

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 17, 2019

The Lincoln County Board of County Commissioners met on June 17, 2019, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, 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 June 17, 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, June 17, 2019
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092

Call to Order - Chairman Carrol Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 1. Tax Requests for Releases - More than \$100

2. VTS Refunds
3. Resolution #2019-10: A Resolution Awarding Service Weapon (Jeep Ford)
4. Resolution #2019-11: A Resolution Awarding Service Weapon (Jeff Warlick)
5. Approval of Minutes - May 6, 2019; June 3, 2019
3. Planning Board Recommendations - Randy Hawkins
4. Approval of Change in Position Control Classification for Sheriff's Department - Candy Burgin and Sheriff Beam
5. Approval to Purchase Communications CAD Software from Central Square for an amount not to exceed \$134,547.25 at the New Communication Center - Don Chamblee
6. Approval and Acceptance of \$50,000 Library Service and Technology Act (LSTA) EZ Grant Funds - Jennifer Sackett
7. Update from Environmental Health - Maggie Dollar
8. Public Comments
9. Adoption of a Continuing Disclosure Policy - Deanna Rios
10. Budget Ordinance Amendment #9 - Deanna Rios
11. Grant Project Ordinance Amendment #1 - Deanna Rios
12. Capital Project Ordinance Amendment #6 - Deanna Rios
13. Finance Officer's Report - Deanna Rios
14. County Manager's Report
15. County Commissioners' Report
16. County Attorney's Report
17. Vacancies/Appointments
18. Calendar
19. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

20. Closed Session

Adjourn

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

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

1. Tax Requests for Releases - More than \$100
2. VTS Refunds
3. Resolution #2019-10: A Resolution Awarding Service Weapon (Jeep Ford)
4. Resolution #2019-11: A Resolution Awarding Service Weapon (Jeff Warlick)
5. Approval of Minutes - May 6, 2019; June 3, 2019

Planning Board recommendations: Andrew Bryant presented the following:

ZMA #660 Jerry Geymont, applicant (Parcel ID# 14590, 101173 and 101174) A request to rezone 21.8 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The property is located at the end of Overhill Lane off Reepsville Road in Howards Creek Township.

The Planning Board voted 6-2 to recommend approval.

The Board of Commissioners voted 5-0 to table the request until June 17.

Commissioner Permenter pointed out that all surrounding property is zoned Residential Single Family. He said he cannot see any compelling reason to change when everything around it is Residential Single Family.

Commissioner Cesena said he visited the site and thinks it needs to stay residential single family.

UPON MOTION by Commissioner McCall, the Board voted unanimously to deny the statement of consistency and reasonableness saying this is not consistent with Lincoln County's Comprehensive Land Use Plan due to the Strategy 8.1.2 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. Rezoning the property to Residential Transitional would allow manufactured homes to be placed in the area where they have not been allowed since zoning went into effect in 1994. This proposed amendment is not reasonable and not in the public interest in that the property is largely adjoined by property zoned Residential Single Family, the only adjoining property zoned R-T is separated by the property by a river.

UPON MOTION by Commissioner McCall, the Board voted unanimously to deny ZMA #660 – Jerry Geymont, applicant based on inconsistency.

PA #46A H & A Investors LLC, applicant (Parcel ID# 71506) A request to amend the phasing of a preliminary plat/sketch plan for a five-lot commercial subdivision. The 10.9-acre parcel is located on the west side of N.C. 16 Business at Webbs Road in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval. (Matt Burton was recused.)

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve PA #46A H & A Investors, LLC, applicant based on the findings of fact approved by the Planning Board.

PA #47 Sabitha and Jiten Sanghvi and Parathazathel Mohanan, applicants (Parcel ID# 88402) A request for preliminary plat/sketch plan approval for a 24-lot residential subdivision with new roads. The 22.3acre parcel is located on the west side of Union Church Road, about 900 feet north of the intersection with Gateway Lane and Arbor Hills Drive, in Ironton Township.

The Planning Board voted 8-0 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 #4 Sabitha and Jiten Sanghvi and Parathazathel Mohanan, applicants based on the findings of fact approved by the Planning Board.

CUP #403 Amanda Hoyle, applicant (Parcel ID# 11260) A request for a conditional use permit to place a Class C (singlewide) manufactured home in the R-S (Residential Suburban) district. The 1.0-acre parcel is located at 499 Keystone Lane, on the west side of North Brook 3 School Road at its intersection with Tallent Road, in North Brook Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #403 – Amanda Hoyle, applicant based on the findings of fact approved by the Planning Board.

CUP #404 Brandy Hayes, applicant (Parcel ID #24244) A request for a conditional use permit to build a facility to host weddings and other events in the R-T (Transitional Residential) district. The 135-acre parcel is located on the north side of N.C. 73 about 2,200 feet east of Amity Church Road in Ironton Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #404 – Brandy Hayes, applicant based on the findings of fact approved by the Planning Board.

CUP #406 Erik Distasio, applicant (Parcel ID# 55980) A request for a conditional use permit to operate a haunted Halloween trail in the R-T (Transitional Residential) district. The 1.8-acre parcel is located at 2576 Swanson Road, on the west side of Swanson Road about 500 feet north of N.C. 150, in Howards Creek Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Permenter, the Board voted 4 – 1 (Cesena against) to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Permenter, the Board voted 4 – 1 (Cesena against) to approve CUP #406 – Erik Distasio, applicant based on the findings of fact approved by the Planning Board.

CZ #2019-5 Dean Fisher, applicant (Parcel ID# 33243 and a portion of Parcel ID# 74369) A request to rezone 6.2 acres from R-SF (Residential-Single Family) to CZ B-G (Conditional Zoning General Business) to permit contractors' offices, retail sales (including sales of boat lifts with outdoor display and storage), and other uses permitted in the B-G district. The proposed site is located at 2996 N. NC 16 Business Hwy., on the east side of N.C. 16 Business about 1,600 feet north of Webbs Road, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Permenter, the Board voted 4 – 1 (Cesena against) to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Permenter, the Board voted 4 – 1 (Cesena against) to approve CZ #2019-5 – Dean Fisher, applicant based on the statement of consistency and reasonableness approved by the Planning Board

UDO Proposed Amendments #2019-1 Lincoln County Planning and Inspections

Department, applicant. A proposal to amend the Lincoln County Unified Development Ordinance as follows: 1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners. 2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned Development-Residential) district.

The Planning Board voted 8-0 to recommend approval

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 UDO Proposed Amendments #2019-1 – Lincoln County Planning and Inspections

Department, applicant based on the statement of consistency and reasonableness approved by the Planning Board

Approval of Change in Position Control Classification for Sheriff's Department -

Candy Burgin and Sheriff Beam presented a request that Position #2359 Sheriff Deputy be changed in Position Control to a First Sergeant and revised in the Budget Ordinance.

The request will reclassify position #2359 currently a Deputy Sheriff to a First Sergeant. This position has currently been vacated. With the additional School Resource Officer this will provide these officers supervision and support needed in the schools.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the request that Position #2359 Sheriff Deputy be changed in Position Control to a First Sergeant and revised in the Budget Ordinance.

Approval to Purchase Communications CAD Software from Central Square for an amount not to exceed \$134,547.25 at the New Communication Center: Don Chamblee presented the following for the Board's approval.

Public Works is requesting that the Board of Commissioners authorize the purchase of Communications CAD software for the new 911 Communications Center from Central Square. Based on review the county has chosen to utilize virtual servers' along with updating all software programs utilized by other agencies in Lincoln County and ensures connectivity between CAD servers and Lincoln County agencies.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the purchase of communications CAD software from Central Square for an amount not to exceed \$134,547.25 at the new 911 Communications Center.

Approval and Acceptance of \$50,000 Library Service and Technology Act (LSTA) EZ Grant Funds - Jennifer Sackett requested the Board's acceptance of a \$50,000 Library Services and Technology Act (LSTA) EZ Grant.

In an effort to better service Seniors in Lincoln County, the Library plans to expand it's programming to meet the unique needs of this population. The library will partner with Lincoln County Senior Services to offer monthly programs that incorporate elements of Science, Technology, Engineering, Arts and Mathematics (STEAM) in an effort to battle depression, dementia, immobility, and memory loss. Virtual reality/Augmented reality programs as well as Sphero and gaming technology will engage seniors in physical and mental activities that promote social interaction and improve cognitive abilities. This initiative will build on the existing STEAM programs currently offered by the Library and enhance library services for a growing population.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve and accept the \$50,000 Library Service and Technology Act (LSTA) EZ Grant.

Update from Environmental Health - Maggie Dollar gave an update from Environmental Health.

Public Comments: Chairman Mitchem opened Public Comments.

Kim Deneault, 2284 Reepsville Road, spoke concerning the Jerry Geymont item on the agenda, saying staff and the Planning Board should visit these sites.

Being no additional speakers, Chairman Mitchem closed Public Comments.

Adoption of a Continuing Disclosure Policy - Deanna Rios presented the following:

With the sale of the refunded bonds in May, several entities asked if the County has a continuing disclosure policy. Adoption of the recommended policy will assure financial entities that the County takes measures to correctly report all continuing disclosures and to file timely when a disclosure needs to be made.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Continuing Disclosure Policy as presented.

Budget Ordinance Amendment #9 – **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve Budget Ordinance Amendment #9.

Grant Project Ordinance Amendment #1 - **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve Grant Project Ordinance Amendment #1.

Capital Project Ordinance Amendment #6 - **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Capital Project Ordinance Amendment #6.

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

County Manager's Report: Kelly Atkins informed the Board that the Board of Education would like to have an additional work session in October of this year, leading up to the January work session.

County Attorney's Report: Mr. Deaton reported on the Strata Solar/Dellinger Appeal. He said we are still waiting on the ruling to come down from the Court of Appeal.

Vacancies/Appointments: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to reappoint Bob Shugarman to the Planning Board, appoint Chrystal Hoyle to DSS Board, and reappoint Ola Mae Foster to the Gaston Community Action.

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 143.318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve a four-year contract with Tax Administrator Susan Sain with a salary of \$92,518.60.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners