

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 1, 2016

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 1, 2016, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Cecelia A. Martin, Chairman
Carrol Mitchem, Vice Chair
Martin Oakes
Alex E. Patton
Bill Beam

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
Jeffrey Todd Burgin
John Dancoff
Floyd Dean
Jamie Houser
Keith Johnson
Greg Smith
Andrew Robinson

Others Present:

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

Call to Order: Chair Cecelia Martin called the meeting to order. She led in a Moment of Silence and the Pledge of Allegiance.

Adoption of Agenda: Chair Martin presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 1, 2016
6:30 PM

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

Call to Order - Chair Cecelia Martin

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Request for Releases over \$100 - 12/16/15 - 1/15/16
 - Sheriff's Records Retention Schedule
3. Zoning Public Hearings - Randy Hawkins

CUP #351 Chrissy Reed, applicant (Parcel ID# 87882) A request for a conditional use permit to build a guest house to serve as an accessory use to a single-family dwelling. The 10-acre parcel is located at the end of Farm Bridge Lane about 1,200 feet south of Hallman Farm Lane in Ironton Township.

PD #2016-1 Queen City Land, applicant (Parcel ID# 29612, 34739, 71249 and 71250) A request to rezone 70 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a subdivision with up to 200 lots for single-family homes. The property is located on the east side of N.C. 16 Business about 1,800 feet south of Webbs Road in Catawba Springs Township.

4. Consideration of 2016-2017 Health Insurance Renewal and Plan Options - Candy Burgin
5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Other Business
7. Closed Session - Pursuant to NCGS § 143-318.11. Closed sessions (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations 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

Adjourn

UPON MOTION by Commissioner Patton , the Board voted unanimously to adopt the agenda an Appointment under Other Business.

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

- Tax Request for Releases over \$100 - 12/16/15 - 1/15/16

- CDBG Monthly Report

- Sheriff's Records Retention Schedule

*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

New Business/Advertised Public Hearings:

CUP #351 – Chrissy Reed, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to build a guest house to serve as an accessory use to a single-family dwelling. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain requirements. In this case, the applicant is proposing a 952-square-foot guest house to go along with a planned two-story, 2,700-square-foot main house.

SITE AREA AND DESCRIPTION

The request involves a 10-acre parcel located at the end of Farm Bridge Lane about 1,200 feet south of Hallman Farm Lane in Ironton Township. The property is zoned R-T (Transitional Residential) and is surrounded by property zoned R-T. Land uses in this area are primarily residential, with some agricultural uses. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

ORDINANCE STANDARDS

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

§4.6.5. Residential Accessory Use Standards

K. Private Residential Quarters

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

- 1.** Private residential quarters approved as a conditional use shall be subject to annual review for continued compliance in accordance with the requirements of §9.11.
- 2.** Private residential quarters may be attached to or detached from the principal dwelling in the form of a guest house or garage apartment.
- 3.** Private residential quarters shall not be rented or occupied for gain.
- 4.** The area of private residential quarters shall not exceed 1000 square feet or half the size of the principal dwelling, whichever is less.
- 5.** Private residential quarters shall not have a separate electrical meter.

6. The owner of the property shall occupy either the primary structure or the private residential quarters.
7. One additional parking space on the same premises shall be required for the private residential quarters.
8. Private residential quarters shall be architecturally consistent with the principal structure.
9. Manufactured homes may not be used as private residential quarters.

Commissioner Beam expressed concerns that our zoning is so restrictive that the residents have to apply to build a guest house and then are not able to rent it.

Chair Martin opened the public hearing concerning CUP #351 – Chrissy Reed, applicant.

Chrissy Reed, said she recently bought 10 acres and would like to build a house and a guest house for her family to stay in when they are in town due to the fact that they live in the Midwest.

Ahren Andrews said he owns the property with Chrissy Reed and they would like to build this guesthouse for family when they come to visit.

Being no additional speakers, Chair Martin declared the public hearing closed.

PD #2016-1 – Queen City Land, applicant.

The applicant is requesting the rezoning of 70 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit up to 200 lots for single family homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-SF district.

A concept plan and guidelines for the proposed development, Newton Crossing, have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A traffic impact analysis has also been submitted. (The traffic study also looks at the potential impact of an elementary school located adjacent to the proposed subdivision.)

The applicant has said he will donate a 17-acre site for an elementary school or public park and it will be appropriate for the applicant to amend the Planned District Report to include the commitment for the land.

The property is located on the east side of N.C. 16 Business about 1,200 feet south of Webbs Road. It is adjoined by property R-SF, PD-R (a single-family phase of the Westport Lakeside development), B-G (General Business) and B-N (Neighborhood Business). Land uses in this area are primarily residential, with some business uses

along N.C. 16 Business. County water and sewer are available in this area. This property is largely located in a WS-IV Protected Area watershed district, with a small portion located in a WS-IV Critical Area. None of the property is located in a floodplain.

This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 units per acre depending on the provision of utilities. The proposed subdivision would be served by county water and sewer. The proposed density is 2.9 homes per acre.

Under the UDO's watershed regulations, the maximum density for subdivisions in a WS-IV Protected Area is two homes per acre if streets include curb and gutter, or three homes per acre without curb and gutter, as is proposed in this case.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 26% of the acreage in Newton Crossing would be reserved as recreation and open space.

Subdivisions with more than 50 lots are required to have at least two access points. This proposal calls for a main access on N.C. 16 Business and a secondary access on Sarah Drive, which is a state-maintained road. The plan also complies with the UDO's subdivision standards for internal connectivity, block length and cul-de-sac length.

Andrew Robinson asked about setbacks – he said it is a 50' right of way with 20' paved roadway, he asked where their setback starts. Mr. Hawkins said it starts from the 50' right of way, so you would have 25' from the center of the road to the property line and then the minimum setback would be 20' from the property line. He said it would have sidewalks on one side of the street as required by the UDO. He said the normal setback is 30', but in a planned development, an applicant can propose their own standards.

Mr. Atkins informed the Board that Dr. Sherry Hoyle called him this afternoon to let him know that the School Board would be discussing this particular school site at a meeting tomorrow night.

Chair Martin opened the public hearing concerning PD #2016-1 Queen City Land, , applicant.

Robert Davis, applicant, said he would like to reserve further comments and answer questions at the end of the public hearing.

David Lutz said Essex Homes will be the builder for this development. Newton Crossing is a proposed residential community located in East Lincoln County and will feature 200 homes on 69.80 acres with its main access from Business 16 South and a secondary connection to Sarah Drive. Essex Homes will both develop the site and build the houses.

The proposed Newton Crossing development meets or exceeds all sections of the current Lincoln County UDO and East Lincoln Development District requirements. This request would rezone the property from R-SF to Planned Development-Residential (PD-R). The project is located in the WS-IV watershed which allows 3 lots per acre, with 2.9 lots per acre proposed.

Site amenities include:

- Over 26% open space, more than the 12.5% required
- Formal landscaped entrance
- 5 ft. sidewalk and street trees along proposed streets
- Community cabana with pool, deck area and restrooms
- Walking trails
- A 20 ft. perimeter buffer
- Local road improvements

Mr. Lutz said the residents on Sarah Drive are on well and septic and were built prior to the requirement to connect. This subdivision is proposing to design water and sewer to accommodate future connectivity for the Sarah Drive residents.

Phase 1 would start in the Spring of 2017 with phase 2 potentially following a year later and would trigger the secondary access at Sarah Drive. This project is proposed in 4 phases and the primary amenity area is up front with the pool, picnic area, restroom and cabana area. If the site is accepted for use as a school, there is pedestrian access to connect the subdivision to that property.

The homes will range from mid \$200,00 to the \$300,000 plus range.

Commissioner Oakes asked if the developer plans to run water and sewer lines along Sarah Drive. Mr. Lutz said they haven't gotten that far into the design yet.

Commissioner Oakes said Sarah Drive is a state maintained road, but does not have 50' right of way. He asked if they plan to do anything with that. Mr. Lutz said that would be coordinated with DOT, as far as what they would require to ensure it is up to standards.

Commissioner Oakes said the way he understands it, if a school gets built there, it is up to the state to upgrade that road to handle the school. Mr. Lutz said he believes this is correct.

Floyd Dean asked when the amenities would be constructed. Mr. Lutz said he believes it will be before the third phase, but it is in the planned development.

Mike Surasky, with A. Morton Thomas & Associates, Traffic Engineers for the project, presented the recommendations from traffic study, which Randy Hawkins went over. He added that they have turn lanes at Sarah Drive that were included and they are looking at

a worst-case scenario with the elementary school traffic. He said he is here to answer any questions the Board has.

Commissioner Mitchem asked with the Highway 16 traffic situation currently if it would be wise to put an elementary school on that road. Mr. Surasky answered that the good thing about a school is it is a very condensed time frame, with the worst time from 7:30 to 8:00 a.m. He answered that he did not think an elementary school there would be detrimental.

Commissioner Beam asked if the State would be responsible for widening Sarah Drive for a school. Mr. Surasky said that if the State felt the need to do so they would.

Todd Burgin said traffic backs up tremendously on Highway 16 and will be worse if people are pouring out of there onto Highway 16.

Robert Davis said if a school was to go on the 17 acre site, it has been indicated to them by NCDOT that they would expect Sarah Drive to be widened an additional foot on either side, so a total of 20' of pavement and that they anticipate if the widening is done by the developer that they would resurface the road. He said this site allows for stacking on-site versus stacking on Highway 16. He spoke concerning the connection to Blades Trail and said it would be an estimated cost of \$500,000 and DOT says they have 50' right of way.

Christine Poinsette said from someone who used to live in a rural farm area community that is now called North Mecklenburg, that one of the biggest mistakes made was to not accept large pieces of land that developers dedicated on their own to development. She said whether or not this is approved, she recognized the developer for being willing to donate 17 acres.

Chair Martin said it has been recommended that this public hearing be continued to allow input from the Board of Education as to whether they would use this site. She said everyone in attendance tonight will be heard and the public hearing will be continued until March.

Commissioner Oakes pointed out that this piece of property was looked at by the schools as a site for 3 schools so it is unlikely they will turn it down.

Rudy Bauer said Highway 16 is designated business. He said from the county line north to 73, right now there are 8 housing developments that exit onto business 16. He said if the connection is made to Blades Trail, traffic will be terrible. He said it's time to stop approving homes and start worrying about roads.

Rick Thom, resident on Sarah Drive, said the neighbors are getting the raw end of the deal. He said connecting Sarah Drive at both ends will create a lot of traffic coming through there. He said the traffic will be crazy and will be a nightmare. He said he just put in a \$5,000 well. He asked if he would have to hook up to water and sewer. He said

another school emptying out onto Highway 16 will be a nightmare. Mr. Thom said putting a school there will create more traffic than anyone could even imagine.

JB Hamer, said there is a low point on Sarah Drive and it floods almost every time it rains now. He said he has lived there since 2004, when there was a pasture in that field with horses in it. He expressed concerns about land values and about his daughter being able to play in the street. He said adding the school there is a horrible idea and the infrastructure is not there for the development. He said this does not makes sense, especially for a school.

Steve Pavlic, resident of Sarah Drive, said if the developer is so generous with the property donation, he should give the current property owners a little of the 17 acres so they have some privacy. He said he will now have to worry about his kids being able to play in the road. He said a suicide lane is the last place he wants to take his kids on. He said since the new development is tapping into their road if his kids can go swimming and use the amenities at Newton Crossing. Mr. Pavlic said he is in favor of a park there, but not a school.

James Salvetti, resident of Sarah Drive, said he watches over Sarah Drive to make sure it's safe and protected. He said they do not get much traffic and if you are in there, you live there. He said at once there was a fire on the property in question and Sarah Drive was blocked while they put out the fire.

UPON MOTION by Commissioner Patton, the Board voted unanimously to continue the public hearing until March 7 at 6:30 p.m.

Consideration of 2016-2017 Health Insurance Renewal and Plan Options: Candy Burgin, Human Resources Director, introduced Mark Bowder with Mark III Associates.

Mark Browder presented the following concerning the 2016-2017 Renewal:

- The 2014-2015 plan year trended up 3% and was in a break even position.
- For 2015-2016 there was no increase in funding or plan changes.
- The 2015-2016 Plan is in a slight negative position based on reduced Stop Loss Insurance reimbursements.
- Historically, the current Stop Loss level has performed well for the Plan, but needs review based on the 2015-2016 reimbursements.
- A potential concern for the renewal was the Cadillac Tax, but was deferred until 2020 and has become a non-factor for the 2016-2017 renewal.
- Even using a trend calculation well below the industry (6% for Lincoln County versus 10% for standard 2016-2017 industry trend), there is a need to increase funding for the current plan design.

- The Staff has reviewed a variety of options and has settled in on a couple of options that make the most sense, based on budget and reserves.
- Work that will be needed once we receive the BCBSNC renewal on or about February 5th, is potentially marketing the Stop Loss insurance.

Mr. Browder presented the following 2016-2017 Plan Options:

Option 2 is the recommendation and incorporates the following:

- Changing Radiology to match other Out-Patient services (Deductible and Coinsurance).
- Change Emergency Room Services to Deductible and Coinsurance
- Add \$250 Weight incentive
- Use a portion of the Health Plan Reserves to mitigate the renewal
- With a net increase of only 2.73% plan increase for 2016-2017
- For employees hired after July 1, 2016, the HSA Plan will be the only option available. Current employees can choose either plan available.
- The HSA Plan will promote consumerism, give employees an opportunity to save for future health care expenses, and provide employees with good health care protection.

Commissioner Mitchem asked what Lincoln County pays Mark III. Mr. Browder answered \$21,430. Commissioner Mitchem asked if they have thought of reducing that rate. Mr. Browder answered that they are very competitive. Commissioner Mitchem asked if Mr. Browder would cut the fee by \$250 and Mr. Browder agreed to do so.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the 2016-2017 Health Insurance Plan as presented by Mr. Browder.

Public Comments: Chair Martin opened Public Comments.

Clint Hennessee spoke concerning limiting noise levels in the UDO and asked the Board's opinion on amendments.

Rudy Bauer asked the Board to think about roads.

Robert Avery asked the Board to consider doing the survey.

Being no additional speakers, Chair Martin closed Public Comments.

Other Business: **UPON MOTION** by Commissioner Beam, the Board voted unanimously to appoint Commissioner Oakes to the Gaston Cleveland Lincoln Metropolitan Planning Organization.

A MOTION by Commissioner Mitchem, the Board voted unanimously to appoint Commissioner Beam as an Alternate to the Gaston Cleveland Lincoln Metropolitan Planning Organization. VOTE: 4 – 1 (Commissioner Beam against)

Closed Session – **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session - Pursuant to NCGS § 143-318.11. Closed sessions (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations 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

Chair Martin announced that no action was taken in Closed Session.

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