

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 7, 2014**

The Lincoln County Board of County Commissioners met April 7, 2014 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

**Commissioners Present:**

Alex E. Patton, Chairman  
Carl E. Robinson, Jr., Vice Chair – arrived late  
James A. Klein  
Carrol D. Mitchem

**Commissioners Absent:**

Cecelia A. Martin

**Others Present:**

W. Tracy Jackson, County Manager  
Martha W. Lide, Assistant County Manager  
Wesley L. Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Planning Board Members:**

Christine Poinsette, Chair  
Darrell Gettys, Vice-Chair  
Todd Burgin  
John Dancoff  
Dr. Crystal Mitchem  
Brian Rabalais

**Call to Order:** Chairman Patton called the April 7, 2014 meeting of the Lincoln County Board of Commissioners to order. He gave the Invocation and led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, April 7, 2014**  
**6:30 PM**

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

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Tax Requests for Releases - Over \$100
    - February 16 - March 15, 2014
  - Tax Requests for Refunds - Over \$100
    - February 17 - March 2, 2014
  - CDBG Monthly Status Update
  - Motor Vehicle Refunds
  - Budget Ordinance Amendment #8
  - Resolution #2014-11: Resolution to Amend the Classification and Compensation Plan (Administrative Assistant/PW)
  - Resolution #2014-12: Resolution to Sell Howard's Creek Volunteer Fire Department a Surplus County Vehicle for \$1.00
  - Minutes for Approval
  - Surplus Property
  - CPOA #8
3. Zoning Public Hearings - Randy Hawkins

ZMA #609 Ralph Dickson, applicant (Parcel ID# 02224) A request to rezone a 0.92-acre parcel from I-G (General Industrial) to B-N (Neighborhood Business). The property is located at 4110 N. NC 16 Hwy., on the north side of N.C. 16 Business and west side of Denver Industrial Park Drive, in Catawba Springs Township.

CUP #334 American Marine Liquidators, Inc., applicant (Parcel ID# 31266) A request for a conditional use permit to sell boats and cars in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD). The 16-acre parcel is located at 4879 N. NC 16 Hwy., on the south side of N.C. 16 Business and west side of Burnwood Trail, in Catawba Springs Township.

WSCUP #18 Dr. Matt Motteler, applicant (Parcel ID# 89693) A request for a conditional use permit to allow the use of the high-density option in the WS-IV Critical Area of the Catawba/Lake Norman Watershed. The applicant is proposing to expand an office building and add parking. The high-density option would allow the development to have a built-upon surface area covering up to 50 percent of the site, with the use of engineered stormwater

controls. The 0.9-acre parcel is located at 623 N. NC 16 Hwy., on the west side of N.C. 16 Business about 350 feet north of Townsend Drive, in Catawba Springs Township.

4. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Public Hearing and Approval of NC16/NC150 Small Area Plan - Randy Williams
6. Public Hearing - Abandoned Structure Ordinance - Andrew Bryant
7. Motion to proceed with the concept and planning sewer upgrades and improvements to Forney Creek Pump Station 15 - Don Chamblee
8. Motion to Terminate Two Lease Agreements for Adult Community Corrections Office Space - Tracy Jackson
9. Report on Fleet Services - Tracy Jackson
10. Rescue Squad Park Update - Tracy Jackson
11. Other Business
  - **East Lincoln Community Center**

Adjourn

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda moving Public Hearing and Approval of NC16/NC150 Small Area Plan before Public Comments.

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

- Tax Requests for Releases - Over \$100
  - February 16 - March 15, 2014
- Tax Requests for Refunds - Over \$100
  - February 17 - March 2, 2014
- CDBG Monthly Status Update
- Motor Vehicle Refunds
- Budget Ordinance Amendment #8
- Resolution #2014-11: Resolution to Amend the Classification and Compensation Plan (Administrative Assistant/PW)
- Resolution #2014-12: Resolution to Sell Howard's Creek Volunteer Fire Department a Surplus County Vehicle for \$1.00
  - Minutes for Approval
  - Surplus Property

- CPOA #8

\*Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.\*

**Zoning Public Hearings:** Randy Hawkins presented the following:

**ZMA #609 – Ralph Dickson, applicant:** The applicant is requesting the rezoning of a 0.92-acre parcel from I-G (General Industrial) to B-N (Neighborhood Business). This property is the site of a NAPA Auto Parts store. This request involves a plan to expand the store building. The rezoning would decrease the minimum rear yard setback to 20 feet from the current 30 feet and the minimum side yard setback to 10 feet from the current 20 feet.

This property is located at 4110 N. NC 16 Hwy., on the north side of N.C. 16 Business and west side of Denver Industrial Park Road. It is adjoined by property zoned B-N, I-G and BG (General Business). It is located in the Eastern Lincoln Development District (ELDD).

Land uses in this area include business, industrial and residential. This property is located in an area designated by the Lincoln County Land Use Plan as industrial.

#### **Permitted uses**

Under current zoning: manufacturing, offices, services, etc.

Under requested zoning: retail sales, offices, services, etc.

#### **Adjoining zoning and uses**

East (opposite side of Denver Industrial Park Road): zoned B-G, plumbing contractor and engineering firm.

South (opposite side of N.C. 16 Business): zoned B-N, hair salon and residence.

West: zoned B-N, motorsports parts store.

North: zoned I-G, fuel storage tanks and multi-tenant commercial development.

Planning Staff's Recommendation

Chairman Patton opened the public hearing.

**Lee Killian**, 4153 Highway 16 North, said he lives 1/10 of a mile from this business. He said NAPA has been there for years, serves a great purpose, and asked the Board to approve the zoning change.

**Ralph Dickson** stated that this is his business. He said they need more room to stock more parts. He said if they can get this zoning change, they should be in good shape for years to come.

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

**CUP #334 – American Marine Liquidators, Inc.** Parcel ID# 31266

The applicant is requesting a conditional use permit to sell boats and cars in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD). Vehicle sales, a classification that includes boat sales, is a conditional use in the I-G and ELDD districts. The ELDD regulations require that all outdoor sales areas for vehicles that front a public road be separated from the right-of-way by a Class A buffer and a fence constructed of ornamental metal or masonry columns.

The 16-acre parcel is located at 4879 N. NC 16 Hwy., on the south side of N.C. 16 Business and west side of Burnwood Trail. It is adjoined on the sides and rear by property zoned I-G. The property on the opposite side of N.C 16 is zoned R-S (Residential Suburban). Land uses in this area included industrial, business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

Chairman Patton opened the public hearing.

***Randolph Salter***, said he and his wife own American Marine Liquidators and they have been in business since 1991. He said this will be a beautiful place and they are moving this business from Catawba County into Lincoln.

***Rudy Bauer***, asked if another used car lot was needed.

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

**WSCUP #18 Dr. Matt Motteler, applicant** (Parcel ID# 89693)

The applicant is requesting a conditional use permit to allow the use of the high-density option in the WS-IV Critical Area of the Catawba/Lake Norman Watershed. The applicant is proposing to expand an office building and add parking spaces. The high density option would allow the development to have a built-upon surface area covering up to 50 percent of the site, with the use of engineered stormwater controls. (Otherwise, in this watershed district, non-residential developments that require an erosion control plan are limited to a built-upon area of 24 percent.).

The 0.9-acre parcel is located at 623 N. NC 16 Hwy., on the west side of N.C. 16 Business about 300 feet north of Townsend Drive. It is adjoined on both sides by property zoned B-N and on the rear by property zoned I-G (General Industrial).

The property on the opposite side of N.C. 16 Business is zoned R-CR (Residential and Commercial/Recreational). Land uses in this area include business, industrial and residential. This property is located at the perimeter of an area designated by the Land Use Plan as a community center, where services and activities for the surrounding area are recommended to be concentrated.

## HIGH-DENSITY OPTION REQUIREMENTS

Under the water-supply watershed regulations of the Lincoln County Unified Development Ordinance, the Catawba/Lake Norman Watershed is designated for the use of the high-density option. The option requires the use of stormwater control structures to control and treat the runoff from the first one-inch of rain. The structures must be designed to meet the Best Management Practices (BMP) standards of the N.C. Department of Environment and Natural Resources. In this case, the plans call for a three bioretention areas.

The regulations require the developer to post a bond or other financial security in an amount not less than 1.25 times the cost of constructing the necessary stormwater controls. In addition, a binding agreement must be signed, requiring the owner to maintain, repair and, if necessary, reconstruct the structures in accordance with an approved operations and maintenance plan. Once the stormwater controls have been constructed and inspected, and prior to the release of the financial security, the applicant is required to deposit with the county either cash or a similar approved instrument in an amount equal to 15 percent of the total construction cost or 100 percent of the cost of maintaining the controls over a 20-year period, whichever is greater.

Chairman Patton opened the public hearing.

*Dave Lutz* introduced himself and made himself available for any questions.

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

**Public Hearing NC 16/NC 150 Small Area Plan:** Randy Williams presented the Board with the Small Area Plan for NC 16/NC150.

Questions arose concerning Lincoln Economic Development's input on this Small Area Plan. The Board discussed postponing a vote until the next meeting to get input from LEDA.

*Steven Schronce*, 4412 Henry Dellinger Road, said his problem with this is a good portion of the property included in this plan will never be sold. He said it seems they are going to a lot of trouble with the plans without considering ownership.

Commissioner Mitchem said he agrees with Mr. Schronce, that this is a waste of time if residents will never sell their property.

Andrew Bryant, Director of Planning and Inspections, stated that to make the changes alluded to on the map, it would take less than ten property owners and there has already been some attempted assemblage of property. He said if the property owners do not want the change, it will not occur. He said they are trying to be ahead of the curve to proactively develop the area.

**Tim Scher** spoke representing Mr. Turbyfill's interest. He pointed out on the map where this property is. He said without this plan, there could be undesirable growth or low end development in this corridor.

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

**UPON MOTION** by Commissioner Klein, the Board voted 3-1 (Robinson against) to table until such time as LEDA gives their input on this Small Area Plan, preferably by the next meeting.

The Planning Board moved to the 2<sup>nd</sup> floor balcony.

Chairman Patton declared a five minute recess and then called the meeting back to order.

**Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)**

Chairman Patton opened public comments.

Mark Lawing spoke concerning Cline Farms and other subdivisions in the county. He asked the Board to modify the Subdivision Ordinance to take care of residents in these neighborhoods where promises were made and then the developer stopped development.

George Barr asked the Board to fund the Rescue Park in full.

Rudy Bauer updated the Board on the situation with papers being thrown out. He asked the Board for an ordinance to stop this. He also commented on Highway 16 and how the runoff onto the roads is awful when it is raining. This is near Hecht Realty on Highway 16 and near Dunkin Donuts on Highway 16. He said the Water crew fixed a leak in front of Carolina Eyecare and left the dirt pile, which made the road muddy.

Being no additional speakers, Chairman Patton declared public comments closed.

**Public Hearing – Abandoned Structure Ordinance.** Andrew Bryant presented the Abandoned Structure Ordinance for the Board's approval.

The Planning & Inspections Department is proposing adoption of a Abandoned Structure Ordinance that targets buildings that have already been condemned. The proposed ordinance is modeled after the City of Lincolnton's Minimum Housing Ordinance. This proposal will ensure that structures that have been condemned by a Building Official can be demolished if the demolition or repair order is not responded to by the owner. The only change that has been made from the original proposal that the board was briefed on in August is the exemption of agricultural buildings. This Ordinance is complaint driven.

Chairman Patton opened the Public Hearing on the Abandoned Structure Ordinance. Being no speakers, Chairman Patton closed the public hearing.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the Abandoned Structure Ordinance.

**Motion to proceed with the concept and planning sewer upgrades and improvements to Forney Creek Pump Station 15:** Don Chamblee presented the following:

The upgrade of Forney Creek lift station was included in the Forney Creek Waste water treatment closure evaluation of January 4, 2012 (page 26). It was further presented in the Fiscal Year 2014 CIP budget for implementation starting after July 1, 2014.

This project is being reviewed with the option to reverse flow on the force main from Old Plank Road. This will allow these improvements and four other pump stations to directly pump to the Waste Water Treatment Plant. This will improve the reliability, efficiency, system operations, reduce flows to Killian Creek Pump Station and may provide additional connections along the Lowesville Forcemain. The Forney Creek Pump Station receives all flow that was coming to the Old Forney Creek pump station and pumps it to the New Killian Creek Waste Water Plant.

This project is needed to meet the demand of existing and new allocations for sewer connections in the Forney Creek Sewer Basin. The project is important to the County planning for known growth. This is required by NC DNER for the County to approve additional allocations to development in the basin coming to Forney Creek Pump Station 15.

No funding is needed in FY 2014.

**UPON MOTION** by Commissioner Klein, the Board voted 3 – 1 (Mitchem against) to proceed with the concept and planning sewer upgrades and improvements to Forney Creek Pump Station 15.

**Motion to Terminate Two Lease Agreements for Adult Community Corrections Office**

**Study:** Tracy Jackson presented the Board with an opportunity to terminate two lease agreements for the Adult Probation and Parole Offices. He said the space they have is not adequate. One solution is to move them to the old Hospital building. It will involve some planning and interior changes. Currently, around \$50,000 per year is spent on the 2 leases. The plan is to give notice to terminate the leases, start design work, with a move date of September, 2014.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to terminate two lease agreements for Adult Community Corrections Office Study.

**Report on Fleet Services:** Tracy Jackson presented information received from Karen Doolittle of the Sheriff's Office concerning fleet services. Lt. Jeff Warlick presented information concerning the agreement.

**UPON MOTION** by Commissioner Klein, the Board voted 3- 1 (Mitchem against) to continue with the School Fleet Maintenance Services for another year.

**Rescue Squad Park Update:** Tracy Jackson said after speaking with different Rotary

representatives and staff, there is the interest to rebid this and separate out the proposed farmer's market.

Commissioner Mitchem asked for an update on the maintenance issue.

Mr. Jackson stated that there was a PARTF that came before the Board at some point. A way to get more points was for the county to take on the maintenance, so this was in the grant when it was approved.

Erma Deen Hoyle said it was in the minutes of the December budget retreat that the Board had given her the directive to work with the Denver Rotary group on a maintenance agreement. She said the county oversees the maintenance and assumes the responsibility for the oversight of maintenance, but groups can also maintain and mow grass.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the County Manager's recommendation and rebid the Rescue Park with the multi-purpose building as an alternate and look at alternate designs for the multi-purpose building.

**UPON MOTION** by Commissioner Klein, the Board instructed staff to look at the lease agreement and the PARTF Grant and make sure that the lease agreement incorporates everything we currently know so we don't lose track of it.

Commissioner Mitchem clarified that this lease will come back to the Board for approval.

**Other Business:**

Tracy Jackson presented a request from the Sheriff to be exempted from the Purchasing Policy. He proposed the following motion: Motion that the Lincoln County Sheriff's Office and Jail be exempted from the Lincoln County Purchasing Policy for single purchases of apparatus, supplies materials or equipment up to \$29,999.99 per purchase as long as budgeted funds are available. A purchase order shall be obtained prior to buying the item and a report will be provided to the Board of Commissioners after the purchase order has been approved.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the amended Lincoln County Purchasing Policy for the Sheriff's Department as presented.

**Update on East Lincoln Community Center:** Mr. Jackson said we are at the point now where the Finance Officer has had a chance to go out and look for possible installment purchasing finance plan for this. He said it would be nice to have a decision tonight to be able to move forward.

Deanna Rios stated that the contract says that funding must be in place. She said this can be added to the installment purchase contract that will be issued by the first of June. She said this amount being added is \$257,000 and want to know that the Board will approve this difference to be financed. The rest is already budgeted.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Klein against) to finance this amount.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners