

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 3, 2019**

The Lincoln County Board of County Commissioners met on June 3, 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  
Megan Gilbert for Wesley Deaton, County Attorney  
Josh Grant, Programs Manager  
Amy S. Atkins, Clerk to the Board

**Planning Board Members Present:**

Todd Burgin, Chairman  
Floyd Dean, Vice-Chairman  
Jamie Houser, Secretary  
Matt Burton  
Matt Fortune  
Keith Gaskill  
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 June 3, 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, June 3, 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~~

- VTS Refunds

- Surplus Property

- Waived fees - Metal of Honor Program

- Resolution to Adopt the Interlocal Agreement to join the NCACC Risk Management Pool

3. **Zoning Public Hearings**

**Quasi-Judicial Cases**

PA #46A H & A Investors LLC, applicant (Parcel ID# 71506) A request to amend the phasing of a preliminary plat/sketch plan for a five-lot commercial subdivision. The 10.9-acre parcel is located on the west side of N.C. 16 Business at Webbs Road in Catawba Springs Township.

PA #47 Sabitha and Jiten Sanghvi and Parathazathel Mohanan, applicants (Parcel ID# 88402) A request for preliminary plat/sketch plan approval for a 24-lot residential subdivision with new roads. The 22.3-acre parcel is located on the west side of Union Church Road, about 900 feet north of the intersection with Gateway Lane and Arbor Hills Drive, in Ironton Township.

CUP #403 Amanda Hoyle, applicant (Parcel ID# 11260) A request for a conditional use permit to place a Class C (singlewide) manufactured home in the R-S (Residential Suburban) district. The 1.0-acre parcel is located at 499 Keystone Lane, on the west side of North Brook 3 School Road at its intersection with Tallent Road, in North Brook Township.

CUP #404 Brandy Hayes, applicant (Parcel ID #24244) A request for a conditional use permit to build a facility to host weddings and other events in the R-T (Transitional Residential) district. The 135-acre parcel is located on the north side of N.C. 73 about 2,200 feet east of Amity Church Road in Ironton Township.

CUP #406 Erik Distasio, applicant (Parcel ID# 55980) A request for a conditional use permit to operate a haunted Halloween trail in the R-T (Transitional Residential) district. The 1.8-acre parcel is located at 2576 Swanson Road, on the west side of Swanson Road about 500 feet north of N.C. 150, in Howards Creek Township.

**Legislative Cases**

CZ #2019-5 Dean Fisher, applicant (Parcel ID# 33243 and a portion of Parcel ID# 74369) A request to rezone 6.2 acres from R-SF (Residential-Single Family) to CZ B-G (Conditional Zoning General Business) to permit contractors' offices, retail sales (including sales of boat lifts

with outdoor display and storage), and other uses permitted in the B-G district. The proposed site is located at 2996 N. NC 16 Business Hwy., on the east side of N.C. 16 Business about 1,600 feet north of Webbs Road, in Catawba Springs Township.

UDO Proposed Amendments #2019-1 Lincoln County Planning and Inspections Department, applicant. A proposal to amend the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners.

2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned Development-Residential) district.

4. Public Hearing - Fiscal Year 2019-20 Budget and CIP
5. Public Comments
6. Budget Ordinance Amendment #8 - Deanna Rios
7. Approval of Kennel Purchase for Animal Services - John Henry
8. Old Health Department Property Sale Update - John Henry
9. Shanklin Library Roof Replacement - John Henry
10. Other Business
11. Closed Session pursuant to § 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.

Adjourn

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

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

—Approval of Minutes

- VTS Refunds
- Surplus Property
- Waived fees - Metal of Honor Program

- Resolution to Adopt the Interlocal Agreement to join the NCACC Risk Management Pool

Chairman Mitchem thanked Todd Burgin and Floyd Dean for their service to the Planning Board. They have both served six years and their terms have expired.

**Zoning Public Hearings:**

**New Business/Advertised Public Hearings:** Megan Gilbert, gave information on the zoning cases and asked if any Board member has had ex parte communication on the Conditional Use Permits. She explained standing in quasi-judicial cases.

**Plat Approval #46A - H & A Investors LLC, applicant:** Jeremiah Combs Planner I, presented the following:

**Request**

The applicant is requesting approval to amend a preliminary plat review/ sketch plan approval for a 5 lot subdivision for commercial uses, including proposed public water line extensions and proposed roads. The plan approved by the Lincoln County Board of Commissioners on February 18, 2019, indicated the commercial subdivision would be developed in a single phase. The applicant is proposing to revise the plan to develop the subdivision in two phases. Under the proposed phased plan, a portion of the new internal roads would be installed with Phase 1, which includes Lot 1, and a portion of the roads would be installed with Phase 2, which includes Lots 2-5. The new waterline extension and the new private low-pressure sewer line would be installed with Phase 2. No revisions to the road layout or driveway locations have been proposed.

**Site Area & Description**

The 10.9-acre tract (Tax Parcel ID# 71506) is located on the west side of N.C. 16 Business across from Webbs Road. The subject property is zoned B-N (Neighborhood Business) and R-SF (Residential Single-Family) and is adjoined by property zoned B-N, R-SF, and I-G (General Industrial). The property is also located within the Eastern Lincoln Development District.

**Land Use Plan**

The Lincoln County Land Use plan designates this area as a Suburban Commercial Center, suitable for general commercial services.

Chairman Mitchem opened the public hearing for Plat Approval #46A - H & A Investors LLC, applicant.

Doug Core, speaking on behalf of the applicant, said he prepared and would like to incorporate the Findings of Fact into his testimony.

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

**Plat Approval #47 - Sabitha & Jiten Sanghvi and Parathazathel Mohanan, applicants:**

**Request**

The applicants are requesting approval of a preliminary plat review/ sketch plan for a 24-lot residential subdivision with new public roads. A sidewalk will be required on one side

of the new roads and street trees will be required on both sides of the new roads. The lots will be served by individual wells and septic systems. Article 9.6 of the Lincoln County Unified Development Ordinance states that 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.

### **Site Area & Description**

The 22.3-acre parcel is located on the west side of Union Church Road, about 900 feet north of the intersection with Gateway Lane and Arbor Hills Drive. The subject property is zoned R-T (Transitional Residential) and is surrounded by property zoned R-T.

### **Land Use Plan**

The Lincoln County Land Use plan designates this area as Large Lot Residential, suitable for single family homes with densities of 0.20 – 1.35 units per acre.

Chairman Mitchem opened the public hearing for Plat Approval #47 - Sabitha & Jiten Sanghvi and Parathazathel Mohanan, applicants.

**Donna Morgan**, 3285 Clearview Lane, and **Lisa McCorkle**, 3455 Clearview Lane, expressed concerns with wells and septic tanks. She said traffic is already bad on their road and this is a concern for her too.

**Debbie and Shawn Waterson**, 2421 Union Church Road, expressed concerns about the water and traffic. She said she opposes the subdivision and said the road cannot support more traffic.

**Will Clayton**, with Clayton Engineering, said he is the design engineer for the project. He said there will be a perk test done, but for a 24 lot subdivision, he does not have concerns for the water table. He said the driveway has been preliminarily approved by NCDOT. Mr. Clayton said he prepared the proposed Findings of Fact and incorporated them into his testimony. He said if DOT required a turning lane, they would put it in.

Commissioner Permenter asked Jeremiah Combs what type of homes would be allowed in the R-T zoning district. Mr. Combs said that uses by right in the R-T zoning district include site built homes, modular homes, doublewides and singlewides with vinyl siding and shingle roof. The reason it is before the Board is that it will have new sidewalks and roads.

**Jeff Pariano**, 2442 Gateway Drive, voiced concerns about the type of homes that will be in the subdivision and asked for a delay to hold a community meeting to find out more details about the plans for the subdivision.

**Will Clayton** said the lots will be nearly an acre in size and the homes will be in the

\$300,000 range with around 3,000 square foot homes.

**Marco Arias**, 2463 Gateway Lane, expressed concerns about traffic and water.

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

Randy Hawkins presented the following cases:

**Conditional Use Permit #403 – Amanda Hoyle, applicant:**

**REQUEST**

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

**SITE AREA AND DESCRIPTION**

The 1.0-acre parcel is located at 499 Keystone Lane, on the west side of North Brook 3 School Road at its intersection with Tallent Road, in North Brook Township. A 912-square-foot house is currently located on this property. It would be replaced by a singlewide. This property is surrounded by properties zoned R-S. Land uses in this area include residential, agricultural and business. This property is part of an area designated by the Lincoln County Land Use Plan as Rural Living, suitable for manufactured homes and other types of single-family homes.

Chairman Mitchem opened the public hearing for Conditional Use Permit #403 – Amanda Hoyle, applicant.

**Amanda Hoyle**, applicant, stated that she prepared the findings of fact and incorporates them in her testimony. She said the home currently there is a Jim Walters home and needs extensive work. She plans to remove the home and put a single wide on the property to live in.

**Danny and Janet Mathis**, 431 Keystone Lane, expressed concerns that this mobile home may decrease their property value.

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

**Conditional Use Permit #404 – Brandy Hayes, applicant:**

**REQUEST**

The applicant is requesting a conditional use permit to build a facility to host weddings and other events in the R-T (Transitional Residential) district. A site plan has been submitted as part of the application. A 10,000-square-foot event center is proposed.

The plan shows a proposed pond nearby and a proposed home in another location on the property. An event center is classified under recreation. Under the Unified Development Ordinance, private recreation facilities are permitted in the R-T district where approved by the Board of Commissioners through the issuance of a conditional use permit.

#### **SITE AREA AND DESCRIPTION**

The 135-acre parcel is located on the north side of N.C. 73 about 2,200 feet east of Amity Church Road in Ironton Township. It is surrounded by property zoned R-T. Land uses in this area include residential, civic (school), agricultural and business. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for single-detached detached homes with the following listed as secondary uses: church, community center, pool and amenities, natural areas and horse stables.

Chairman Mitchem opened the public hearing for CUP #404 – Brandy Hayes, applicant.

**Brandy and Adam Hayes**, 8104 Graham Road, said they close on the land on Friday. They said this will be their home, farm and a wedding/event center. They are planning on a 10,000 square foot facility. Brandy Hayes said she prepared the findings of fact and would like to incorporate it into her testimony.

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

#### **CUP #406 – Erik Distasio, applicant:**

#### **REQUEST**

The applicant is requesting a conditional use permit to operate a haunted Halloween trail in the R-T (Transitional Residential) district. A site plan has been submitted as part of the application. It includes conditions proposed by the applicant. A haunted trail is classified under recreation. Under the Unified Development Ordinance, private recreation facilities are permitted in the R-T district where approved by the Board of Commissioners through the issuance of a conditional use permit.

#### **SITE AREA AND DESCRIPTION**

The proposed site is a 1.8-acre lot located at 2576 Swanson Road, on the west side of Swanson Road about 500 feet north of N.C. 150, in Howards Creek Township. The applicant resides on an adjacent lot. The subject property is adjoined by property zoned R-T and R-SF (Residential-Single Family). Land uses in this area include residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for single-family detached homes with the following listed as secondary uses: church, community center, pool and amenities, natural areas and horse stables.

Megan Gilbert said the County cannot take restrictive covenants into consideration in this case. They have consulted with the School of Government and done additional research and

this is a private matter, not something the County can consider.

Chairman Mitchem opened the public hearing for CUP #406 – Erik Distasio, applicant.

**James Erik Distasio**, applicant, said he prepared the findings of fact and would like to incorporate them into his testimony. He said he has experience with this type of event. He said he wants to do this to improve the dirt road that is in poor condition. Mr. Distasio said he would do background checks on people who will work the event.

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

**CZ #2019-5 – Dean Fisher, applicant:**

Request

The applicant is requesting the rezoning of 6.2 acres from R-SF (Residential-Single Family) to CZ B-G (Conditional Zoning General Business) to permit contractors' offices, retail sales (including sales of boat lifts with outdoor display and storage), and other uses permitted in the B-G district.

Contractors' offices are a permitted use in the B-G district but a conditional use in the Eastern Lincoln Development District (ELDD), in which this property is located. "Retail, General" is a permitted use in the B-G district and in the ELDD except where the subject property is located adjacent to a residential district, as is the case here. If this rezoning request is approved, other uses permitted in the B-G district and in the ELDD would also be allowed, but not other conditional uses such as vehicle sales. Other uses permitted in the B-G district and in the ELDD without exception include business and medical offices and personal services such as a hair salon.

Two parcels of land are involved in the rezoning request: a 0.96-acre lot that fronts on N.C. 16 Business and a 9.8-acre tract located behind it and extending nearly to Webbs Chapel Cove Court. The area proposed to be rezoned does not include 4.6 acres at the rear of the larger tract, which would remain zoned R-SF.

A site plan has been submitted as part of the application. The original application called for rezoning approximately 6.8 acres and leaving 4.0 acres as R-SF. The proposed rezoning area was reduced in size following a community involvement meeting. The added area that would remain R-SF is labeled as "concession acreage" on the first site plan page, which shows the two parcels in their entirety.

A 4,800-square-foot, multi-tenant building is proposed. A product display area is shown near the front of the site, with a screened area for storage and vehicle parking located behind the building. The area proposed for development extends only slightly onto the larger tract.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be developed and utilized in accordance with the

approved site plan, with uses limited to those specified. Any major modification or future expansion would require approval through a public hearing process.

All but 0.3 acre of the area proposed for rezoning is located in a WS-IV Critical Area watershed, which limits the impervious coverage under the low-density option to 24%, one of the reasons for including a larger area in the request.

#### Site Area & Description

The subject property is located at 2996 N. NC 16 Business, on the east side of N.C. 16 Business about 1,600 feet north of Webbs Road. It is adjoined by property zoned RSF, CU B-N (Conditional Use Neighborhood Business) and B-N. Land uses in this area include business, residential, industrial and agricultural. The front part of the subject property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services. The rear tract is part of an area designated as Single-Family Neighborhood. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes.

#### Additional Information

##### **Permitted uses**

Under current zoning: site-built houses, modular homes, church.

Under proposed zoning: contractors' offices, retail sales, and other uses permitted in B-G district.

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

East: zoned R-SF, undeveloped land (remainder of larger tract involved in rezoning request).

South: zoned R-SF, vacant lot and undeveloped tract.

West (opposite side of N.C. 16 Business): zoned B-N, wooded portion of large tract that includes residences.

North: zoned R-SF and I-G, sawmill operation.

##### Staff's Recommendation

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing for CZ #2019-5 – Dean Fisher, applicant.

**Dean Fisher** said he plans to build his home on this property. He said he is working with Webbs Chapel Cove to become a member of their neighborhood. If that happens, access will be through there.

**Greg Smith**, 7456 Tallwood Drive, spoke as the President of Webbs Chapel Cove, saying this is a unique development and the neighborhood has concerns about adding commercial instead of residential. He said the development has come forward with a plan allowing 4 acres.

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

**UDO Proposed Amendment #2019-1 – Lincoln County Planning and Inspections Department, applicant:**

**PROPOSAL**

The planning staff is proposing amendments to Section 2.4.9 of the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.4.9.A.7 to require site improvements or amenities that are part of the master plan of a Planned Development to be constructed with the first phase of the project or by the platting of 25% of the proposed lots, and to require monetary contributions or land donations that are included in the master plan to be made prior to the platting of the first phase of the development, unless waived by the Board of Commissioners.
- 2) Amend Section 2.4.9.B.3 to require an undisturbed buffer at least 20 feet in width to be maintained along all project boundaries of a PD-R (Planned DevelopmentResidential) district.

Part 1 of the proposed amendment would clarify at what stage in a project that planned site improvements or amenities such as swimming pools and clubhouses have to be constructed, and specify that monetary contributions toward off-site road improvements or donations of land for schools or parks must be made prior to the recording of a plat for the first phase of the development.

Part 2 of the proposed amendments is aimed at preserving existing trees and protecting views along roads, preventing developers from grading sites all the way to the project's boundaries, and keeping retaining walls away from adjoining property owners' boundary lines. Currently, the minimum buffer width in a PD-R district is 10 feet, and the buffer area can be graded and replanted with small trees.

Objective 5.1 of the Lincoln County Land Use Plan calls for preserving viewsheds along the county's road network. Strategy 5.3.2 of the Land Use Plan calls for amending land regulations to promote the preservation of the county's tree canopy.

Following is the full text of the proposal:

## **PART 3. PLANNED DEVELOPMENT DISTRICTS**

### **§2.4.9. Planned Development District Standards**

#### **A. General Provisions for all Planned Developments (PD-R, PD-C, PD-I, PD-MU)**

##### **1. Rezoning Criteria**

In approving a rezoning for a planned development, the Board of Commissioners shall find the district designation and planned development master plan comply with the general standards for all planned development in this section and the specific standards for the proposed planned development listed in paragraphs B through E below, respectively.

##### **2. Planned Development Master Plan**

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a design professional as defined in Article 12.

##### **3. Design Guidelines and Dimensional Standards**

Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Board of Commissioners at the time of approval.

##### **4. Development Standards**

Unless specifically waived by the Board of Commissioners, all standards specified in Article 3, General Development Standards, and Article 7, Natural Resource Protection, shall apply.

##### **5. Recreation and Open Space**

The planned development master plan shall include a minimum of 12.5 percent recreation and open space. (See §3.3).

##### **6. Stormwater Management**

When determined necessary by the Board of Commissioners, the planned development master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer, geologist and land surveyor licensed in the State of North Carolina.

##### **7. Phasing**

If development is proposed to occur in phases, the planned development master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. ~~Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the County, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible. Unless waived by the Board of Commissioners, site improvements or amenities that are part of the master plan shall be constructed with the first phase of the project or by the platting of 25% of the lots proposed in the development, whichever comes first. Any~~

monetary contributions in lieu of constructing off-site improvements or donations of land that are included in the master plan shall be made prior to platting the first phase of the development.

## B. Planned Development-Residential (PD-R) District

### 1. Minimum Requirements

The Planned Development-Residential District is an option provided to encourage a mix of housing options within a comprehensively planned development, allowing a density bonus in return for the provision of a higher quality development.

### 2. Permitted Uses

All uses permitted by right, as conditional uses, and as special uses in residential districts are permitted in a PD-R District (§2.2.1), subject to approval by the Board of Commissioners.

### 3. Project Boundary Buffer

- (a) ~~No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.~~
- (b) ~~Where narrower lot widths are provided, a Class B buffer shall be (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries.~~

An undisturbed buffer at least 20 feet in width and meeting the standards for a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be maintained along all project boundaries.

## C. Planned Development-Commercial (PD-C) District

### 1. Minimum Requirements

The Planned Development-Commercial District is an option provided to enhance the design of a commercial development within a comprehensively planned development by allowing for additional flexibility not available in nonresidential districts.

### 2. Permitted Uses

All uses permitted by right, as conditional uses, and as special uses in the O-R, B-N, and B-G districts are permitted in a PD-C District (§2.2.1), subject to approval by the Board of Commissioners.

### 3. Project Boundary Buffer

- (a) Unless waived by the Board of Commissioners, a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a nonresidential district.
- (b) Unless waived by the Board of Commissioners, a Class C buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a residential district.

## **D. Planned Development-Industrial (PD-I) District**

### **1. Minimum Requirements**

The Planned Development-Industrial District is an option provided to encourage unified industrial complexes of high quality by allowing for additional flexibility not available in nonresidential districts.

### **2. Permitted Uses**

- (a)** All uses permitted by right, as conditional uses, and as special uses in the B-N, B-G, I-L, and I-G districts are permitted in a PD-I District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** Non-industrial or non-manufacturing uses located in a PD-I District are intended to serve the needs of the development and not the needs of a surrounding area. Areas designated for non-industrial and non-manufacturing activities shall be oriented towards the interior of the project and shall not be located on exterior or perimeter roads or property boundaries, but shall be centrally located within the project to serve the employees of the district.

### **3. Project Boundary Buffer**

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

### **4. Landscape Area and Tree Canopy**

Landscaping area and tree canopy requirements shall be in accordance with §3.4, unless otherwise approved by the Board of Commissioners.

### **5. Building Design**

Building design shall be in accordance with §3.2, unless otherwise approved by the Board of Commissioners.

## **E. Planned Development-Mixed Use (PD-MU) District**

### **1. Minimum Requirements**

The Planned Development-Mixed Use District is an option provided to encourage coordinated mixed use developments.

### **2. Permitted Uses**

- (a)** All uses permitted by right, as conditional uses, and as special uses in the Permitted Use Table are permitted in a PD-MU District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** The mix of uses shall be established by the Board of Commissioners at the time of approval.

### **3. Project Boundary Buffer**

Unless waived by the Board of Commissioners, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

Chairman Mitchem opened the public hearing concerning UDO Proposed Amendment #2019-1 – Lincoln County Planning and Inspections Department, applicant.

Martin Oakes asked under what conditions the Commissioners could waive things. Megan Gilbert said she would need to research that.

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

The Planning Board recessed their meeting to the Planning Board meeting room and the Commissioners took a short recess.

**Public Hearing – Fiscal Year 2019-20 Budget and CIP:** Chairman Mitchem opened the public hearing for the Fiscal Year 2019-20 Budget and CIP.

Martin Oakes, 8057 Lucky Creek Lane, spoke against the proposed budget.

Alan Hoyle, 319 N. Poplar Street, spoke against the proposed budget.

Dennis Hanks, 2851 Wheatfield Court, spoke against the proposed budget.

Nic Haag, 3360 Delaware Drive, Denver, spoke against the proposed budget.

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

Chairman Mitchem suggested breaking the budget into two votes, the budget itself and the tax rate. He recommended going back to the tax rate suggested by the County Manager of .599.

**A MOTION** by Chairman Mitchem to set the tax rate at .599.

**VOTE:** 3 – 2      **AYES:** Mitchem, McCall, Cesena

**NOES:** Permenter, Sigmon

Mr. Atkins advised that the tax rate will impact the budget as proposed and the reduction of the amount of revenue coming in could be taken from the capital reserve fund.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the amended Budget Ordinance removing the words “new elementary school” and replacing with the wording “new EMS, Fire Marshal and Emergency Management Building.”

**LINCOLN COUNTY  
BUDGET ORDINANCE  
FY 2019-20**

**BE IT ORDAINED** by the Board of County Commissioners of Lincoln County, North Carolina:

**Section 1.** The following amounts are hereby appropriated in the General Fund for the operation of the County government and its activities for the fiscal year beginning July 1, 2019 and ending June 30, 2020, in accordance with the chart of accounts heretofore established for Lincoln County.

<b>GENERAL GOVERNMENT</b>	<b>\$ 13,170,376</b>
Central Services	
Governing Body	
County Manager	
Human Resources	
Finance	
Information Technology	
Safety & Training	
Tax Department	
Legal	
Elections	
Register of Deeds	
Buildings and Grounds	
Forestry	
Outside Agency	
<b>PUBLIC SAFETY</b>	<b>29,814,820</b>
Sheriff	
Communications	
Jail	
Jail Commissary	
Emergency Management	
Fire Marshal	
Volunteer Fire Department	
Planning	
Inspections Division	
Medical Examiner	
Emergency Medical	
Animal Services	
District Court	
Rescue Squads	
Outside Agency	
<b>TRANSPORTATION</b>	<b>1,562,047</b>
Airport Authority	
Transportation TLC	
Gaston Skills	

<b>ECONOMIC AND PHYSICAL DEVELOPMENT</b>	<b>2,367,367</b>
Soil Conservation	
Economic Development	
Cooperative Extension	
Outside Agency	
<b>HUMAN SERVICES</b>	<b>18,183,304</b>
Health Department	
Mental Health	
Social Services	
Veterans Services	
Juvenile Crime Prevention	
Senior Services	
Gaston Family Health	
<b>CULTURAL AND RECREATION</b>	<b>3,148,142</b>
Library	
Recreation	
Historic Properties	
Outside Agency	
<b>EDUCATION</b>	<b>24,334,124</b>
Lincoln Center Gaston College	
Schools Current Expense	
Schools Capital Outlay	
<b>OTHER FINANCING USES</b>	<b>14,060,465</b>
General County Debt	
School System Debt	
Transfers to Other Funds	
<b>TOTAL GENERAL FUND</b>	<b><u>\$ 106,640,645</u></b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

<b>AD VALOREM TAXES</b>	
Current Year's Property Taxes	\$ 62,644,858
Prior Year's Property Taxes	800,000
	<b>63,444,858</b>

<b>STATE SHARED TAXES</b>	
Medicaid Hold Harmless	600,000
Local Option 1 cent Sales Tax	7,900,000
Local Option 1st 1/2 cent Sales Tax	5,457,000
Local Option 2nd 1/2 cent Sales Tax	4,335,000
524 Redistribution Sales Tax	1,500,000
Article 46 1/4 cent Sales Tax	1,800,000
Utilities Franchise Tax	230,000
	<hr/>
	<b>21,822,000</b>
<b>FEDERAL REVENUES</b>	
	<b>7,547,507</b>
<b>STATE REVENUES</b>	
	<b>1,757,482</b>
<b>INTERGOVERNMENTAL REVENUES</b>	
	<b>869,000</b>
<b>OTHER TAXES AND LICENSES</b>	
	<b>731,000</b>
<b>SALES AND SERVICES</b>	
	<b>9,005,656</b>
<b>INVESTMENT EARNINGS</b>	
	<b>200,000</b>
<b>MISCELLANEOUS</b>	
	<b>763,142</b>
<b>OTHER FINANCING SOURCES</b>	
	<b>500,000</b>
<b>TOTAL REVENUES</b>	
	<b><u>\$ 106,640,645</u></b>

Thirty percent (30%) of the proceeds of the first local half-cent sales and use tax (article 40) and sixty percent (60%) of the proceeds of the second local half-cent sales and use tax (article 42) are hereby declared to be included in the appropriation for school capital projects and/or debt service. Any receipts in excess of capital projects and debt service shall be accumulated in the Capital Reserve Fund for Schools until such time as the funds are appropriated for specific projects or debt service.

The remaining proceeds from the two half cent sales and use taxes are hereby appropriated for other general county needs which may include, but not be limited to, debt service, capital projects, capital outlay and operating expenses.

**Section 3.** The following amounts are hereby appropriated or reserved in the School Capital Reserve Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Transfer to General Fund (Debt Service)	500,000
---	---------

**Total School Capital Reserve Fund  
Appropriations/Reserve**

**\$ 500,000**

It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal beginning July 1, 2019 and ending June 30, 2020:

Lottery Proceeds	500,000
<b>Total School Capital Reserve Fund Revenues</b>	
	<b><u>\$ 500,000</u></b>

**Section 4.** The following amounts are hereby appropriated in the Law Enforcement Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Operating Expense	34,000
<b>Total</b>	
	<b><u>\$ 34,000</u></b>

It is estimated that the following revenues will be available in the Law Enforcement Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Controlled Substance Excise Tax	19,975
Interest on Investment	25
Fund Balance Appropriated	14,000
<b>Total</b>	
	<b><u>\$ 34,000</u></b>

**Section 5.** The following amounts are hereby appropriated in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Operating Expense	10,050
<b>Total</b>	
	<b><u>\$ 10,050</u></b>

It is estimated that the following revenues will be available in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Controlled Substance Tax	10,000
Investment Earnings	50
<b>Total</b>	
	<b><u>\$ 10,050</u></b>

**Section 6.** The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Operating Expenses	275,150
<b>Total Emergency Telephone Fund</b>	<b>\$ 275,150</b>

It is estimated that the following revenues will be available in the Emergency Telephone Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Phone Service Charges	275,150
<b>Total Emergency Telephone Fund</b>	<b>\$ 275,150</b>

**Section 7.** The following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020, these projects are a new Courthouse, Jail Expansion and new Emergency Management Facility:

Capital Outlay	1,065,000
<b>Total Capital Reserve Fund</b>	<b>\$ 1,065,000</b>

It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020, these revenues are equal to one penny on the Ad Valorem tax rate:

Transfer from General Fund	1,065,000
<b>Total Capital Reserve</b>	<b>\$ 1,065,000</b>

**Section 8.** The following amounts are hereby appropriated in the Solid Waste Enterprise Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Operating Expenses	4,321,941
Debt Service	445,145
<b>Total Solid Waste Enterprise Fund Appropriation</b>	<b>\$ 4,767,086</b>

It is estimated that the following revenues will be available in the Solid Waste Enterprise Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

<b>STATE SHARED TAXES</b>	142,109
<b>SALES AND SERVICES</b>	4,574,977
<b>INTEREST REVENUE</b>	50,000
<b>Total Solid Waste Enterprise Fund Revenues</b>	<b><u>\$ 4,767,086</u></b>

**Section 9.** The following amounts are hereby appropriated in the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Operating Expenses	7,880,144
Debt Service	2,725,267
Capital Outlay	466,500
Transfer to Other Funds	1,565,000
<b>Total Water and Sewer Enterprise Fund Appropriation</b>	<b><u>\$ 12,636,911</u></b>

It is estimated that the following revenues will be available in the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

<b>SALES AND SERVICES</b>	12,561,911
<b>INTEREST REVENUE</b>	75,000
<b>Total Water and Sewer Enterprise Fund Revenues</b>	<b><u>\$ 12,636,911</u></b>

**Section**

**10.** The following amounts are hereby appropriated as continuing multi-year projects in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Facility Improvement	200,000
<b>Total General County Capital Improvement Project Fund Appropriations</b>	<b><u>\$ 200,000</u></b>

It is estimated that the following revenues will be available in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Transfer from General Fund	200,000
----------------------------	---------

**Total General County Capital Improvement Project  
Fund Revenues**

**\$ 200,000**

**Section**

**11.** The following amounts are hereby appropriated as continuing multi-year projects in the Water and Sewer Capital Improvement Projects Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Water System Improvements	1,315,000
Sewer System Improvements	250,000

**Total Water and Sewer Capital Improvement Project  
Fund Appropriations**

**\$ 1,565,000**

It is estimated that the following revenues will be available in the Water and Sewer Capital Improvement Projects Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Transfer from Water Fund	1,565,000
--------------------------	-----------

**Total Water and Sewer Capital Improvement Project  
Fund Revenues**

**\$ 1,565,000**

**Section**

**12.** The following amounts are hereby appropriated in the Health Insurance Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Health and Consultant Fees	1,350,000
Health Insurance Claims	6,680,000

**Total Health Insurance Fund Appropriations**

**\$ 8,030,000**

It is estimated that the following revenues will be available in the Health Insurance Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Health Premiums Employer	6,300,000
Health Premiums Employee	1,100,000
Investment Income	30,000
Fund Balance Appropriated	600,000

**Total Health Insurance Fund Revenues**

**\$ 8,030,000**

**Section**

**13.** The following amounts are hereby appropriated in the Workers' Compensation Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Administrative Fees	20,000
Professional Fees	135,000
Workers' Compensation Claims	676,000
<b>Total Workers' Compensation Fund Appropriations</b>	<b>\$ 831,000</b>

It is estimated that the following revenues will be available in the Workers' Compensation Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Workers' Compensation Premiums	830,000
Interest Income	1,000
<b>Total Workers' Compensation Fund Revenues</b>	<b>\$ 831,000</b>

**Section**

**14.** There is hereby levied a tax at the rate shown below, per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2019; located within the eleven (11) special fire districts for raising of revenue for said special fire districts. Estimated totals of valuation of property for the eleven special fire districts for the purpose of taxation are as follows:

<b>Fire District</b>	<b>Assessed</b>		<b>2019-20</b>	<b>2019-20</b>
	<b>Value</b>	<b>Rate</b>	<b>Tax Revenue</b>	<b>Tax Appropriations</b>
Alexis	364,700,000	0.1165	419,225	419,225
Boger City	773,700,000	0.1050	801,580	801,580
Crouse	191,400,000	0.0860	162,415	162,415
Denver	2,419,200,000	0.1150	2,745,078	2,745,078
East Lincoln	2,964,500,000	0.0980	2,831,760	2,831,760
Howard's Creek	280,400,000	0.1355	407,821	407,821
North 321	851,500,000	0.0700	588,123	588,123
North Brook	386,800,000	0.1000	381,656	381,656
Pumpkin Center	576,800,000	0.0970	552,055	552,055
South				
Fork	319,600,000	0.1250	394,187	394,187
Union	301,000,000	0.1250	371,246	371,246

There is appropriated to the special fire districts from the proceeds of this tax the amounts shown under the appropriation column, for use by the special fire districts in such manner and for such

expenditures as is permitted by law from the proceeds of this tax. In the event the actual net proceeds from the tax levies exceed or fall short of the appropriated amounts, the actual net proceeds from the tax shall constitute the appropriation from the tax levy.

**Section**

**15.** There is hereby levied a unified tax at the rate of 59.9 cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2019, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this Ordinance.

This rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$10,650,000,000 and an estimated collection rate of 98.5 percent. The estimated rate of collection is based on the fiscal 2017-18 collection rate of 98.5 percent.

**Section**

**16.** Lincoln County will continue to serve as collection agent for the City of Lincolnton for the collection of property taxes, as long as this is mutually agreeable between Lincolnton and Lincoln County. Lincoln County shall receive a three percent (3%) collection fee (1-1/2% fee for motor vehicles) for this service, plus unusual expenses as agreed by both parties.

**Section**

**17.** On June 29, 2002, the Board of County Commissioners adopted "Ordinance for Availability and Use Fees for Solid Waste Disposal Facilities Lincoln County, North Carolina." As stated in the ordinance the fees for availability shall remain in effect until amended. The Solid Waste Availability Fee for fiscal year 2019 - 20 is \$99 per unit rate.

**Section**

**18.** On August 23, 1993, the Board of County Commissioners adopted "Resolution Concerning Use of Room Occupancy and Tourism Tax" which became effective October 1, 1993. This resolution levies a 3% room occupancy tax on the rental of a room, lodging, or accommodation furnished by a hotel, motel, tourist camp, or similar place within the County. The purpose of this tax is to provide a source of revenue to promote travel and tourism within Lincoln County. Included in this budget is estimated revenue of \$110,000 to be derived from this tax. Also included in this budget are allowable expenditures which may be funded from this revenue source: Chamber of Commerce \$17,500, to advertise, print and distribute information on Lincoln County; Downtown Development Association \$7,500; Historical Properties \$4,480; Historical Association \$41,000; Cultural Development Center \$60,000; for a total of \$130,480.

**Section**

**19.** This Budget Ordinance, effective July 1, 2019 authorizes the mileage reimbursement rate as the standard mileage rate set by the Internal Revenue Service, which may be revised during the fiscal year. Per Diem without receipts will be \$11.00 for breakfast; \$15.00 for lunch; and \$24.00 for dinner for In State Travel, for out of State travel, GSA rates shall be used.

**Section** The funds that are used in this Budget Ordinance to fund certain elements in the Solid

**20.**

Waste and Public Works operations are non-property tax funds.

**Section**

**21.** The County Manager, or designee, is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. He may transfer amounts among objects of expenditure within a department.
- b. He may transfer amounts up to \$50,000 between departments of the same fund.
- c. He may not transfer any amounts between funds nor from the contingency or from any capital reserve appropriations.

**Section**

**22.** The County Manager, or designee, is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction, repair projects or design services requiring the estimated expenditure of less than \$50,000.
- b. He may execute contracts for: (1) purchases of apparatus, supplies and materials, or equipment which are within budgeted appropriations, (2) leases of personal property for a duration of one year or less and within budgeted appropriations, and (3) services which are within budgeted appropriations.
- c. He may execute grant agreements to or from public and non-profit organizations, which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- d. He may execute contracts, as the lessor or lessee of real property, which are of one-year duration or less, if funds therefore are within budgeted appropriations.

**Section**

**23.** It is the intent of the Board of Commissioners that all departments and divisions, including those under the control of the Sheriff, are limited to the specific number of each position classification agreed upon in the budgeting process, and that no changes in those numbers can be made without the express approval of the Board of Commissioners after a recommendation from the County Manager. The list of the specific numbers of each position classification for the Sheriff's Office is approved hereby as set out below:

<b><u>Position Title</u></b>	<b><u>Number of Full Time Positions</u></b>
Sheriff	1
Major	1
Captain	2
1st Sergeant	6

Sergeant	15
Court Security Officer (considered deputies)	0
Sr. Deputy Sheriff	14
Deputy Sheriff	69
Investigator	21
Lieutenant	5
Financial Manager	1
DCI Specialist	4
Records/Permit Specialist	1
Administrative Assistant	2
Systems Analyst Programmer 1	1
Systems Analyst Programmer 2	1
Logistics Specialist	1
Admin Support Specialist	1
Admin Support Supervisor	1

---

**TOTAL FOR SHERIFF** **147**

<u>Position Title</u>	<u>Number of Full Time Positions</u>
Admin. Det. Lieutenant	1
Asst. Det. Admin.	1
Administrative Secretary	1
Classification Officer	1
Corporal Detention	4
Deputy Sheriff - Transport	1
Detention Officer	26
Sergeant - Detention	4
Sr. Detention Officer	5
Pre-Trial Release	0

---

**Total for DETENTION** **44**

**Section**

**24.** The annual appropriations for all divisions of the Sheriff's Office shall be allocated by the Finance Department on a quarterly basis, with each quarterly allocation being equal to twenty-five (25%) percent of the annual appropriation in each line item. The County Manager is hereby authorized to exceed such a quarterly appropriation in the event an annual contract requires a pre-payment or earlier payment schedule than quarterly. The intent of this section is to authorize expenditures equal to no more than 25% of the annual appropriations during each quarter of the fiscal year.

**Section**

**25.** Copies of this Budget Ordinance shall be furnished to the County Manager, Clerk to the Board of Commissioners, Finance Director and the Tax Administrator for direction in carrying out their duties.

Adopted this 3rd day of June, 2019.

---

Carrol Mitchem, Chair  
Lincoln County  
Board of Commissioners

**ATTEST:**

---

Amy S. Atkins  
Clerk to the Board

**Public Comments:** Chairman Mitchem opened Public Comments.

Robert Avery, 4466 Hwy 182, spoke about the traffic problem in Denver. Commissioner Cesena encouraged him to attend the meeting on July 23 at 7:00 PM at East Lincoln Community Center to express these concerns.

Being no additional speakers, Chairman Mitchem closed Public Comments.

**Budget Ordinance Amendment #8:** Deanna Rios presented Budget Ordinance Amendment #8, which appropriates funds for various activities prior to the end of the fiscal year. Excess revenues for donations, concealed carry revenues, insurance settlements, and State and Federal revenues need to be appropriated. Also Fund Balance must be appropriated and transferred to General CIP for some projects.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Budget Ordinance Amendment #8 as presented.

**Approval of a Kennel Purchase for Animal Services:** John Henry asked the Board's approval of a kennel purchase for the old section of the Animal Shelter, in the dog holding area. As some renovations are made to Animal Services, the kennels in the back area of the shelter will need to be replaced in order to continue to meet Department of Agriculture requirements. Selected

kennels will be more durable, will need less replacement parts, and will last many years into the future.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the kennel purchase from Shor-Line in the amount of \$86,737.53 as presented.

**Old Health Department Property Sale Update:** John Henry presented the following:

At the March 4, 2019 meeting, Commissioners chose to receive sealed bids for parcels 00806 and 01285 located at 151 Sigmon Road. Commissioners authorized a 45 day bid process starting on April 1, 2019 with a starting bid of \$1,000,000. The bid opening was scheduled on May 16, 2019 at 1400 hrs. No bids were received at this time.

He presented options for the sale of the property for the Board's consideration.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to use the sealed bid option, with a minimum starting bid of \$500,000, and keeping bids open for 60 days.

**Shanklin Library Roof Replacement:** John Henry presented the following:

Shanklin Library has a roof leak caused by barrel sections. The only fix is to replace the roof and remove the barrels. Engineers estimate is \$152,800 with a 45 day construction after Notice to Proceed. He asked the Board to authorize the repair as presented.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to authorize the replacement of the Shanklin Library Roof at an estimated \$152,800.45.

**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)(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 Mitchem announced that no action was taken in Closed Session.

**Recess:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to recess to June 10, 2019 at 3:00 PM for a closed session to discuss a lawsuit.

---

Amy S. Atkins, Clerk  
Board of Commissioners

---

Carrol Mitchem, Chairman  
Board of Commissioners