

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 6, 2019

The Lincoln County Board of County Commissioners met on May 6, 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

Planning Board Members Present:

Todd Burgin, Chairman
Jamie Houser, Secretary
Matt Burton
Matt Fortune
Keith Gaskill
Tracy Ledford
John Marino
Robert Shugarman

Planning Staff Present:

Andrew Bryant, Director
Randy Hawkins, Zoning Administrator
Jeremiah Combs, Planner
Jordan Tubbs, Planner
Amy Brown, Clerk to Planning Board

Call to Order: Chairman Mitchem called the May 6, 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, May 6, 2019
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd

Lincolnton NC 28092

Call to Order - Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
- Approval of Minutes - April 15, 2019
3. 2019 National Police Week Proclamation - Commissioner Cesena
4. **Zoning Public Hearings**

Quasi-Judicial Case

CUP #400 Timothy Covington, applicant (Parcel ID# 31742) A request for a conditional use permit to allow a detached garage to be located in front of a house on a lot adjacent to Lake Norman. The 0.8-acre lot is located at 8078 McConnell Road in Catawba Springs Township.

CUP #401 Ransford Cannon, applicant (Parcel ID# 33805) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 0.48-acre parcel is located on the south side of Wrenn Drive about 2,000 feet west of Grassy Creek Road in Catawba Springs Township.

CUP #402 Ventosa, LLC, applicant (Parcel ID# 02876, 91418 and 91419) A request for a conditional use permit to develop a self-storage facility in the B-G (General Business) district in the Eastern Lincoln Development District (ELDD) overlay district. The proposed 4.1-acre site is located on the north side of Optimist Club Road and east side of the CSX railroad in Catawba Springs Township.

Legislative Case

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.

ZMA #661 Amanda Assell, applicant (Parcel ID# 80373) A request to rezone a 1.6-acre lot from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is located at 364 S. NC 16 Business Hwy., on the southwest corner of N.C. 16 Business and South Little Egypt Road, in Catawba Springs Township.

ZMA #662 Tina Pemberton (Parcel ID# 53188) A request to rezone a 0.67-acre lot from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located at 2371 Lake Shore Road South, on the northeast corner of N.C. 16 Business and Lake Shore

Road South.

5. Public Hearing - Revised Golf Cart Ordinance - Josh Grant
6. Approval of a Contract with Kimley Horn in the amount of \$190,000 for the completion of the Eastern Lincoln County Corridor Mobility Study - Andrew Bryant
7. Adoption of a Resolution Authorizing the Issuance of Refunding Bonds for the 2010A School Debt Issuance - Crystal Watson
8. Public Comments
9. Approval to Purchase Audio/Visual Hardware and Associated Management System from Clark Powell for an Amount not to exceed \$177,474.00 at the new 911 Communications Center - Don Chamblee
10. Approval from the Board of Commissioners to Purchase Communications Software from Priority Dispatch for an amount not to exceed \$53,460.00 at the new 911 Communications Center - Don Chamblee
11. Update on Sewer Pump Stations Rehabilitation - Don Chamblee
12. Budget Ordinance Amendment #7 - Deanna Rios
13. Capital Project Ordinance Amendment #5 - Deanna Rios
14. Other Business
15. Closed Session - Pursuant to NCGS 143-318.11(a)(6)

Adjourn

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

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

- Approval of Minutes - April 15, 2019

2019 National Police Week Proclamation: Commissioner Cesena presented the 2019 National Police Week Proclamation for the Board's approval. He also presented 2019 Police Week coins, purchased by himself, to the Special Weapons and Tactics Team for Lincoln County Sheriff's Department, as well as Sheriff Bill Beam, Maiden Chief of Police Tracy Ledford and the Commissioners.

Commissioner Cesena said unfortunately two more names must be added, Officer Robert McKeithen in Biloxi, Mississippi and Jordan Sheldon with the Mooresville Police Department.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the 2019 National Police Week Proclamation.

**PROCLAMATION
NATIONAL POLICE WEEK
MAY 12 - MAY 18, 2019**

Whereas, in 1962, John Fitzgerald Kennedy signed the Joint Resolution entitled Joint Resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week" (36 U.S.C. 136); and

Whereas the National Law Enforcement Officers Memorial in Washington, DC, dedicated on October 15, 1991, is the national monument to honor law enforcement officers who have died in the line of duty; and

Whereas Federal, State, local, and tribal police officers, sheriffs, and other law enforcement officers across the United States serve with valor, dignity and integrity; and

Whereas law enforcement officers are charged with pursuing justice for all individuals and performing their duties with fidelity to the constitutional and civil rights of the individuals that the law enforcement officers serve; and

Whereas the resolve of law enforcement officers in the service of their communities is unyielding, despite inherent dangers in the performance of their duties; and

Whereas the vigilance, compassion, and decency of law enforcement officers are the best defense of society against individuals who seek to do harm; and

Whereas Peace Officers Memorial Day 2019 honors the 144 law enforcement officers killed in the line of duty during 2018, and nine of those were in North Carolina; and

Whereas, during the first four months of 2019, 35 law enforcement officers across the United States have made the ultimate sacrifice.

Now, therefore, be it Proclaimed, that the Lincoln County Board of Commissioners:

(1) designates the week of May 12 through May 18, 2019, as "National Police Week" in Lincoln County;

(2) expresses strong support for law enforcement officers across the United States for their efforts to build safer and more secure communities;

(3) recognizes the need to ensure that law enforcement officers have the equipment, training, and resources necessary to protect their health and safety while the law enforcement officers are protecting the public;

(4) recognizes the members of the law enforcement community for their selfless acts of bravery;

(5) acknowledges that police officers and other law enforcement officers who have made the ultimate sacrifice should be remembered and honored;

(6) expresses condolences to the loved ones of each law enforcement officer who has made the ultimate sacrifice in the line of duty; and

(7) encourages the people of Lincoln County to observe National Police Week with appropriate ceremonies and activities that promote awareness of the vital role of law enforcement officers in building safer and more secure communities across the United States.

Adopted this the 6th day of May, 2019.

Carrol Mitchem, Chairman

Zoning Public Hearings: Randy Hawkins presented the following:

New Business/Advertised Public Hearings: 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.

Conditional Use Permit #400: Randy Hawkins, Zoning Administrator, presented the following:

The applicant is requesting a conditional use permit to allow a detached garage to be located in front of a house on a lot adjacent to Lake Norman. 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 1,280-square-foot, side-entry garage that would be located directly in the front of an existing houses (see site plan). Two existing accessory structures would be removed to make way for the proposed garage.

SITE AREA AND DESCRIPTION

The 0.8-acre lot is located at 8078 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 #400 – Timothy Covington, applicant.

Melanie Covington, wife of applicant said they prepared the findings of fact and would like to incorporate the findings as her testimony.

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

Conditional Use Permit #401 – Ransford Cannon, applicant:

The applicant is requesting a conditional use permit to place a Class B manufactured home in the R-S (Residential Suburban) district. A Class B manufactured home is a doublewide that meets the Unified Development Ordinance's appearance standards. Under the UDO, a Class B manufactured home may be placed in the R-S district subject to the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 0.48-acre parcel is located on the south side of Wrenn Drive about 2,000 feet west of Grassy Creek Road at the Lincoln-Catawba county line. It is adjoined by property zoned R-S and R-40 (a Catawba County zoning district). Land uses in this area include residential, business and industrial. Doublewide manufactured homes and duplexes are located in this area. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

Chairman Mitchem opened the public hearing for CUP #401 – Ransford Cannon, applicant.

Ransford Cannon, applicant, said he prepared the findings of fact and would like to incorporate the findings into his testimony. He said he would like to place a single family home there, on the property which already has a well and has passed a perk test.

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

Conditional Use Permit #402 – Ventosa, LLC, applicant:

The applicant is requesting a conditional use permit to develop a self-storage facility in the B-G (General Business) district in the Eastern Lincoln Development District (ELDD) overlay district. A self-storage facility is a conditional use in the B-G district and in the ELDD. A site plan has been submitted as a part of the application. It shows that

the facility would be developed in two phases, with an outdoor storage area for boats and RVs as part of the first phase. The outdoor storage area would be replaced by additional storage buildings in the second phase.

SITE AREA AND DESCRIPTION

The proposed 4.1-acre site is located on the north side of Optimist Club Road and east side of the CSX railroad. It is adjoined by property zoned B-G and I-G (General Industrial). Land uses in this area include business, industrial and residential. The county's Optimist Convenience Site (garage-transfer and recycling center) is located on the opposite side of the road. The county plans to relocate the convenience site to a tract of land that is located to the rear of the subject property and that would share a driveway with the proposed self-storage facility. The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

STAFF'S RECOMMENDATION

Staff recommends that the Board of Commissioners amend the Land Use Plan to change this site's designation to Suburban Commercial. Strategy 10.1.5 of the Land Use Plan states: "Where appropriate the board should consider expansion of community types to include adjacent parcels where the spirit of the future land use plan map and the guiding principles are upheld by the expansion of the boundary." Given this site's current zoning, the Suburban Commercial designation of the nearby Lakewood Care Center property and the Industrial Center designation of the property on the opposite side of Optimist Club Road, staff deems it appropriate to expand the Suburban Commercial area to include this site.

Chairman Mitchem opened the public hearing for Conditional Use Permit #402 – Ventosa, LLC, applicant .

Commissioner Sigmon asked about the driveway permit and said he is concerned about how this is drawn.

Mitch Latham, with Latham Walters Engineering, said they worked with Don Chamblee to put the connection in that location since he needs 4 entrances to turn it over to the state. He said there is some flexibility if it needs to be moved.

There was a discussion about boat traffic in and out of the site, along with people moving on weekends, combined with convenience site traffic. Don Chamblee spoke about the traffic flow at the convenience site and proposed facility.

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

Zoning Map Amendment #660 - Jerry Geymont, applicant:

The applicant is requesting the rezoning of 21.8 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The stated reason for the request is to

replace a burned house with a doublewide manufactured home. See information below on permitted uses in each district.

Site Area & Description

The property is located at the end of Overhill Lane off Reepsville Road in Howards Creek Township. Approximately 6.0 acres lies in a 100-year floodplain along the South Fork River. The subject property is adjoined by property zoned R-SF and R-T. Land uses in this area are primarily agricultural and residential and include manufactured homes. 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: zoned R-T, undeveloped property/agricultural use.

South: zoned R-SF, undeveloped property/agricultural use.

West: zoned R-SF, residential uses.

North: zoned R-SF, undeveloped property/agricultural use.

Staff recommends approval of the rezoning request.

Commissioner McCall asked if there are plans to turn this into a mobile home park. Mr. Hawkins said he does not think this is the plan, but will let the applicant address it. He said one reason the entire parcel was suggested for rezoning was to have it connecting to an existing RT zoning district.

Commissioner McCall asked the maximum amount of homes that would be allowed on this property. Mr. Hawkins said that to put more than 3 homes on Overhill Lane, it would have to be upgraded to a road that meets state standards and the rest of the road would need to be upgraded also. He said with the floodplain, there would be a maximum of 10 to 12 lots.

Chairman Mitchem opened the public hearing for ZMA #660 – Jerry Geymont, applicant.

Kim Deneault, 2284 Reepsville Road, said her 20 acres adjoins Overhill Lane and is zoned Residential. She said Overhill Lane is not a state maintained road and has huge potholes. She said the house that was there burned 8 years ago and has been standing there since then. She asked the Board to keep the 21 acres zoned residential.

Jerry Geymont, applicant, 5600 Reepsville Road, Vale, said the purpose of doing this is to replace the house that burned several years ago. He said there are currently

doublewides on the road, which are rental properties. He said the property needs to be rezoned to make this work. Mr. Geymont said he only wants to replace this one home and does not have plans to put more homes there. He said it would be cost prohibitive to place more there due to the fact that he would have to bring the road to state standards.

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

ZMA #661 – Amanda Assell, applicant:

The applicant is requesting the rezoning of a 1.6-acre lot from R-T (Transitional Residential-Single Family) to B-N (Neighborhood Business). This property contains a 9,036-square-foot building that was previously used as a day care center.

Site Area & Description

The subject property is located at 364 S. NC 16 Business Hwy., on the southwest corner of N.C. 16 Business and South Little Egypt Road. It is adjoined by property zoned R-T and B-G. Land uses in this area include business, residential and agricultural. The subject property is part of an area designated by the Lincoln County Land Use Plan as a Walkable Activity Center, suitable for a mix of commercial and residential uses.

Additional Information

Permitted uses

Under current R-T zoning: day care center, church, residence.

Under proposed B-N zoning: retail sales, offices, personal services (hair salon, for example), etc.

Adjoining zoning and uses

East (opposite side of N.C. 16 Business): zoned R-T, residential use.

South: zoned B-G, residential use.

West: zoned R-T, agricultural use.

North (opposite side of South Little Egypt Road): zoned B-G, business use.

Chairman Mitchem opened the public hearing for ZMA #661 – Amanda Assell, applicant.

Amanda Assell, applicant, said the building will be used for offices. She said they are working with an Architect concerning landscaping and parking.

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

ZMA #662 – Tina Pemberton, applicant:

The applicant is requesting the rezoning of a 1.6-acre lot from R-T (Transitional Residential-Single Family) to B-N (Neighborhood Business). This property contains a 9,036-square-foot building that was previously used as a day care center.

Site Area & Description

The subject property is located at 364 S. NC 16 Business Hwy., on the southwest corner of N.C. 16 Business and South Little Egypt Road. It is adjoined by property zoned R-T and B-G. Land uses in this area include business, residential and agricultural. The subject property is part of an area designated by the Lincoln County Land Use Plan as a Walkable Activity Center, suitable for a mix of commercial and residential uses.

Additional Information

Permitted uses

Under current R-T zoning: day care center, church, residence.

Under proposed B-N zoning: retail sales, offices, personal services (hair salon, for example),
etc.

Adjoining zoning and uses

East (opposite side of N.C. 16 Business): zoned R-T, residential use.

South: zoned B-G, residential use.

West: zoned R-T, agricultural use.

North (opposite side of South Little Egypt Road): zoned B-G, business use.

Staff recommends disapproval of the rezoning request.

Chairman Mitchem opened the public hearing for ZMA #662 –Tina Pemberton, applicant.

Ross Bulla, 3272 Lakeshore Road South, spoke in opposition of the rezoning request.

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 Planning Board room. Chairman Mitchem called the meeting back to order.

Public Hearing – Revised Golf Cart Ordinance: Josh Grant presented the revised Golf Cart Ordinance for a public hearing and the Board’s consideration. The revision adds a list of roads considered unsafe to be added to the Ordinance as an appendix to the Ordinance.

Chairman Mitchem opened the public hearing for the Revised Golf Cart Ordinance. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Revised Golf Cart Ordinance.

ORDINANCE # 2019 - 2

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 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 has designated certain roads that meet the speed limit criteria as being unsafe for use by golf carts, attached hereto as Exhibit "A." The Sheriff may add and revise such roads from time to time. 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).

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Lincoln County, North Carolina that:

Pursuant to the authority contained in N.C.G.S. § 153A-245, this ordinance is effective on the 6th day of May, 2019.

Adopted this 6th day of May, 2019.

Carrol Mitchem, Chairman
Board of County Commissioners

Attest: _____
Amy S. Atkins, Clerk

EXHIBIT "A" **(Excluded Roads)**

Reepsville Road/Cat Square Road Intersection
Cat Square Road.
Long Shoals Road.
Gastonia Highway.
Confederate Road.
South Fork Road.
Finger Mill Road.
King Wilkinson Road.
Campground Road.
NC 16 Business.
Denver Industrial Park Road.
Lake Shore Road South: From Allison Court to NC16 Business.

Approval of a Contract with Kimley Horn in the amount of \$190,000 for the Completion of the Eastern Lincoln County Corridor Mobility Study: Andrew Bryant requested the Board's approval of a contract with Kimley Horn in the amount of \$190,000 for the completion of the Eastern Lincoln County Corridor Mobility Study. Based on the qualifications and the quality of the submittal by 4 separate firms Kimley Horn has been

chosen based on their experience with similar studies, consulting team makeup and ability to deliver the desired product.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the contract with Kimley Horn in the amount of \$190,000 for the completion of the Eastern Lincoln County Corridor Mobility Study.

Resolution Authorizing Issuance of Refunding Bonds: Commissioner McCall moved adoption of the following resolution, the motion was seconded by Commissioner Sigmon, and the resolution was read by the above title.

RESOLUTION AUTHORIZING ISSUANCE OF REFUNDING BONDS

_____ moved adoption of the following resolution, the motion was seconded by _____, and the resolution was read by the above title.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Lincoln, North Carolina (the "Issuer"), as follows:

Section 1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on April 15, 2019, the Issuer shall issue its bonds in the aggregate principal amount not to exceed \$12,600,000.

Section 2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated "General Obligation Refunding Bonds, Series 2019" (the "Bonds"). The Bonds shall be dated the date of their delivery, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on December 1, 2019, and semi-annually thereafter on June 1 and December 1. The Bonds shall mature annually on June 1 and thereafter on June 1 in years (not later than 2027) and amounts as determined upon the public sale of the Bonds.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund the issue of bonds being refunded within the respective periods of usefulness of the capital projects financed by the issue of bonds being refunded.

Section 3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC") or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on and principal of the Bonds will be payable at the times described above, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC's rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of \$5,000 or integral multiples thereof.

Section 4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

Section 5. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R-__

\$_____

United States of America
State of North Carolina

COUNTY OF LINCOLN

GENERAL OBLIGATION REFUNDING BOND, SERIES 2019

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
%	June 1, ____	June 19, 2019	533339__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: _____ DOLLARS

The County of Lincoln (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Finance Director of the County of Lincoln, 115 West Main Street, Lincolnton, NC 28092 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the September 1 or March 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on December 1, 2019, and semi-annually thereafter on June 1 or December 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the

principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on April 15, 2019 (the "Bond Order") and a resolution adopted by that Board (the "Resolution") to provide funds, together with any other funds that may be provided, to refund all or a portion of the County's outstanding General Obligation Refunding Bonds, Series 2010A.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated June 19, 2019.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

Public Comments: Chairman Mitchem opened Public Comments.

Lee Killian told the Board they are doing good.

Robert Avery spoke about fire districts and asked the Board to revisit them.

Being no additional speakers, Chairman Mitchem closed Public Comments.

Approval of purchase from Clark Powell for audio/visual hardware and associated management system at the new 911 Communications Center: Don Chamblee presented the following:

Public Works is requesting that the Board of Commissioners authorize the purchase of audio/visual hardware and associated management system for the new 911 Communications Center from Clark Powell for an amount not to exceed \$177,474.00.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to authorize the purchase of audio/visual hardware and associated management system for the new 911 Communications Center from Clark Powell for an amount not to exceed \$177,474.00.

Approval of purchase from Priority Dispatch for communications software at the new 911 Communications Center: Don Chamblee presented the following:

Public Works is requesting that the Board of Commissioners authorize the purchase of communications software for the new 911 Communications Center from Priority Dispatch for an amount not to exceed \$53,460.00.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to authorize the purchase of communications software for the new 911 Communications Center from Priority Dispatch for an amount not to exceed \$53,460.00.

Update on Sewer Pump Stations: Don Chamblee presented the following:

Public Works has revised priorities to rehabilitate Pump Station 12 in this fiscal year. This pump station is being improved with an additional third pump and related controls. It was

determined by Public Works that rehabilitation would be beneficial to replace internal piping and valves concurrently to proactively maintain the pump station and install protective coatings. A contract with CMH Solutions, LLC has been issued for the rehabilitation.

No action is required, this agenda item is for information only.

Budget Ordinance Amendment #7: Deanna Rios presented Budget Ordinance Amendment #7 for the Board's approval.

BOA #7 is appropriating funds for the Health Department, DSS for vehicle repairs, donations for Animal Services, a State Grant for Veterans, increased Medicaid Transport funds, appropriating fund balance for various building maintenance projects, and recognizing excess revenues in both TLC and EMS. It also recognizes a transfer from Water/Sewer CIP for repair of Pump Station 12.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Budget Ordinance Amendment #7.

Capital Project Ordinance Amendment #5: Deanna Rios presented Capital Project Ordinance Amendment #5.

CPOA #5 is reducing the Pump Station 7/8 project and returning the funds to the Water and Sewer Operating Fund.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve Capital Project Ordinance Amendment #5.

Other Business: Nothing reported

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 143.318.11(a)(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.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners