Approval of West Lincoln Library Bid:**

John Henry presented the following:

Purchasing received bids for the West Lincoln Library on September 18, 2018. Six bids were received of which Hickory Construction was the lowest responsive, responsible bidder. He asked the Board to approve the bid and award a contract to Hickory Construction in the amount of \$3,379,948.00. This includes the base bid of \$3,297,898.00 plus Alternates 1-4 totaling \$82,050.00.

Mr. Atkins thanked Roger Williams for pointing out some savings opportunities.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the bid and award a contract to Hickory Construction in the amount of \$3,379,948.00. This includes the base bid of \$3,297,898.00 plus Alternates 1-4 totaling \$82,050.00.

**Audit Amendment:** Crystal Watson asked for the Board's approval in an Audit Amendment, which will extend the audit contract due to the inability to submit to the LGC by 11/30/18. The audit should be submitted by 12/15/18, but this requires an extension. No further costs will be associated with the time extension.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Audit Amendment.



**Other Business:** Mr. Atkins reminded the Board of the Budget Retreat on 12/14/18 at 10:00 AM.

Chairman Mitchem said he has asked Commissioner Cesena to be the Appointments Coordinator for the upcoming year.

**Closed Session:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11(a)(6) to discuss personnel.

Chairman Mitchem announced that no action was taken in Closed Session.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to increase the salary of the Sheriff to \$126,781.00 effective today.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners