

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 3, 2013**

The Lincoln County Board of County Commissioners met June 3, 2013 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman  
Carl E. Robinson, Jr., Vice Chair  
James A. Klein  
Carrol D. Mitchem  
Cecelia A. Martin

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

Planning Board Members:

Christine Poinsette, Chair  
Darrell Gettys, Vice-Chair  
Tom Campbell  
Dr. Crystal Mitchem  
Dr. Richard Pence  
Brian Rabalais

**Call to Order:** Chairman Patton called the June 3, 2013 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, June 3, 2013  
6:30 PM

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

Call to Order

1. Adoption of Agenda
  2. Consent Agenda
    - Tax Requests for Releases - Over \$100
      - April 16 - May 15, 2013
    - Tax Requests for Refunds - Over \$100
      - April 22 - May 5, 2013
    - Minutes for Approval
    - CDBG Monthly Status Update
    - JCPC Funding Allocation
    - Lincoln County HCCBG Funding Plan
    - Resolution #2013-25: Resolution to Sell North Brook Volunteer Fire Department a Surplus Copier for \$1.00
    - Ordinance #2013-13: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
    - Ordinance #2013-14: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
  3. Zoning Public Hearings - Randy Hawkins

ZMA #605 C4 Development, LLC, applicant (Parcel ID# 34062) A request to rezone 0.26 acre acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property, part of a 1.6-acre parcel, is located about 300 feet north of N.C. 16 Business and 850 feet west of Forest Hills Drive in Catawba Springs Township.

CUP #323 Michael Shuford, applicant (Parcel ID# 11131) A request for a conditional use permit to place a Class C (singlewide) manufactured home in the R-S (Residential Suburban) district. The proposed 1.1-acre site, part of a 10.2-acre parcel, is located on the west side of Peeler Road about 1,000 feet south of Reeps Grove Church Road in North Brook Township.
  4. Public Hearing - Fiscal Year 2014 Budget and CIP
  5. Resolution #2013-24: Resolution Requesting the Closing of a Portion of Caswell Road (SR#1578)
  6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
  7. Rock Springs Park Update and Change Order for Sewer Connection in Lieu of Septic System - Don Chamblee
  8. Closed Session - Pursuant to N.C.G.S. § 143-318.11. Closed sessions.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session.
  9. Other Business
- Adjourn

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

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

- Tax Requests for Releases - Over \$100
  - April 16 - May 15, 2013
- Tax Requests for Refunds - Over \$100
  - April 22 - May 5, 2013
- Minutes for Approval
  - April 15, 2013
  - May 6, 2013
  - May 9, 2013
- CDBG Monthly Status Update
- JCPC Funding Allocation
- Lincoln County HCCBG Funding Plan
- Resolution #2013-25: Resolution to Sell North Brook Volunteer Fire Department a Surplus Copier for \$1.00
- Ordinance #2013-13: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2013-14: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina

\*\*\*Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.\*\*\*

LINCOLN COUNTY  
TAX DEPARTMENT

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100  
AND #105-325 INCLUDING (A) (6)

REQUEST FOR RELEASES

PERIOD COVERED  
(April 16, 2013 - May 15, 2013)

NAME	YEAR	A/C NO	AMOUNT
El Azteca Supermarket	2012	0236174	\$191.07
Peeler, Hubert H	2013	04311	\$2,232.24
		<b>TOTAL</b>	<b>\$2,423.31</b>

NAME	YEAR	A/C NO	AMOUNT
Akins, Troy McCranie	2012	0220888	\$136.23
Allison, Kenneth J	2012	0149220	\$202.32
Barnette, Richard Frank	2012	0075836	\$179.80
Baxter, Martin Kenneth	2012	0078311	\$104.73
Burke, Kristen Suzette	2012	0237860	\$111.24

Dixon, Andrew Jordan	2012	0241096	\$253.02
Ellis, Jonathan Mark	2012	0242567	\$276.18
Gray, Amber Lee	2012	0236920	\$805.30
Lemons, Teresa Crofts	2012	0206168	\$244.52
PNC Equipment Finance, LLC	2012	0236983	\$133.98
Poston, Dennis Kent	2012	0238575	\$250.48
Punch, George A	2012	0115058	\$295.41
Riffe, Jesse Junior	2012	0102347	\$100.44
Sain, David Chadwick	2012	0183332	\$136.98
Secrest, William Vernon	2012	0118463	\$565.46
Smith, Melvin Shane	2012	0222766	\$318.33
Somers, Jonathan Wayne	2012	0186393	\$102.14
Tice, Michael Dominic John	2012	0240893	\$138.96
Trim Craft Construction LLC	2012	0219930	\$164.44
Viva Motorsports LLC	2012	0245155	\$164.21
		<b>TOTAL</b>	<b>\$4,684.17</b>

LINCOLN COUNTY TAX DEPARTMENT MOTOR VEHICLES	<b>REQUEST FOR REFUNDS</b>
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PERIOD COVERED (APRIL 22, 2013 - MAY 5, 2013)

G.S. # 105-381(B) ALL REFUNDS MORE THAN \$100.00  
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
WRIGHT, HUBERT D.	2013	NBFD	01947	\$1,421.17	ABATED BILL
			<b>TOTAL</b>	<b>\$1,421.17</b>	

**Zoning Public Hearings:** Randy Hawkins presented the following:

**Zoning Map Amendment #605 – C4 Development, LLC, applicant:**

The applicant is requesting the rezoning of 0.26 acre from R-SF (Residential Single-Family) to B-N (Neighborhood Business). This property is a rear portion of a 1.6-acre parcel, the rest of which is zoned B-N. The owner of the property has authorized the rezoning request.

The property is located about 300 feet north of N.C. 16 Business about 850 feet west of Forest Hills Drive in Catawba Springs Township. It is adjoined by property zoned B-N, CU B-G (Conditional Use General Business) and R-SF. Land uses in this area include business, institutional and residential. This property is part of an area identified by the NC 16 Corridor Vision Plan as the “Downtown Denver” community center, a service area for surrounding neighborhoods.

Chairman Patton opened the public hearing.

Todd Simmons, Civil Engineer, said he is here to answer any questions. They are trying to clean up the zoning and make this uniform.

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

**Conditional Use Permit #323 – Michael Shuford, applicant:**

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. In this case, a new home is proposed. Under the UDO, a Class C manufactured home is permitted in the R-S district subject to the issuance of a conditional use permit.

The proposed 1.1-acre site, part of a 10.2-acre parcel, is located on the west side of Peeler Road about 1,000 feet south of Reeps Grove Church Road in North Brook Township. The site is proposed to be separated from the larger parcel as a family subdivision. It is surrounded by property zoned R-S. Land uses in this area are primarily agricultural and residential, including manufactured homes. The Lincoln County Land Use Plan designates this area as Rural Preservation, with low density residential uses encouraged.

Crystal Mitchem, Planning Board member, asked to be recused from voting on this item.

Chairman Patton opened the public hearing.

Michael Shuford, applicant, said he is here to answer any questions.

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

**Public Hearing – Fiscal Year 2014 Budget and CIP:** Chairman Patton opened the public hearing concerning the Fiscal Year 2014 Budget and CIP.

Being no speakers, Chairman Patton closed the public hearing.

**Resolution #2013-24: Resolution Requesting the Closing of a Portion of Caswell Road (SR#1578):** UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Resolution #2013-24.

**Resolution # 2013 - \_\_\_\_\_  
Requesting the Closing of a Portion Of  
Caswell Road (SR# 1578)**

**Whereas**, the property owners being hereby known as Jack R. Welch and wife, Paulette H. Welch have petitioned the North Carolina Department of Transportation to abandon a portion of Secondary Road # 1578, known locally as Caswell Road, from the State Maintenance System. The portion being described as the last 0.10 miles and lying at the end of current state maintenance as shown on the attached maps, thereby reducing the state maintained portion of Caswell Road to approximately 0.70 miles total.

**Whereas**, NCDOT has submitted to the Lincoln County Board of Commissioners a request for a review and recommendation for the road abandonment; and

**Whereas**, staff has reviewed the request and has determined that no property owners would be deprived of ingress or egress and no US mail route(s) or bus route(s) would be affected.

**Therefore be it resolved that** the Lincoln County Board of Commissioners has reviewed this request and recommends to the North Carolina Board of Transportation for the abandonment of 0.10 miles of SR 1578 as described above.

Upon motion made by Commissioner \_\_\_\_\_, the above order was unanimously adopted by the Lincoln County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2013.

This the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Clerk

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**Public Comments:** Chairman Patton opened public comments.  
Being no speakers, Chairman Patton closed public comments.

**Rock Springs Park Update and Change Order for Sewer Connection in Lieu of Septic System:** Don Chamblee presented the following:

Rock Springs Nature Preserve Park is a 116 acre site in eastern Lincoln County which is

being developed and is partially funded by a \$415,000 PARTF grant. The new park will create a unique opportunity for a conservation themed park facility and provide public access to a nature preserve. The County awarded the contract to J.D. Goodrum for \$819,200 on February 4, 2013. Construction on Rock Springs Nature Preserve began in March of 2013 and is expected to be complete by November of 2013.

Two items have arisen during construction with unsuitable soils and the opportunity to connect to the County's sewer system.

Approval of Change Order #1 to relocate 350 cubic yards of unsuitable soil at the Rock Springs Nature Preserve construction site and replace the soil with compactable suitable soil from onsite source, in the amount of \$6,171,00.

Approval of Change Order #2 to change the sewer disposal from a septic system to a low pressure sewer system in the amount of \$16,822.00.

Mr. Chamblee requested that the Board authorize the Chairman of the Board to approve Change Order #1 and Change Order #2 for Rock Springs Nature Park.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve change order for sewer connection in lieu of septic system as presented.

**Closed Session:** **UPON MOTION** by Commissioner Martin, the Board voted unanimously to enter Closed Session Pursuant to N.C.G.S. § 143-318.11. Closed sessions.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session.

The Board returned to open session and Chairman Patton announced no action was taken in Closed Session.

Mr. Wood gave an update on the Spec Building, saying negotiations have fallen through with the private company and he feels the County will be better to build it. This will be on the June 17 meeting for approval.

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

Amy S. Atkins, Clerk  
Board of Commissioners

Alex E. Patton, Chairman  
Board of Commissioners