

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 9, 2017

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on January 9, 2017, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Bill Beam, Chair
Martin Oakes, Vice Chair
Carrol Mitchem
Richard Permenter
Anita McCall

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
John Dancoff
Floyd Dean
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: Chairman Beam called the meeting to order. He led in a Moment of Silence and the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 9, 2017
6:30 PM

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

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Tax Requests for Releases 11/16 - 12/15/16 - Susan Sain
- 2a. Sponsored Group Fees - Upward Sports Ministry Celebration
3. Zoning Public Hearings - Randy Hawkins

PA #41 Lineberger Brothers, Inc., applicant (Parcel ID# 02420) A request for sketch plan approval for a proposed 11-lot subdivision with approximately 400 linear feet of new roadway off Wingate Hill Road. The property is located on the north side of Wingate Hill Road about 400 feet northeast of its intersection with Fay Jones Road in Ironton Township.

CUP #358 SCI Towers, LLC, applicant (Parcel ID# 26755) A request for a conditional use permit to erect a 108-foot wireless telecommunications tower in the R-S (Residential Suburban) district. The proposed 11-acre site is located at 3252 E. NC 27 Hwy., on the south side of N.C. 27 at its intersection with Asbury Church Road, in Ironton Township.

PD #2016-7 Queen City Land, LLC, applicant (Parcel ID# 34127, 34124 and 34130) A request to rezone 84.7 acres from B-G (General Business) and R-SF (Residential Single-Family) to PD-R (Planning Development Residential) to permit a subdivision with up to 165 single-family detached homes. The property is located on the west side of N.C. 16 Business about 800 feet north of Hagers Hollow Drive in Catawba Springs Township.

4. Approval of Performance Guarantee Application Approval for Mariner's Pointe at Smithstone Phase 2 - Jeremiah Combs
5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Approval of Dorothy Louise Kyler Foundation grant in the amount of \$4,000.00 for fiscal year 2016-2017 - Jennifer Sackett
7. Amendment of Contract to Audit Accounts - Deanna Rios
8. Other Business
- Discussion of Commissioner Procedures

Adjourn

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

Tax Requests for Releases 11/16 - 12/15/16: Mr. Atkins said these tax releases are for \$100 or more, a total of \$8217.46.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve.

Sponsored Group Status – Upward Sports Ministry Celebration: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Sponsored Group Status for Upward Sports Ministry Celebration.

New Business/Advertised Public Hearings: Mr. Wesley Deaton confirmed that no board member has had any ex parte' communications or conflicts of interest.

PA #41 – Lineberger Brothers Inc., applicant: Jeremiah Combs presented the following information:

Chairman Beam opened the public hearing concerning PA #41– Lineberger Brothers, Inc., applicant.

The applicant is requesting preliminary plat review/ sketch plan approval for an 11 lot subdivision along Wingate Hill Road. The subdivision extends a new roadway approximately 400 linear feet into the subject property. Street trees would be planted along this new roadway, as required by the Lincoln County Unified Development Ordinance. The Lincoln County Unified Development Ordinance states in Article 9.6, all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing for approval, disapproval or approval with conditions.

The 19-acre site is located on the north side of Wingate Hill Road approximately 400 feet northeast of the intersection with Fay Jones Road in Ironton Township. The subject property is zoned R-SF (Residential Single Family), and is adjoined by property zoned RSF and R-T (Transitional Residential). The subdivision will be served by private wells and septic systems.

The Lincoln County Land Use plan designates this area as Rural Residential, where low density residential development (i.e. less than 1 unit per acre) is encouraged, so that the rural characteristics of the area are retained.

Chairman Beam opened the Public Hearing for PA #41 – Lineberger Brothers Inc., applicant.

Keith Johnson, Planning Board member, asked about access for lot #13. Mr. Combs said access is the road frontage on Wingate Hill Road.

Mr. Combs said lots 13 and 14 have been combined in the final plat submitted.

John Lineberger, 6154 Vesivius Furnace Road, Iron Station, said this is phase 2 of Wingate Hills Subdivision. He said there would be 1 house per acre. The road put in will be DOT approved. He said it will conform to the surrounding area. Mr. Lineberger incorporated his findings presented into his testimony.

Being no additional speakers, Chairman Beam declared the public hearing closed.

PD #2016-7 Queen City Land, LLC, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 84.7 acres from B-G (General Business) and R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 165 single-family detached homes. (A preliminary plan that was presented at a community involvement meeting in October called for up to 200 homes, but it was subsequently amended.)

Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. A concept plan and guidelines for the proposed development 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.

SITE AREA AND DESCRIPTION

The property is located on the west side of N.C. 16 Business about 800 feet north of Hagers Hollow Drive in Catawba Springs Township. It is adjoined by property zoned RSF, B-N (Neighborhood Business), I-G (General Industrial) and R-T (Transitional Residential). Land uses in the area include residential, business, industrial and institutional.

A Duke Energy transmission right-of-way, a railroad right-of-way and Forney Creek cross this property. A multi-tenant commercial development is located on N.C. 16 Business just to the north of this property. An industrial building is located behind the commercial building. Denver Wesleyan Church, a small industrial park and the Hagers Hollow subdivision are located to the south. The stream that crosses the property is separated from the proposed home sites by the railroad right right-of-way.

The proposed subdivision would have two access points on N.C. 16 Business south of the commercial development, plus an emergency access road on the north side.

A small portion (just under an acre) of the front of this property is located in a WSIV Critical Area watershed district, but the rest of the property lies outside a water supply watershed. Portions of the property along Forney Creek are located in a 100-year floodplain.

PLAN CONFORMANCE

This property is part of an area designated by the Lincoln County Land Use Plan as Residential Suburban, 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 county's greenway plan identifies Forney Creek as a proposed connection to the Carolina Thread Trail. Under the master plan for this development, the area west of Forney Creek would be transferred to the Catawba Lands Conservancy. Existing portions of the Carolina Thread Trail are located on land protected by the conservancy. Based on the total acreage of the property (the 84.7 acres does not include the railroad right-of-way), the proposed density of the development is 1.95 homes per acre. (Not including the proposed conservation area, the proposed density is 2.4 homes per acre.)

Commissioner Oakes asked if this is west of the railroad. Mr. Hawkins said that yes, it could be west of the railroad.

UDO COMPLIANCE

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. More than 25% of the acreage in this development would be accessible as open space (not including the area west of the railroad right-of-way but including the Duke Energy right-of-way).

The proposed plan also complies with the UDO's subdivision standards for external access, internal connectivity, block length and cul-de-sac length.

Todd Burgin, Planning Board member, asked how many developments and homes have been approved that feed into St. James Elementary and North Lincoln Middle and High Schools over the past 24 months. Mr. Hawkins said Newton Crossing, now Stratford, with 200 homes, Sylvan Creek with 198 homes and Rock Creek with 150 homes.

Mr. Burgin asked at what point the schools will be overloaded.

Commissioner Oakes said there is a spreadsheet that shows capacity. There is space needed for 300 students with this development included. 190 are for Catawba Springs and 95 for St. James. Rock Springs has 3 extra classrooms currently.

Mr. Bryant said these spreadsheets show a cumulative effect with all developments, so they are building on each other. He said Lincoln County's student generation rates are .3 children per house, then they are split among grade levels. Our number is lower than the national average.

Commissioner Oakes said it will be 2 to 3 years until those children are in the schools.

Mr. Atkins said he has a meeting with Dr. Sherry Hoyle this week to speak concerning the bond dollars for schools.

Chairman Beam opened the Public Hearing concerning PD #2016-7 Queen City Land, LLC, applicant.

Robert Davis, 8065 Bay Pointe Drive, said the site is a little over 84 acres and the original plan was for approximately 200 homes. Based on demographics and market

studies, they have reduced it to 165 homes. There are multiple points of egress and ingress.

Dave Lutz, 7890 Silver Jade Lane, said the Howard Property is a proposed single family residential community located in East Lincoln County and will feature up to 165 homes and will be accessed from NC Hwy 16. The proposed Howard Property development meets or exceeds all sections of the currently Lincoln County UDO and East Lincoln Development District requirements. This request would rezone the property from B-G & R-SF to Planned Development-Residential (PD-R). A small portion (just under one acre) of the front of the property is located in a WS-IVC watershed and a portion along Forney Creek is located in the 100-year floodplain.

Site amenities include:

- Exceeds the open space requirement of 12.5% providing over 25%
- Formal landscaped entrance
- 5 ft. sidewalk and street trees along proposed streets
- Amenity area
- Walking trails
- A 20 ft. perimeter landscape buffer

1) Vehicular access:

a. Two access points will be provided from N. Hwy NC 16.

2) Improvements to Existing Roads: A Traffic Impact Analysis (TIA) has been completed. Any improvements by developer required by NCDOT will be installed per their requirements. Any improvement will be installed based on the timeline determined by NCDOT and the traffic engineer's phasing analysis. Below is a list of the full buildout improvements detailed in the TIA.

NC 16 Business Section

- NC 16 Business will be widened to a three-lane cross section to provide a TWLTL from just north of Site Access #1 south to Site Access #2.

Intersection of NC 16 Business and Webbs Road

- There are no improvements recommended at this intersection.

Intersection of NC 16 Business & Fairfield Forest Road/Wallace Lane

- There are no improvements recommended at this intersection, but the developer has agreed to contribute \$25,000 toward future improvements by NCDOT prior to the recording of the plat for Phase 1.

Intersection of NC 16 Business & Site Access 1

- Construct Site Access 1 to provide full access to NC 16 Business with one ingress lane and two egress lanes. Construct one exclusive left-turn lane and one exclusive right-turn lane on the eastbound approach of Site Access 1. The rightturn lane will provide a minimum of 50 feet of full width storage. The one ingress

lane will receive traffic from proposed TWLTL on northbound NC 16 Business and from the shared through/right lane on southbound NC 16 Business.

Intersection of NC 16 Business & Site Access 2

- Construct Site Access 2 to provide full access to NC 16 Business with one ingress lane and one egress lane. Construct one shared left and right-turn lane on the eastbound approach of Site Access 2. The one ingress lane will receive traffic from proposed exclusive left-turn lane on northbound NC 16 Business and from the shared through/right lane on southbound NC 16 Business.
- Construct an exclusive left-turn lane on the northbound approach of NC 16 Business with a minimum of 100 feet of full-width storage and the appropriate bay taper.

Common Open Space will include a community park consisting of a playground and picnic area. In addition, uses on the COS may include landscaping, fences, walls, berms, pedestrian trails, recreational uses, entry signage, monuments, dog park, community garden, and storm water BMPs (if required).

The proposed development includes a 20 Ft. (Class B) perimeter buffer. Residential lots will have the following setbacks:

Front Setback: 20 feet

Side Setback: 5 feet (10' corner)

Rear Setback : 20 feet

Building height shall be limited to 45 feet and lot width shall be 40 feet minimum. Lot platting will meet Lincoln County subdivision regulations.

Matt Covington with the Carolina Lands Conservancy and Carolina Thread Trail, said they support this development. The developer has worked with them for a bargain sale of the 28 acres west of the railroad so they can add onto their nature preserve and extend the Carolina Thread Trail. He said the Conservancy will not do anything other than put a trail there, it will be left natural.

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

CUP #358 – SCI Towers, LLC, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to erect a 108-foot wireless telecommunications tower in the R-S (Residential Suburban) district. Under the Unified Development Ordinance, a telecommunications tower in excess of 60 feet and no greater than 325 feet is a conditional use in the R-S district, subject to certain standards.

The proposed site is an 11-acre tract located at 3252 E. NC 27 Hwy., on the south side of N.C. 27 at its intersection with Asbury Church Road, in Ironton Township. It is

adjoined by property zoned R-S and B-N (Neighborhood Business). Land uses in this area include residential and business. This property is part of an area designated by the Lincoln County Land Use Plan as Mixed Residential, a designation with an option for higher-density development, including townhomes and apartments.

This property is located in the Airport Overlay District's horizontal zone. In the horizontal zone, structures are limited to a maximum height of 978 feet above mean sea level (100 feet above the airport elevation). The proposed tower would extend to a height of 1,040 feet above mean sea level. Under a UDO amendment approved on a December 19, 2017, an exemption from the height limit may be approved for a wireless telecommunication tower as part of the conditional use permit process, provided an applicant is able to demonstrate compliance with all Federal Aviation Administration (FAA) standards and regulations and receives approval from the FAA for the construction of the proposed tower. In this case, the FAA has issued a determination that the proposed tower would not be a hazard to air navigation provided it is lighted in accordance with FAA regulations. A copy of the FAA determination is included with this information packet.

ORDINANCE STANDARDS

Wireless telecommunications facilities are classified under civic uses. The Unified Development Ordinance sets the following standards for such facilities:

§4.3.7 Wireless Telecommunication Facility

A. The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Accessory structures and equipment must meet all applicable standards of this UDO.

B Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.

C. Minimum tower setbacks shall be as follows:

1. From all lot lines and public right-of-ways, a distance equal to the tower's fall zone, as certified by a licensed professional engineer in the State of North Carolina, plus 20 feet; and
2. From any residential use, a distance of its height plus 50 feet, unless the owner of the use waives this requirement by a notarized affidavit.

D. The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.

E. Unless otherwise restricted, the height of a tower is limited per §2.2.1, Use Table. Antennae or equipment mounted on a building must meet the height requirements of §2.4.

F. A tower must not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.

G. The color of a tower and its antennae shall be one that will blend to the

greatest extent possible with the natural surroundings.

H. No commercial signs or advertising shall be allowed on any tower, antennae, accessory structure or equipment.

I. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.

J. Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days. The County shall require financial guarantees in accordance with §5.10 to guarantee removal of abandoned equipment in compliance with the requirements of this subsection.

K. Telecommunication/transmission towers shall not be constructed unless the tower owner has general liability coverage of at least \$1,000,000. The owner of the tower shall provide the County with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the County 30 days prior to the cancellation, modification or failure to renew the insurance coverage required. Lapse of this insurance shall be deemed by the County to be sufficient grounds to revoke the applicable County permits.

Chairman Beam opened the public hearing concerning CUP #358 – , applicant.

Craig Parker, Project Manager for SCI Towers, said this application is for a 108 foot monopole tower, that includes the lightening rod. Verizon Wireless will be the anchor tenant and will facilitate other carriers in the future. Everything in the application meets the standards and findings in the findings of fact. Michael Berkowitz's report was submitted that there would be no effect on surrounding properties. Mr. Parker said he has reviewed the packet and based on the information and research done, he agrees with the report.

Being no additional speakers, Chairman Beam declared the public hearing closed.

The Planning Board recessed their meeting to the 2nd floor balcony.

Chairman Beam called for a brief recess and then called the meeting back to order.

Approval of Performance Guarantee Application Approval for Mariner's Pointe at Smithstone Phase 2: Jeremiah Combs presented the Performance Guarantee Application Approval for Mariner's Pointe at Smithstone Phase 2 for the Board's approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Performance Guarantee Application.

Public Comments: Chairman Beam opened Public Comments.
Being no speakers, Chairman Beam closed Public Comments.

Approval of Dorothy Louise Kyler Foundation grant in the amount of \$4,000.00 for fiscal year 2016-2017: Jennifer Sackett presented the following information:

The Lincoln County Public Library has been awarded \$4000.00 from a private firm named the Dorothy Louise Kyler Foundation. The money will be used to enhance the children's collection of the Lincoln County Public Library. The grant terms allow for the purchase of books, CD's, DVD's and audiobooks for children only. This grant does not have a required match.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Dorothy Louise Kyler Foundation Grant.

Amendment of Contract to Audit Accounts: Deanna Rios said this is an amendment of the Audit Contract for fiscal year 16. The audit is complete except for required Medicaid/DSS testing, but the state did not get the information to the counties until the first week of December, 2016. The audit should be completed and submitted to LGC by January 31, 2017.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve.

Other Business:

Chairman Beam said there have been discussions this week about the proper way to do business. He asked the County Attorney if it is proper to have two Commissioners to meet with certain groups, etc. to bring back more information to the entire Board. Mr. Deaton said this is a proper way to do business and is done frequently.

Commissioner McCall asked if would be appropriate for one Commissioner to ask that this not be done. Mr. Deaton advised that she would need to make a motion to be voted on by the entire Board.

A MOTION by Commissioner McCall that all discussions concerning the CMC facility be held in the public and involve all Commissioners. She said she has had a large number of calls and would like everything done in public eye.

The Board discussed committee meetings and situations where these are helpful and an effective tool.

Commissioner Mitchem said the stories in the newspaper have put incorrect information out there and this is one problem.

Vote: 1 – 4 AYES: McCall
NOES Oakes, Beam, Mitchem, Permenter

She asked for the record to show that anything she is asked to vote on, she would like to be privy to all discussions on them.

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