

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 7, 2019

The Lincoln County Board of County Commissioners met on January 7, 2019, at the Citizens Center, Commissioners Room, 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

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: Chairman Mitchem called the January 7, 2019 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 7, 2019
6:30 PM

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

Call to Order - Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
- VTS Refunds

- Waived fees - Lincoln County Home Educators Prom
- Approval of Minutes

3. **PUBLIC HEARINGS**

Quasi-Judicial Cases

CUP #392 Kurt Koch, applicant (Parcel ID# 30605) A request for a conditional use permit to allow a detached garage to extend past the front building line of a house on a lot adjacent to Lake Norman. The 0.8-acre parcel is located at 8088 McConnell Road in Catawba Springs Township.

Legislative Cases

ZMA #656 Gene Hedgpeth, applicant (Parcel ID# 93671) A request to rezone 4.8 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The property is located on the west side of Daniels Road and south side of Zeb Johnson Trail in Howards Creek Township.

4. Partial Release of Performance Guarantee - Sifford Subdivision - Jeremiah Combs
5. Termination of Declaration of State of Emergency for Hickory Creek Subdivision - Josh Grant
6. Request from Sheriff's Department to Change Position #2309 in Position Control from a Sheriff Deputy to a Systems Analyst Programmer 1 and revise in Budget Ordinance – Candy Burgin
7. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
8. Budget Ordinance Amendment #4 - Deanna Rios
9. Vacancies/Appointments
10. Other Business

Adjourn

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the agenda as presented, removing Items 6 and 12.

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

- VTS Refunds
- Waived fees - Lincoln County Home Educators Prom
- Approval of Minutes

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.

Randy Hawkins, Zoning Administrator, presented the following:

CUP #392 – Kurt Koch, applicant: The applicant is requesting a conditional use permit to allow a detached garage to extend in front of the front building line of a house on a lot that's adjacent to Lake Norman. The lot is currently vacant. Plans for the house and garage have been submitted as part of a building permit application. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, an accessory structure cannot extend in front of the front line of the principal structure unless it is set back a minimum of 100 feet from the edge of the road right-of-way; or, in the case of a lot adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit to allow an accessory structure to be located in the road yard less than 100 feet but no closer than 30 feet from the edge of the road right-of-way. The applicant is proposing to build a three-car garage that would be connected to the house by a breezeway (see site plan).

SITE AREA AND DESCRIPTION

The 0.8-acre lot is located at 8088 McConnell Road. It is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

Chairman Mitchem opened the public hearing for CUP #392 – Kurt Koch, applicant.

Kurt Koch, applicant, said the lot is across the street from his current residence. He said he prepared the proposed Findings of Fact and would like them incorporated into the record.

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

ZMA # 656 – Gene Hedgpeth, applicant (Parcel ID# 93671) The applicant is requesting the rezoning of 4.8 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The stated reason for the request is to place a mobile home on the site. See information below on permitted uses in each district.

Site Area & Description

The property is located on the west side of Daniels Road and south side of Zeb Johnson Trail in Howards Creek Township. It is adjoined by property zoned R-SF and R-T. Land uses in this area include residential and agricultural. This property is part of

an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for single-family homes. Strategy 9.1.3 of the Land Use Plan calls for maintaining the county's policies regarding the placement of manufactured homes in most, but not all, portions of the county.

Additional Information

Permitted uses

Under current R-SF zoning: site-built house, modular home, church.

Under proposed R-T zoning: manufactured home (singlewide or doublewide), duplex, modular

home, site-built house, church.

Adjoining zoning and uses

East (opposite side of Daniels Road): zoned R-SF, agricultural use.

South: zoned R-SF, residential use (site-built house).

West: zoned R-T, undeveloped tract.

North: zoned R-SF, agricultural and residential uses (site-built house).

Commissioner Cesena asked if the applicant will be allowed to put more than one mobile home on the lot. Mr. Hawkins said that he potentially could, but the parcel would have to be subdivided.

Chairman Mitchem opened the public hearing for ZMA #656 – Gene Hedgpeth, applicant.

Gene Hedgpeth, applicant, said that you cannot see it on the map, but from where he will put the mobile home back is swamp land and a branch. He said one mobile home is all you can really get on the property with a well and septic tank. Mr. Hedgpeth presented a petition signed by adjoining property owners saying they are in favor of this request. He said he plans to live in this mobile home and would appreciate approval.

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 1st floor kitchen. Chairman Mitchem called the meeting back to order.

Partial Release of Performance Guarantee – Sifford Subdivision - Jeremiah Combs presented the Partial Release of Performance Guarantee for Sifford Subdivision. The applicant is requesting the release of funds for the portion of the sidewalk that has been completed. Planning staff conducted a field visit on December 14, 2018 to inspect the installed portion of the sidewalk, and determined that it was installed in accordance with the approved plans.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Partial Release of Performance Guarantee for Sifford Subdivision.

Termination of Declaration of State of Emergency for Hickory Creek Subdivision –

Josh Grant presented a request to approve the Termination of Declaration of State of Emergency for Hickory Creek Subdivision, saying the County has effectively maintained its responsibility of providing essential services including Law Enforcement, Emergency Medical, and Fire Protection to the homes affected by the collapse of the roadway along Hickory Creek Drive.

LINCOLN COUNTY



TERMINATION OF COUNTY STATE OF EMERGENCY

SECTION 1 **WHEREAS**, on November 16th, 2018 at approximately 4:20 P.M. the Chairman of the Board of Commissioners of Lincoln County, NC determined and declared that a State of Emergency existed within the Hickory Creek Subdivision along Hickory Creek Drive; being adjacent and intersecting with North NC HWY 16 Business in Denver, NC.

SECTION 2 **WHEREAS**, I have determined, after careful consideration and having been assured by first responder officials that sufficient repairs have been made by various groups to provide the residents along this privately owned and maintained road with limited but appropriate access to emergency services, the conditions constituting a state of emergency no longer exists in the Hickory Creek Subdivision along Hickory Creek Dr. in Denver, NC.

SECTION 3 **NOW, THEREFORE**, I hereby terminate the above referenced declaration of a state of emergency and all the restrictions and orders contained therein.

This declaration is effective immediately succeeding Board of County Commissioner Approval.

DECLARED this the 7th day of January 2019.

Chairman, Lincoln County Board of Commissioners

ATTEST:

(Governing Board/jurisdiction) Clerk

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Termination of Declaration of State of Emergency for Hickory Creek Subdivision.

Request from Sheriff's Department to Change Position #2309 in the Position Control from a Sheriff Deputy to a Systems Analyst Programmer 1 and revise in Budget

Ordinance: Candy Burgin presented the following:

The Sheriff's Department is requesting that Position #2309 Sheriff Deputy be changed in Position Control to a Systems Analyst Programmer 1 and revised in the Budget Ordinance.

Currently, the proposed position of Deputy Sheriff was vacated in a promotion. This employee's primary duties was fulfilling assistance to the current Systems Analyst Programmer as well as serving as a Deputy Sheriff. The needs have grown over time within the infrastructure within the County that the request to add another Analyst is warranted. The current dual position has caused hardships when the IT side is needed and the Deputy is needed to be pulled away. Due to sensitive confidential information within the Sheriff's Department processes, this position needs to be classified within the Sheriff's Department.

Mr. Atkins said he has spoken with Sheriff Beam at length and is supportive of this request.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Request from Sheriff's Department to Change Position #2309 in the Position Control from a Sheriff Deputy to a Systems Analyst Programmer 1 and revise in the Budget Ordinance.

Public Comments: Chairman Mitchem opened Public Comments.

Being no speakers, Chairman Mitchem closed Public Comments.

Budget Ordinance Amendment #4: Deanna Rios presented Budget Ordinance Amendment #4 for the Board's approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve Budget Ordinance Amendment #4 as presented.

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

Planning Board –

At Large

Appoint

- Bob Shugarman

North Brook Appoint

- Tracy Ledford

Recreation Board – Catawba Springs Township

Appoint

- Amanda Carswell-Owen

Animal Services Advisory Board

Appoint

- Rick Lynn (unexpired term of Danielle Rudisill)

Board of Adjustment

Appoint

- George P. Mull, III

UPON MOTION by Commissioner Permenter, the Board voted unanimously to appoint Commissioner Cesena to the GCLMPO as an Alternate.

Other Business: Mr. Atkins polled the Board to see if there was any interest in placing items such as Letters of Credit back on the Consent Agenda, as was done in previous years.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to leave these items under the Consent Agenda.

Mr. Atkins reminded the Board of the meeting with the Board of Education on January 24, 2019 at 6:30 PM. He also reminded the Board of the joint planning retreat with the Planning Board on February 4, 2019 at 4:00 PM.

Closed Session: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11.

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

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners