

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 17, 2012

The Lincoln County Board of County Commissioners met September 17, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carl E. Robinson, Jr.
Carrol Mitchem

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the September 17, 2012 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt the Agenda as presented.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, September 17, 2012
6:30 PM

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

Call to Order

Invocation – Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

- 2012 Industry Appreciation Month
- Ordinance #2012-18: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2012-19: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Fall Litter Sweep Proclamation
- Tax Requests for Refunds - More than \$100
 - August 6 - 19, 2012
- Sponsored Group Status - God's Anointed Community Choir
- Resolution #2012-45: A Resolution Amending the County's Industrial Incentives Grant Policy
- Resolution #2012-46: Resolution to Adopt Economic Incentive Grant Agreement with Denver Global Products, Inc.

3. Planning Board Recommendations- Randy Hawkins

ZMA #599 - Hugo Ramos, applicant
 CUP #317 - Super One, Inc., applicant
 CUP #318 - Troy Motz, applicant

NC 16/Woodcock Farms Small Area Plan - Randy Williams

4. Brownfield Grant Application Information - Josh Grant

5. Public Hearing - Local Landmark Designation for Hopkins House - Jason Harpe

- Motion to Adopt Resolution #2012-41: A Resolution of the Lincoln County Board of Commissioners Designating the Structure Known as the Hopkins House in Lincoln County, North Carolina as a Local Historic Landmark

6. Public Hearing - Local Landmark Designation for Graham Round Barn - Jason Harpe

- Motion to Adopt Resolution #2012-42: A Resolution of the Lincoln County Board of Commissioners Designating the Structure Known as the Graham Round Barn in Lincoln County, North Carolina as a Local Historic Landmark

7. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)

8. Drought Update - Don Chamblee

9. Register of Deeds Request for Software Purchase - George Wood

10. Motion to Authorize Chairman and County Clerk to Execute an Agreement on Reservoir Capacity with Cleveland County Water District - George Wood

11. Motion to Adopt Resolution #2012-43: Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina - Tax Administrator Position - George Wood

12. Motion to Adopt Resolution #2012-44: Resolution Appointing an Interim Tax Administrator - George Wood

13. Finance Officer's Report - Deanna Rios

14. County Manager's Report

- Property Tax Collection Report

15. County Commissioners' Report
16. County Attorney's Report
17. Vacancies/Appointments
18. Calendar
19. Other Business
 - Register of Deeds Report
 - Update on 2 Grants

Adjourn

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

- 2012 Industry Appreciation Month
- Ordinance #2012-18: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2012-19: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Fall Litter Sweep Proclamation
- Tax Requests for Refunds - More than \$100
 - August 6 - 19, 2012
- Sponsored Group Status - God's Anointed Community Choir
- Resolution #2012-45: A Resolution Amending the County's Industrial Incentives Grant Policy
- Resolution #2012-46: Resolution to Adopt Economic Incentive Grant Agreement with Denver Global Products, Inc.

Proclamation

2012 Lincoln Economic Development Association
Industry Appreciation Month
October 2012

WHEREAS, the County of Lincoln is pleased to have a thriving community of industries to support the local economy; and

WHEREAS, these industrial companies provide essential employment opportunities for the citizens of the County of Lincoln; and

WHEREAS, these industrial companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, industrial businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these industrial businesses;

NOW, THEREFORE, we the Board of Commissioners of Lincoln County, do hereby recognize our existing industrial businesses and by virtue of this proclamation give notice to our citizens that the month of October 2012 is Industry Appreciation Month in the County of Lincoln.

ADOPTED this the ____ day of October 2012.

Alex Patton, Chairman,
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk
Board of Commissioners

**ORDINANCE #2012-18: AN ORDINANCE AMENDING THE FY 2013 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-18, is hereby approved and adopted as amendments to the FY 2013 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 17th day of September, 2012.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-2

Capital Project Ordinance Amendment numbered 2.

ORDINANCE #2012-:19: AN ORDINANCE AMENDING THE FY 2013 BUDGET FOR THE COUNTY OF LINCOLN, NORTH CAROLINA

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-19, is hereby approved and adopted as amendments to the FY 2013 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 17th day of September, 2012.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-2

Capital Project Ordinance Amendment numbered 2.

FALL LITTER SWEEP 2012

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual fall roadside cleanup campaign to ensure clean and beautiful roads throughout our State; and

WHEREAS, the FALL LITTER SWEEP roadside cleanup will take place September 15th – 29th, 2012; this effort encourages local communities, civic and professional groups, businesses, government agencies, churches, and individuals to participate and to take responsibility for cleaner roads in Lincoln County and North Carolina; and helps to educate the public about the harmful effects of litter on the environment;

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens conduct these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are sources of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2012 Fall cleanup will improve the quality of life for all of Lincoln County and North Carolina, and it will celebrate the North Carolina Adopt-A-Highway program and its 5,860 volunteer groups that donate their time and labor year round to keep our roadsides clean;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim September 15th – 29th, 2012 as "**FALL LITTER SWEEP**" in Lincoln County, and encourages all citizens to take an active role in making their communities cleaner.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (AUGUST 6, 2012-AUGUST 19, 2012)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00

(and) #105-325 including (A) (6)

NAME	YEAR	DIST	/C#	AMOUNT	REASON
BOWEN, RICHARD C.	2012	UFD	0210700	124.23	PRO-RATED BILL
			TOTAL	\$124.23	

**RESOLUTION #2012-~~45~~ : A RESOLUTION AMENDING THE COUNTY'S
INDUSTRIAL INCENTIVES GRANT POLICY**

THAT WHEREAS, the Lincoln County Board of Commissioners have previously adopted on February 1, 2002 an industrial incentive grant policy, which has been subsequently amended from time to time; and

WHEREAS, the policy was amended on August 17, 2012 to add a Level IV incentive grant; and

WHEREAS, the Board of Commissioners have recently expressed an interest in amending the Level IV incentive grant to extend the time within which the project costs are calculated; and

WHEREAS, the County Manager, the Executive Director of LEDA, and the County Attorney have recommended those changes to the existing policy contained in the attached policy;

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County, North Carolina Board of Commissioners as follows:

Section 1. That the document entitled "LINCOLN COUNTY INDUSTRIAL DEVELOPMENT INCENTIVE GRANT PROGRAM FOR NEW AND EXISTING INDUSTRIES", attached hereto and incorporated by reference into this resolution, is hereby approved and adopted as the industrial incentive grant policy for Lincoln County, and supersedes any previous policies or portions of policies that conflict herewith.

Section 2. That the Lincoln Economic Development Association and the county staff are hereby authorized and instructed to use this policy in their industrial recruitment efforts from and after this date, until such policy is further amended by action of the Board of Commissioners.

Section 3. That the Executive Director of LEDA is authorized to change the factors called for in Section IV of the Lincoln County Industrial Development Incentive Grant Program for New and Existing Industries in any year that the tax rate changes, so that the factors reflect the same percentage change either up or down as the percentage change in the tax rate from the previous year.

Section 4. That this change in the factors shall not take effect until the County Manager has reviewed the mathematical calculations showing the existing tax rate and the new tax rate, and the existing factors and the new factors, and has given written approval of them. A copy of said written approval shall be furnished to the Board of Commissioners within 30 days of said approval.

Section 5. That this change in the factors shall be effective for the full fiscal year in which the tax rate has changed, and in all subsequent fiscal years, until the tax rate is subsequently changed.

Section 6. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 17th day of September, 2012.

By: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

RESOLUTION #2012-46:
RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH DENVER GLOBAL PRODUCTS, INC

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Denver Global Products Inc., have developed plans for the construction of their manufacturing facility in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and Denver Global Products Inc..
2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.
3. This agreement supersedes any previous incentive grant agreements between the parties.
4. This resolution shall become effective upon adoption.

This 17th day of September, 2012.

Alex Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

Recommendations from Planning Board:

Randy Hawkins presented the following recommendation:

ZMA #599 Hugo Ramos, applicant (Parcel ID# 01673) A request to rezone a 0.73-acre parcel from I-G (General Industrial) to B-G (General Business). The property is located at 1667 S. Industrial Park Rd., on the east side of South Industrial Park Road about 2,000 feet south of Salem Church Road, in Ironton Township.

The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Arena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve ZMA #599 – Hugo Ramos, applicant based on the Planning Board's recommendation.

CUP #317 Super One, Inc., applicant (Parcel ID# 81797) A request for a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district in the Eastern Lincoln Development District. The 2.2-acre parcel is located at 751 N. NC 16 Hwy., on the west side of N.C. 16 about 400 feet south of Cherry Point Drive, in Catawba Springs Township.

The Planning Board voted 4-2 to recommend approval with the following conditions:

- 1) No obstructions of view at the entrance are permitted except for tinted windows.
- 2) Alcohol is prohibited.
- 3) Operating hours shall be 9 a.m. till 11 p.m.

UPON MOTION by Commissioner Arena, the Board voted 4 – 1 (Klein against) to approve CUP #317 – Super One, Inc., applicant with the Findings of Fact and conditions presented by the Planning Board.

Commissioner Klein expressed his concern over allowing this in a neighborhood business district and said this is the reason he will vote against the motion.

CUP #318 Troy Motz, applicant (Parcel# 56791) A request for a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district. The 2.5-acre parcel is located at 3017 W. Old NC 150 Hwy., on the south side of Old N.C. 150 about 1,200 feet east of N.C. 150, in Howards Creek Township.

The Planning Board voted 4-2 to recommend the request be denied.

Commissioner Mitchem asked the reason this was denied and the previous case approved by the Planning Board.

Mr. Hawkins stated that the two primary reasons were: 1 – in this case the property is adjoined by property zoned and used residential (directly across the road) and 2 – it is basically in more of a residential area than the previous case.

Commissioner Mitchem asked what could be there by right.

Mr. Hawkins stated that any type of retail sales would be allowed, offices, beauty salon, tanning salon, and any type of services.

Commissioner Mitchem asked if the applicant agreed upon any conditions.

Mr. Hawkins said there were no conditions placed since the request was denied.

Commissioner Mitchem asked if the applicant had any conditions he placed himself.

Mr. Hawkins said the applicant listed operating hours listed in the proposal Monday through Saturday of 8 a.m. to 12 p.m. and closed on Sunday.

Commissioner Mitchem asked how this compared to the other request.

Mr. Hawkins said the other was 11 p.m. and would be closed on Sunday.

Mr. Hawkins said there was some discussion about adding some screening along the property that joins residential and the applicant did not have an issue with that.

Commissioner Mitchem said the Board just approved the one that was just before the Board and he doesn't understand why one would be approved and the other denied.

Commissioner Arena said one is in a strip mall with other businesses around and the other is in a residential area.

Chairman Patton said the fact that the neighbors came out against it plays a part.

Commissioner Klein asked if the neighbors spoke at the Planning Board meeting.

Mr. Hawkins stated that no questions were asked of the neighbors at the meeting.

Kelly Atkins commented that for clarification, no additional comments are taken at the Planning Board's meeting unless people are asked specific questions by the Planning Board.

UPON MOTION by Commissioner Klein, the Board voted unanimously to vote on the Findings of Fact individually.

***LINCOLN COUNTY BOARD OF COMMISSIONERS
RECOMMENDATIONS ON FINDINGS OF
FACT FOR A CONDITIONAL USE PERMIT***

Application No. **CUP #318**

Applicant **Troy Motz**

Applicant's Address **P.O. Box 1747, Lincolnton, NC 28093**

Property Location **3017 W. Old NC 150 Hwy.**

Zoning District **B-N**

Proposed Conditional Use **amusement center with electronic gaming**

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. **YES**

A MOTION by Commissioner Klein to find this fact in the affirmative based on the fact that this is already a commercial building and is already zoned business. **Unanimously approved.**

2. The use meets all required conditions and specifications. **YES**

A MOTION by Commissioner Arena to find this fact in the affirmative based on the fact that this is a conditional use in the neighborhood business district. **4 – 1 (Klein against)**

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **NO**

A MOTION by Commissioner Arena to find this fact in the negative based on the fact the use will injure the value of adjoining property because it's surrounded by residential property. **4 – 1 (Mitchem)**

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. **NO**

A MOTION by Commissioner Arena to find this fact in the negative based on the fact the location and character of use will not be in harmony with the area because it's too close to residential property. **4 – 1 (Mitchem)**

After having held a Public Hearing on September 10, 2012, and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Arena that based on Findings of Fact 3 and 4 being in the negative, that the Board deny CUP 318 – Troy Motz, applicant. VOTE: 4 – 1

YES: Patton, Arena, Klein, Robinson
NO: Mitchem

NC 16/Woodcock Farms Small Area Plan A proposed plan that would serve as a guide for the future development of approximately 500 acres located between Sifford Road and the Gaston County line along both sides of the N.C. 16 bypass. The proposed plan includes a business park, an industrial park, a commercial node, open space areas and a park.

The Planning Board voted 6-0 to recommend approval of the plan as amended and presented at the public hearing. Based on the information received and discussion, staff revised the plan so the Board could see the difference between what was presented and the map that was drafted after the Commissioners comments. The other properties have been removed on the newly proposed map.

Kelly Atkins said the new map shows what the plan would look like with only the Crescent Properties on the map.

There was a discussion concerning the neighbors concerns with their property on the map.

The Commissioners asked staff to arrange a meeting with the eight concerned property owners to explain the small area plan to them and find out if they support the concept.

UPON MOTION by Commissioner Arena, the Board voted unanimously to table until the first meeting in October and for staff to arrange a meeting with these concerned neighbors to resolve the issue.

Brownfield Grant Application: Josh Grant, Planner, presented the following information:

Lincoln County is interested in pursuing an EPA Brownfields Assessment Grant that can be utilized to identify and plan the redevelopment or reuse of existing brownfield properties.

These are defined as properties where the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. After reviewing the grant requirements and potential funding options, it is our intent to apply for an Assessment Coalition Grant that will allow us to seek a greater amount of available funding and put us in a more competitive position to secure the grant funding.

The potential coalition members include Lincoln County, City of Lincolnton, and Lincoln Economic Development Association, with Lincoln County serving as the lead applicant. The intent of the coalition would be to seek up to \$600,000 in grant funding to serve the communities within the City of Lincolnton and Lincoln County.

AMEC Environment and Infrastructure, Inc., one of the leading brownfield assessment agencies in the state and EPA Region 4, has been contacted by the Lincoln Economic Development Association to inquire about their services. AMEC representatives Harold Thurston and Andrew Clark have voluntarily offered to draft the initial grant proposal needed to move forward, with no cost to the county. A memorandum of agreement (MOA) documenting the scope of work and the site selection process would be developed internally by the coalition's members prior to the expenditure of any awarded funds.

At this time, County staff is seeking the support of the Board of Commissioners to move forward with the EPA Brownfields Assessment Grant application.

Kelly Atkins gave a Powerpoint presentation with various Brownfield sites.

Andy Clark with AMEC presented information concerning the Brownfield Assessment Grant application.

A MOTION by Commissioner Arena to approve the Coalition as presented and the opportunity to apply for the Brownfield Grant Application.

VOTE: 2 – 3 **YES:** Arena, Patton
NO: Robinson, Klein, Mitchem

Public Hearing – Local Landmark Designation for Hopkins House – Jason Harpe – Motion to Adopt Resolution #2012-41: A Resolution of the Lincoln County Board of Commissioners Designating the Structure Known as the Hopkins House in Lincoln County, North Carolina as a Local Historic Landmark:

The Hopkins House is located at 623 Pine St.. The house itself is the only structure included in the application. Considering the excellent examples of both Queen Anne and Colonial Revival styles of architecture the Historic Properties Commission has decided to forward this request to the Board of Commissioners for their consideration of Local Landmark Designation for this property.

Designation is an honor, indicating the community believes the property deserves recognition and protection. Owners of designated landmarks are eligible to apply for an annual 50 percent property tax deferral as long as the property's important historic features are maintained. Recapture penalties may apply if the owner destroys the property or damages its historic value.

The Requirements of Designation: Owners of local landmarks and of property in local historic districts are required to obtain Certificates of Appropriateness from the Historic

Properties Commission before making significant changes or additions to a property, before beginning new construction, or before demolishing or relocating a property. The commission's review of proposed changes ensures that work on a property in a district or on landmark is appropriate to the special character of the district or landmark. The commission has adopted design guidelines as the criteria to judge what changes are appropriate. Property owners also use the design guidelines to plan possible projects, and to discuss their applications with the commission.

Public Hearing – Local Landmark Designation for Graham Round Barn- Jason Harpe – Motion to Adopt Resolution #2012-42: A Resolution of the Lincoln County Board of Commissioners Designating the Structure Known as the Graham Round Barn in Lincoln County, North Carolina as a Local Historic Landmark:

The Graham Round Barn is located on the property at 830 Beth Haven Church Rd.. The round barn itself is the only structure included in the application. The round barn was added to the National Register of Historic Properties on the 6th of May 1977.

Considering the Graham Round Barn's current national register designation and its unique architectural style the Historic Properties Commission has decided to forward this request to the Board of Commissioners for their consideration of Local Landmark Designation for this property.

Designation is an honor, indicating the community believes the property deserves recognition and protection. Owners of designated landmarks are eligible to apply for an annual 50 percent property tax deferral as long as the property's important historic features are maintained. Recapture penalties may apply if the owner destroys the property or damages its historic value.

The Requirements of Designation: Owners of local landmarks and of property in local historic districts are required to obtain Certificates of Appropriateness from the Historic Properties Commission before making significant changes or additions to a property, before beginning new construction, or before demolishing or relocating a property. The commission's review of proposed changes ensures that work on a property in a district or on landmark is appropriate to the special character of the district or landmark. The commission has adopted design guidelines as the criteria to judge what changes are appropriate. Property owners also use the design guidelines to plan possible projects, and to discuss their applications with the commission.

The HPC reconvened to another toom
to bring back a recommendation.

Public Comments:

Chairman Patton opened public comments.

Roger Watson-Smyth stated that he lives just off of Sifford Road. He said there is a lot of concern with the Woodcock Farms. He said there was no notification to a lot of the residents. He said traffic is a big issue. He said the Planning Board needs to do a lot of work educating the area on this issue.

Robert Avery asked the Board to consider districting for election of County Commissioners. He said if the Board would send out a survey, they would know what the citizens do and do not want.

Being no additional speakers, Chairman Patton closed public comments.

Recommendations from the Historic Properties Commission:

Jason Harpe stated that both properties were unanimously recommended for designation.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2012-41.

RESOLUTION #2012-41:

A RESOLUTION OF THE LINCOLN COUNTY BOARD OF COMMISSIONERS
DESIGNATING THE STRUCTURE KNOWN AS THE
HOPKINS HOUSE IN LINCOLN COUNTY, NORTH CAROLINA
AS A LOCAL HISTORIC LANDMARK

WHEREAS, all of the prerequisites to the adoption of this resolution prescribed in Part 3C Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an ordinance creating the Historic Preservation Commission of Lincoln County (the "Historic Preservation Ordinance") have been met and;

WHEREAS, the Lincoln County Board of Commissioners has taken into full consideration all statements and information in the application and the designation report prepared for the Lincoln County Historic Preservation Commission and presented to the Board of County Commissioners on the 17th day of September, 2012, on the question of designating the property known as the Hopkins House as a historic landmark, and

WHEREAS, the property known as Hopkins House, located in Lincolnton Township in the County of Lincoln and more particularly described in Exhibit A attached hereto, remains a excellent example of a combination of both Queen Anne and Colonial Revival styles of architecture; and

WHEREAS, the house was built in 1893 by S. Harris and Carrie Hopkins and was originally a one story Victorian; and

WHEREAS, a second story was added in the 1920's and then changed the style to a Colonial Revival style; and

WHEREAS, the Lincoln County Historic Properties Commission has recognized the historic, architectural and cultural significance of the property known as the Hopkins House and has recommended that the property be designated a "historic landmark" as outlined in Article 3 of the Historic Preservation Ordinance; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented on the finding of the Lincoln County Historic Preservation Commission.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Lincoln County, North Carolina that:

Section 1. The property known as Hopkins House, located in Lincolnton Township, Lincoln County, North Carolina jurisdictional area, more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Lincoln County Historic Preservation Ordinance.

Section 2. The owner(s) and occupants (s) of the property known as Hopkins House be given notice of this resolution as required by applicable law and that copies of this resolution be filed and indexed in the office of the County Clerk, Lincoln County Register of Deeds, Lincoln County Tax Administrator and the Lincoln County Planning & Inspections Department, as required by applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Lincoln County Historic Preservation Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Historic Preservation Commission's Certificate of Appropriateness provisions.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Any part of the resolution determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remained.

Section 6. This resolution shall become effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners does hereby officially designate Hopkins House as a Lincoln County Local Historic Landmark.

This the 17th day of September 2012.

Alex E. Patton, Chair
Lincoln County Board of Commissioners

Attest

Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner Arena, the Board voted unanimously to adopt Resolution #2012-42.

RESOLUTION #2012-42:

**A RESOLUTION OF THE LINCOLN COUNTY BOARD OF COMMISSIONERS
DESIGNATING THE STRUCTURE KNOWN AS THE
GRAHAM ROUND BARN IN LINCOLN COUNTY, NORTH CAROLINA
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, all of the prerequisites to the adoption of this resolution prescribed in Part 3C Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an ordinance creating the Historic Preservation Commission of Lincoln County (the "Historic Preservation Ordinance") have been met and;

WHEREAS, the Lincoln County Board of Commissioners has taken into full consideration all statements and information in the application and the designation report prepared for the Lincoln County Historic Preservation Commission and presented to the Board of County Commissioners on the 17th day of September, 2012, on the question of designating the property known as the Graham Round Barn as a historic landmark, and

WHEREAS, the property known as Graham Round Barn, located in Catawba Springs Township in the County of Lincoln and more particularly described in Exhibit A attached hereto, remains a unique example of the round barn style, a two story, sixteen sided structure topped with an eight sided cupola; and

WHEREAS, the circa 1892 Graham Round Barn is unprecedented in Lincoln County with its high level of integrity, and its excellent structural condition.

WHEREAS, William A Graham, Jr., son of the governor and statesman of the same name inherited the farm via his father's will was North Carolina Commissioner of Agriculture from 1908-1923; and

WHEREAS, the United States Department of the Interior listed this property on the National Register of Historic Places on May 6th, 1977; and

WHEREAS, the Lincoln County Historic Properties Commission has recognized the historic, architectural and cultural significance of the property known as the Graham Round Barn and has recommended that the property be designated a "historic landmark" as outlined in Article 3 of the Historic Preservation Ordinance; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented on the finding of the Lincoln County Historic Preservation Commission.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of

Lincoln County, North Carolina that:

Section 1. The property known as Graham Round Barn, located in Catawba Springs Township, Lincoln County, North Carolina jurisdictional area, more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Lincoln County Historic Preservation Ordinance.

Section 2. The owner(s) and occupants (s) of the property known as Graham Round Barn be given notice of this resolution as required by applicable law and that copies of this resolution be filed and indexed in the office of the County Clerk, Lincoln County Register of Deeds, Lincoln County Tax Administrator and the Lincoln County Planning & Inspections Department, as required by applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Lincoln County Historic Preservation Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Historic Preservation Commission's Certificate of Appropriateness provisions.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Any part of the resolution determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remained.

Section 6. This resolution shall become effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners does hereby officially designate Graham Round Barn as a Lincoln County Local Historic Landmark.

This the 17th day of September 2012.

Alex E. Patton, Chair
Lincoln County Board of Commissioners

Attest

Amy S. Atkins, Clerk to the Board

Drought Update: Don Chamblee, Public Works Director, presented the drought update.

Register of Deeds Request for Software Purchase: Mr. Wood presented the request from Danny Hester, Register of Deeds to proceed with a software purchase from Courthouse Systems. He recommended making the motion to approve but authorizing further negotiations.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Courthouse as the vendor of choice, authorizing Mr. Wood to negotiate potential purchase options with them as presented in documentation.

Motion to Authorize Chairman and County Clerk to Execute an Agreement on Reservoir Capacity with Cleveland County Water District – George Wood: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt Resolution #2012-45 as presented.

RESOLUTION #2012-45: A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CLEVELAND COUNTY WATER DISTRICT

THAT WHEREAS, the Cleveland County Water District has been planning for a reservoir on the First Broad River near its current water treatment plant for a number of years, as the intake is currently a “run of the river” system, without any ability to store raw water; and

WHEREAS, recent droughts have demonstrated clearly that a reservoir is needed in order to maintain a consistent supply of water for the system, which includes some customers in other counties; and

WHEREAS, Lincoln County has authorized Cleveland County Water District to serve some parts of Lincoln County where it is more economical and operationally feasible to extend their existing lines, rather than wait for the build out of the Lincoln County system into the area; and

WHEREAS, Lincoln County shares the Cleveland County Water District’s concerns about maintaining adequate raw water capacity at all times, especially during drought conditions; and

WHEREAS, the parties have agreed to provide Lincoln County, and/or its residents and businesses that are approved by the Lincoln County Board of Commissioners to be served by the CCWD, with up to 2,000,000 gallons per day of capacity in the planned reservoir, at no cost to Lincoln County;

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County, North Carolina Board of Commissioners as follows:

Section 1. That the Interlocal Water Agreement, attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved; and the Chairman and County Clerk are authorized to execute it on behalf of Lincoln County.

Section 2. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 17th day of September, 2012.

By: _____

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Motion to Adopt Resolution #2012-43: Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina – Tax Administrator Position –
George Wood: UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt Resolution #2012-43.

**RESOLUTION #2012- 43: A RESOLUTION TO AMEND THE CLASSIFICATION
AND COMPENSATION PLAN FOR LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and

WHEREAS, the County Manager has proposed the attached revised job description to better reflect the responsibilities and duties of the Tax Administrator position;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Section 1. Amend the job description of the Tax Administrator to include

- Requires a Bachelor's Degree in Accounting, Business, Public Administration, Finance or related field, and three to five years of experience in a county tax office involving the tax listing and assessment, at least two years of which must have been at a supervisory level.*

Section 2. That the attached job description for the Tax Administrator position is hereby adopted in place of the existing job description for that position.

Section 3. That this amendment shall become effective on upon its adoption.

Adopted this 17th day of September, 2012.

LINCOLN COUNTY

By: _____

Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

Motion to Adopt Resolution #2012-44: Resolution to Appointing an Interim Tax Administrator – George Wood: UPON MOTION by Commissioner Arena, the Board voted 4-1 (Mitchem against) to adopt Resolution #2012-44.

**RESOLUTION #2012-~~44~~⁴⁴: A RESOLUTION FOR THE APPOINTMENT OF AN
INTERIM TAX ADMINISTRATOR FOR LINCOLN COUNTY, NORTH CAROLINA**

THAT WHEREAS, North Carolina General Statutes require the appointment of a tax assessor and a tax collector for either a four-year or two-year term; and

WHEREAS, the two positions can be combined into one position of Tax Administrator, in which one person performs the official duties of both positions; and

WHEREAS, the Board of Commissioners had previously appointed Mrs. Madgalene H. Huffman as Tax Administrator for Lincoln County for a two-year term commencing on July 1, 2011 and ending on June 30, 2013; and

WHEREAS, Mrs. Huffman has announced her retirement effective on September 28, 2012, and therefore a vacancy will exist in this position; and

WHEREAS, a county assessor must meet all of the requirements of North Carolina General Statute 105-294 to be appointed to serve a regular term, except that they have a two-year period to become certified by the North Carolina Department of Revenue; and

WHEREAS, a county tax collector must meet the qualifications listed in North Carolina General Statute 105-349; and

WHEREAS, Mr. Jonathan Stephens is the chief appraiser in the Tax Department, and has earned the Department of Revenue's certification required to be a tax assessor; and

WHEREAS, the County Manager has recommended that Mr. Jonathan Stephens be appointed as the Interim Tax Administrator to complete a portion of Mrs. Huffman's two-year term, until a permanent Tax Administrator has been appointed; and

WHEREAS, this appointment as Tax Administrator combines the Tax Assessor and Tax Collector positions as set out in State law;

NOW THEREFORE BE IT RESOLVED by the Lincoln County, North Carolina Board of Commissioners that Mr. Jonathan Stephens be and is hereby appointed as Interim Tax Administrator for Lincoln County for a term beginning on September 29, 2012 and ending on June 30, 2013, or until a permanent Tax Administrator is appointed.

BE IT FURTHER RESOLVED that the position of Interim Tax Administrator in Lincoln County shall, and hereby does, include all of the duties and responsibilities, and rights and privileges of the Tax Assessor and Tax Collector as those are set out in State statutes and administrative regulations; and that it is the intent of this Board that Mr. Stephens shall be the Tax Assessor and the Tax Collector for Lincoln County, North Carolina, and shall be entitled to exercise all of the rights and privileges, and to fulfill all of the duties and responsibilities of those two offices, in his capacity as Interim Tax Administrator for Lincoln County.

BE IT FURTHER RESOLVED that the Lincoln County Interim Tax Administrator shall report to the Lincoln County Manager and be subject to his direction and supervision to the extent that it is not inconsistent with North Carolina General Statute 105-294 or other applicable law of the State of North Carolina.

Passed and adopted this 17th day of September, 2012.

By: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

Attest: _____
Amy S. Atkins,
Clerk to the Board

Finance Officer's Report: Deanna Rios, Finance Director, gave the Finance Officer's Report.

County Manager's Report: George Wood, County Manager, gave the County Manager's Report.

County Attorney's Report: Wesley Deaton, County Attorney, gave an update on his recent activities.

Calendar: Chairman Patton presented the calendar.

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

Amy Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners