

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 17, 2015**

The Lincoln County Board of County Commissioners met August 17, 2015 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

**Commissioners Present:**

Bill Beam, Vice Chair  
Martin Oakes  
Cecelia A. Martin  
Alex E. Patton

**Commissioners Absent:**

Carrol Mitchem, Chairman

**Others Present:**

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

**Call to Order:** Vice Chairman Beam called the August 17, 2015 meeting of the Lincoln County Board of Commissioners to order and led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to adopt the agenda as presented adding Items 15a and 15b as Closed Sessions.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, August 17, 2015**  
**6:30 PM**

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

Call to Order

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Approval and Acceptance of Agreement for Completion of Improvements for Trilogy Lake Norman (Carolina Ridge)
  - Vehicle Tax System Refunds
  - Capital Project Ordinance Amendment #1
  - Capital Project Ordinance Amendment #2
  - Budget Ordinance Amendment #2
  - Grant Project Ordinance Amendment #1
  - Fee Waiver - ELBA Christmas Parade
  - 2015 Holiday Schedule
  - Resolution #2015-22: Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium
3. Planning Board Recommendations - Randy Hawkins
4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
5. Resolution #2015-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator and Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts - Susan Sain
6. Presentation Concerning Employee Wellness Update- Mark Browder
7. Job Classification Change - Deanna Rios
8. Approval for Sole Source Purchase of LEGO EV3 MINDSTORMS and LEGO Classroom Activity Packs  
in the amount of \$17,794.69 - Jennifer Sackett
9. Vacancies/Appointment
10. Finance Officer's Report
11. County Manager's Report
12. County Commissioners' Report
13. County Attorney's Report
14. Calendar
15. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Tax Collection Report

Adjourn

**Consent Agenda:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the agenda as presented.

- Approval and Acceptance of Agreement for Completion of Improvements for Trilogy Lake Norman (Carolina Ridge)
- Vehicle Tax System Refunds
- Capital Project Ordinance Amendment #1
- Capital Project Ordinance Amendment #2
- Budget Ordinance Amendment #2
- Grant Project Ordinance Amendment #1
- Fee Waiver - ELBA Christmas Parade
- Resolution #2015-22: Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium

\*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

**Planning Board Recommendations:** Randy Hawkins presented the following recommendations from the Planning Board.

**UDO Proposed Amendments #2015-3: Lincoln County Planning and Inspections**

**Department, applicant:** A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 3.2 to delete façade requirements for side and rear walls of nonresidential buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.
- 2) Amend Section 2.5.1 (Eastern Lincoln Development District standards) to add the current façade requirements of Section 3.2.

**The Planning Board voted 7 - 1 to recommend approval.**

**UPON MOTION** by Commissioner Oakes, the Board voted 3 – 1 (Beam, Oakes, Martin for; Patton against) to approve the Statement of Consistency and Reasonableness for UDO Proposed Amendments #2015-3: Lincoln County Planning and Inspections Department, applicant.

Commissioner Patton said his concern with this amendment is that with a building at an intersection where 2 roads meet, the sides will look different. He said staff recommended leaving that in there and that it how he will vote.

**UPON MOTION** by Commissioner Oakes, the Board voted 3 – 1 (Beam, Oakes, Martin for; Patton against) to approve UDO Proposed Amendments #2015-3: Lincoln County Planning and Inspections Department, applicant.

**ZMA #619 Kenneth Pope, applicant:** (Parcel ID# 33101) A request to rezone 1.2 acres from R-SF (Residential Single-Family) to B-G (General Business). The property is located at 2948 N.

NC 16 Hwy., on the east side of N.C. 16 Business about 1,000 feet north of Webbs Road, in Catawba Springs Township.

**The Planning Board voted 8-0 to recommend approval.**

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #619 – Kenneth Pope, applicant.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve ZMA #619 – Kenneth Pope, applicant.

**CZ #2015-1 KTR Motorsports, Inc., applicant** (Parcel ID# 34015)

A request to rezone 1.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle and boat sales. The property is located at 3866 N. NC 16 Hwy., on the north side of N.C. 16 Business about 800 feet west of Campground Road, in Catawba Springs Township.

**The Planning Board voted 8-0 to recommend approval.**

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for CZ #2015-1 KTR Motorsports, Inc., applicant.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve CZ #2015-1 KTR Motorsports, Inc., applicant.

**PD #2015-1 Campground 64, LLC, applicant** (Parcel ID# 60047, 60237 and 29676) A request to rezone 64 acres from R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 150 single-family detached homes. The property is located on the west side of Campground Road about 2,000 feet north of N.C. 16 Business in Catawba Springs Township.

**The Planning Board voted 5-3 to recommend approval with plan addendum.**

Commissioner Oakes asked if someone could explain the dissention from the Planning Board's vote. Christine Poinsette, Planning Board Chair, explained that every single Planning Board member was concerned about traffic on Highway 16 and hesitated approving this development, but decided you should not hold a developer hostage for problems that are currently there.

Commissioner Patton asked about the improvements needed at 16 and Campground Road. Mr. Hawkins said the Traffic Impact Study identified improvements needed at 16 and Campground Road based on the impact of this development. The developer has agreed to make those improvements, but if right of way cannot be obtained, the developer agreed to put in escrow \$288,000, the estimated cost of the right of way and improvements.

**UPON MOTION** by Commissioner Oakes, the Board voted 3 – 1 (Patton against) to approve the Statement of Consistency and Reasonableness for PD #2015-1 Campground 64, LLC, applicant.

**UPON MOTION** by Commissioner Oakes, the Board voted 3 – 1 (Patton against) to approve PD #2015-1 Campground 64, LLC, applicant.

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

*Don Owens*, 3079 Philadelphia Church Road, spoke concerning the need for Christian prayer.

*Alan Wheeler*, 6272 King Wilkinson Road, spoke concerning the need for Christian prayer at Commissioner meetings.

*Rudy Bauer*, 8252 Blades Trail, spoke about traffic on Highway 16 and the Charter School.

The Planning and Inspections Department said they will have DOT look into this and will bring something back before the Board at a later meeting.

*Brenda Smith* spoke concerning the Land Use Plan and Highway 16 Corridor Plan.

*Robert Avery*, 4466 Hwy 182, Crouse, spoke concerning an update to the Schedule of Values.

*Edwin Bristol*, 3794 Walker Road, Maiden, spoke about the need for a new Senior Center due to the fact that the current center is on 3 floors and the elevators are on the college side. He said a one level facility with good parking would be much better.

*Larry Caldwell*, 7784 Deer Track Drive, spoke concerning the Lincoln County Land Use Plan.

*Jason Williams*, Pastor of Little Tree Community, spoke concerning the inclusive Prayer Policy.

*Sharon Black*, 7624 Forest Oak Drive, spoke about the Lincoln County Land Use Plan.

*Ann Kelly and Mickie Kelly*, 7804 Galway Lane, spoke concerning the road going into the Charter School, which is also the road to her house. She asked for help with the situation.

Being no additional speakers, Vice Chairman Beam closed public comments.

**Resolution #2015-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator and Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts:** Susan Sain, Tax Administrator, presented the following:

Chapter 105-373 of the North Carolina General Statutes require that the county tax collector make an annual settlement with the governing body each year after July 1. The settlement is to be made prior to taxes for the coming year being turned over to the collector for collection.

The settlement is intended to show that all taxes have been properly accounted for and that the collector is making an honest and diligent effort to collect all taxes due to the county. Approval of the settlement by the governing board does not relieve the collector of any liability that may arise after the settlement.

After approval of the tax settlement, the Board is requested to authorize the collection of taxes for the tax year 2015-2016.

RESOLUTION # 2015-\_\_\_\_\_ : A RESOLUTION ACCEPTING THE TAX  
SETTLEMENT WITH THE LINCOLN COUNTY TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Tax Administrator is charged with the collection of all real and personal property taxes for Lincoln County, the east Lincoln County Water and sewer District, the Fire Districts, and the City of Lincolnton; and

WHEREAS, NCGS 105-373 sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners on an annual basis for all taxes charged for collection and those collection and remaining uncollected at year-end; and

WHEREAS, such settlement is to take place before the Tax Administrator can be charged with the collection of the next year's tax collections; and

WHEREAS, the Tax Administrator has prepared the required Settlement and submitted it to the Finance Office for Review; and

WHEREAS, the Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners hereby accepts and approves the Settlement of Taxes prepared by the Tax Administrator's Office, which is attached hereto and incorporated by reference into this Resolution.

Adopted this \_\_\_\_\_ day of July 2015.

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Carrol Mitchem, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins

Clerk to the Board

**Order Directing the Tax Collector  
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina

County of Lincoln

To the Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this \_\_\_\_\_ day of July 2015.

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Carrol

Mitchem, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to accept Resolution #2015-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax

Administrator and Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts.

**Employee Wellness Update:** Mark Browder, with Mark III and Associates, gave an update on wellness for Lincoln County employees. Mr. Browder presented information from Cleveland County's employee wellness program and opportunities for improvement with Lincoln County employees.

Commissioner Beam asked what percentage of employees that pay the additional fee for insurance so they do not have to participate in the wellness. Mrs. Burgin responded that she did not know, but could get that number.

**Job Classification Change:** Deanna Rios asked the Board to change the job title of Scott Cook from Chief Accountant to Deputy Finance Director. The Chief Accountant has many responsibilities, one of which is to fill in for the Finance Director during any absence. Changing the title to Deputy Finance Director will allow Mr. Cook to be able to sign contracts when necessary and also to pre audit items when the Finance Director is not available. In the absence of the Finance Director, Scott would be the default department head. Mr. Cook will also assist the County Manager and the Finance Director during the budget process by attending meetings, making presentations and working on background information for the budget.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the job classification change as presented.

**Approval of Sole Source Purchase of LEGO EV3 MINDSTORMS and LEGO Classroom Activity Packs:** Jennifer Sackett said the Lincoln County Public Library was awarded a \$50,000 grant to purchase technology, equipment and supplies that will enable staff to further develop and expand Maker Programs which promote literacy, inspire creativity, and incorporate science, technology, engineering, arts and mathematics (STEAM) components at all three libraries. The EV3 MINDSTORMS (robotic modules) and LEGO Classroom Activity Packs are part of the items included in the grant.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve the Sole Source Purchase of LEGO EV3 MINDSTORMS and LEGO Classroom Activity Packs.

Chairman Mitchem arrived at the meeting.

**Vacancies/Appointments:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to reappoint Jamie Houser to the Planning Board – Howard's Creek seat and Crystal Mitchem – North Brook seat.

**Finance Officers' Report:** Deanna Rios presented the Finance Officer's Report for July.

**County Manager's Report:** Mr. Atkins reminded the Board of a joint work session with the Planning Board on August 31 at 6:30 p.m. He said he will be introducing a new cover memo at the next meeting.

**County Commissioners' Report:** Nothing reported.

**County Attorney's Report:** Nothing reported.

**Calendar:** Nothing reported.

**Closed Session:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session - Pursuant to NCGS § 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, or to discuss matters relating to military installation closure or realignment.

The Board returned to open session and Vice Chairman Beam reported that no action was taken in closed session.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session - Pursuant to NCGS § 143-318.11. **Closed sessions** (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

The Board returned to open session and Vice Chairman Beam reported that no action was taken in closed session.

**Other Business:** Nothing reported.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners