

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, OCTOBER 1, 2018**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on October 1, 2018, 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  
Anita McCall, Vice Chair  
Martin Oakes  
Richard Permenter

**Commissioners Absent:**

Carrol Mitchem

**Planning Board Members Present:**

Todd Burgin, Chairman  
Floyd Dean, Vice-Chairman  
Jamie Houser, Secretary  
Matt Burton  
Matt Fortune  
Keith Gaskill  
Milton Sigmon

**Others Present:**

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

**Call to Order:** Chairman Beam called the meeting to order. He led in a Moment of Silence and led 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, October 1, 2018**  
**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. Consent Agenda
  - Tax Requests for Refunds - 8/13 - 8/26/18
  - Award of Service Weapon (Serial #BDW5235) to Sheriff David Carpenter
  - Minutes for Approval
  - Waived fees for Special Olympics Prom
  - Surplus Property
3. PUBLIC HEARINGS

### **Quasi-Judicial Cases**

~~CUP #385 Joseph Whiton, applicant (Parcel ID# 02101) A request for a conditional use permit to sell motorcycles and ATVs in the I-G (General Industrial) district with no outdoor display. The proposed location is Unit C of a multi-tenant building located on a 1.8-acre lot at 8261 NC 73 Hwy., on the northeast corner of N.C. 73 and Club Drive, in Catawba Springs Township.~~

CUP #386 George Bundy, applicant (Parcel ID# 23957) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 6.4-acre parcel is located at 2494 Keener Road, on the south side of Keener Road about 2,000 feet west of Hill Road, in Ironton Township.

PCUR #26A DePaul Community Facilities, Inc., applicant (Parcel ID# 72768) A request to amend a conditional use permit to allow an expansion of an assisted living center, including a 20-bed addition. The 3.0-acre parcel is located at 3900 Wexford Lane, at the end of Wexford Lane about 600 feet southwest of N.C. 16 Business, in Catawba Springs Township.

### **Legislative Cases**

CZ #2018-6 Robert Dober, applicant (Parcel ID# 24149) A request to rezone a 0.95-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to allow vehicle sales as an additional permitted use. The property is located at 3431 E. NC 150 Hwy., on the north side of N.C. 150 about 800 feet west of Shuford Road, in Ironton Township.

~~PD #2016-5 A2 Ryan Companies US, Inc., applicant (Parcel ID# 32850) A request to amend the master plan for the Wildbrook planned development to permit a charter school to open in August 2019 under a temporary certificate of occupancy if access roads in the adjoining Rivercross development are not complete, on the conditions that the school provide a~~

~~financial guarantee for the completion of the roads and hire an off duty police officer to help manage traffic. The 73 acre Wildbrook site borders Triangle Circle, Rufus Road and Airlie Parkway. The location for the charter school is on the eastern portion of the site on Triangle Circle.~~

4. Madison-Derr Iron Furnace - National Register of Historic Places - Jason Harpe
5. Adoption of Schedule of Values - Susan Sain and Chris Nelson will present
6. Performance Guarantee Application Approval - Ivey Ridge Phase 2 - Jeremiah Combs
7. Performance Guarantee Extension - Trilogy (Carolina Ridge) Parcel A Map 2 - Jeremiah Combs
8. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
9. Request to approve bid for replacement of the Field Operations Center and Grounds Shop Roofs - John Henry
10. Request to approve spending grant funds on the West Lincoln Library furniture and Shelving - John Henry
11. Airport Agreement- Josh Grant
12. Other Business
13. Closed Session - Economic Development

Adjourn

**UPON MOTION** by Commissioner Oakes, 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 as submitted.

Consent Agenda

- Tax Requests for Refunds - 8/13 - 8/26/18
- Award of Service Weapon (Serial #BDW5235) to Sheriff David Carpenter
- Minutes for Approval 9/10/18, 9/17/18
- Waived fees for Special Olympics Prom
- Surplus Property

**New Business/Advertised Public Hearings:** Mr. 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.

No ex parte communication was revealed.

**CUP #386 – George Bundy, applicant:** Randy Hawkins presented the following:

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 6.4-acre parcel is located at 2492 Keener Road, on the south side of Keener Road about 2,000 feet west of Hill Road, in Ironton Township. It is adjoined by property zoned R-S and R-T (Transitional Residential). A singlewide manufactured home was previously located on this property. Land uses in this area are primarily residential and include site-built houses and manufactured homes. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for single-family homes.

Mr. Hawkins stated that the mobile home was moved onto the site, in error, when the application was submitted, but has since been removed by the applicant. There was a single wide mobile home on the site previously, but since it was removed over six months ago, a conditional use permit is necessary.

Chairman Beam opened the public hearing for CUP #386 – George Bundy, applicant.

William C. Packer said he is here representing Mr. Bundy. He said he does not know how long the mobile home has been gone from the property. He said the owner wants to put a doublewide on the property for his grandson to live in. He said Mr. Bundy has owned the property 4 months and he is putting a doublewide on the site for his grandson to live in. The doublewide is a 2000 model, is about 1800 square feet and will be remodeled.

Mr. Hawkins advised that 2000 mobile homes would be built to the same standard as today's mobile homes. The applicant has plans to improve the interior.

Rhonda Coleman, spoke representing her mom who lives at 490 Hill Road. She said she spoke with Mr. Hawkins about the request. Ms. Coleman expressed concerns that the request is in a business name and not a person's name. She said they are concerned that with 6 acres there would be a mobile home park. Ms. Coleman said the property owner pulled the mobile home onto the property before the hearing.

Melvinia Robinson, 440 Hill Road, said she was concerned that the mobile home was placed there before the public hearing. She said it is not a newer mobile home and they are concerned with the condition of it and their property values.

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

#### **PCUR 26A – DePaul Community Facilities, applicant:**

The applicant is requesting to amend a conditional use permit to allow an expansion of an assisted living center, including a 20-bed addition. Plans for the center, Wexford House, were approved in 1997 in a parallel conditional use rezoning of the property to CU R-S (Residential Suburban). An assisted living center is a conditional use in the R-S (Residential Suburban) district. Wexford House currently has 44 beds. The expansion would also include an enlarged dining area and an addition of a covered drop-off area.

## SITE AREA AND DESCRIPTION

The 2.8-acre parcel is located at 3900 Wexford Lane, at the end of Wexford Lane about 600 feet southwest of N.C. 16 Business. It is adjoined by property zoned R-S and R-SF (Residential-Single Family). It is adjacent to The Terraces, a retirement community. The subject property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center and is adjacent to an area designated as Multi-Family Neighborhood.

Chairman Beam opened the public hearing for PCUR #26A – DePaul Community Facilities, applicant.

Keith Broderick stated that he prepared the findings of fact and incorporated into his testimony.

Perry Peterson, Architect for the project, said they are proposing to add 20 beds to facility and a dining room addition. He said this will be behind the facility and will not really be seen.

Lee Killian, 4153 Highway 16 North, said his family sold the property to these people after looking at a facility in Concord. The Wexford House is a very nice facility and everyone enjoys it. He said he owns adjoining property and welcomes their addition.

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

## **CZ #2018-6 – Robert Dober, applicant:**

The applicant is requesting the rezoning of a 0.95-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to allow vehicle sales as an additional permitted use of the property. The current use of the property for vehicle service and U-Haul rental would remain permitted. Vehicle sales is not permitted in the B-N district. It's a conditional use in the B-G district. If the rezoning request is approved, the use of the property would be limited to the specified uses. A site plan has been submitted as part of the rezoning application. The site plan shows a small proposed building that would be used as a sales office. Also included are minutes from a community involvement meeting that was held on Aug. 28.

**Site Area & Description** The subject property is located at 3431 E. NC 150 Hwy., on the north side of N.C. 150 about 800 feet west of Shuford Road, in Ironton Township. It is adjoined on all sides by property zoned R-SF (Residential Single-Family). Land uses in this

area include residential, institutional (church) and business. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial, suitable for general commercial services. Additional Information Permitted uses Under current zoning: vehicle service, retail sales (except for vehicle sales), offices, personal services, restaurant, etc. Under proposed zoning: vehicle sales, vehicle service, U-Haul rental. Adjoining zoning and uses East: zoned R-SF, undeveloped lot. South (opposite side of N.C. 150): zoned R-SF, residences. West: zoned R-SF, church. North: zoned R-SF, church property and undeveloped tract.

The Board discussed spot zoning with this site.

Chairman Beam opened the public hearing for CZ #2018-6 – Robert Dober, applicant.

Robert Dober said he wants to do a small used car lot, mostly internet based. He said he wants to sell quality used cars to the neighborhood.

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

Chairman Beam called for a brief recess while the Planning Board moved their meeting to the 2<sup>nd</sup> floor balcony. Chairman Beam called the meeting back to order.

**Madison-Derr Iron Furnace – National Register of Historic Places – Jason Harpe:**

Jason Harpe presented the following:

The Madison-Derr Iron Furnace is going through the nomination process for addition to the National Register of Historic Places. Prior to review by the North Carolina National Registry Advisory Committee meeting they are seeking concurrence with the nomination by the local Historic Properties Commission and Board of County Commissioners prior to them forwarding the nomination on the the Department of the Interior.

The Madison-Derr Iron Furnace was constructed in 1809 and operated through the Civil War. This furnace along with others in the area contributed to the regional growth of the iron industry. The industry itself spurred by the availability of natural resources suited for iron production and state land grants established in 1788 for the creation of ironworks in North Carolina, contributed greatly to the early development and growth of Lincoln County and surrounding areas.

Mr. Harpe asked that the Board concur with the report on the historical significance of the Madison-Derr Furnace.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to concur with the report on the historical significance of the Madison-Derr Furnace.

**Adoption of Schedule of Values:**

Susan Sain, Tax Administrator, asked for the public hearing on the Schedule of Values to be closed and requested approval of the Schedule, Standards and Rules and the Present Use Value Rate per NCGS 105-317 for the January 1, 2019 Revaluation.

Chairman Beam closed the Public Hearing on the Schedule of Values, which was carried over from the September 17, 2018 meeting.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Schedule, Standards and Rules and the Present Use Value Rate per NCGS 105-317 for the January 1, 2019 Revaluation.

**Performance Guarantee Application Approval – Ivey Ridge Phase 2:** Jeremiah Combs presented a Performance Guarantee Application Approval for Ivey Ridge Phase 2.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve a Performance Guarantee Application Approval for Ivey Ridge Phase 2.

**Performance Guarantee Extension – Trilogy (Carolina Ridge) Parcel A, Map 2:** Jeremiah Combs presented a Performance Guarantee Extension for Trilogy (Carolina Ridge) Parcel A, Map 2.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve a Performance Guarantee Extension for Trilogy (Carolina Ridge) Parcel A, Map 2.

**Public Comments:** Chairman Beam opened Public Comments.

*Bud Cesena* informed the Board that he and Ann will be attending the National Law Enforcement Museum in D.C., which will be open to the public on October 13. He will take the Lincoln County patches to the ceremony for the deceased officer, John Howell. He said this museum has been paid for with private funds through FOP and other professional organizations and has been in the works for five years.

Being no additional speakers, Chairman Beam closed Public Comments.

**Request to Approve Bid for the Replacement of the Field Operations Center and Grounds Shop Roofs:** John Henry presented the following:

The metal roof on both buildings has reached end of life. Both have several leaks that staff continuously have to patch. Purchasing received bids on September 11, 2018. MBA Construction was the low bidder at \$67,896.19. Price includes base bid of \$64,802.23 and coping alternate of \$3,093.96 Contractor submittals have been reviewed and approved. He requested approval of the contract with MBA Construction.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the contract with MBA Construction for roof replacement for the Field Operations Center and Grounds Shop.

**Request to approve spending grant funds on the WL Library:** John Henry presented the following:

The Lincoln County Library received a State grant in the amount of \$250,000 for furniture and shelving. The funds must be expended by and reimbursement sent to the state by December 2018. He requested approval to purchase furniture and shelving not to exceed \$250,000.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the purchase of furniture and shelving not to exceed \$250,000.

**Airport Agreement:** Josh Grant said there are ongoing discussions with the City concerning the Airport Agreement. It is scheduled to be approved by the City Council and will be placed on the next agenda for approval by the Commissioners.

**Other Business:** Nothing reported.

**Closed Session:** **UPON MOTION** by Commissioner McCall, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11 (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.

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

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Bill Beam, Chairman  
Board of Commissioners