

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 5, 2011**

The Lincoln County Board of County Commissioners met December 5, 2011 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

**Planning Board Members:**

Jeff Frushtick, Chairman  
Christine Poinsette, Vice-Chairman  
Cathy Davis, Secretary  
John Anderson  
Tom Campbell  
Darrell Gettys  
Keith Johnson  
Shelly Johnston  
Dr. Richard Pence

**Call to Order:** George Wood, County Manager, called the December 5, 2011 meeting of the Lincoln County Board of Commissioners to order.

**Election of Chairman:** Mr. Wood opened the floor for nominations for Chairman. Commissioner Arena made motion to nominate Commissioner Patton as Chairman. Vote: Unanimously approved.

**Election of Vice Chairman:** Chairman Patton opened the floor for nominations for Vice Chairman.

Commissioner Robinson nominated Commissioner Arena as Vice Chair.

Commissioner Klein made a motion to close nominations, which was unanimously approved.

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

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt the agenda.

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**DECEMBER 5, 2011**

- 6:30 PM Call to Order - George Wood, County Manager
- 6:31 PM Invocation – Commissioner Robinson
- 6:32 PM Pledge of Allegiance
- Election of Chairman
- Election of Vice-Chair
- 1. 6:33 PM Adoption of Agenda
- 2. 6:35 PM Consent Agenda
  - Tax Requests for Releases – More than \$100
  - October 16 - November 15, 2011
  - Ordinance #2011-16: Budget Adjustments
  - Approval of Minutes - November 21, 2011
  - 2012 Meeting Schedule
- 3. 6:40 PM Public Hearing - Andrew Bryant  
Plat Approval #34 - Austin Commercial Subdivision
- 4. 6:55 PM Public Comments
- 5. 7:10 PM Motion to Adopt Revised Work First Family Assistance Plan for 2012-14
- 6. 7:15 PM Motion to Approve Resolution #2011-66: Resolution Regarding the Waiver of Out-of-County Library Card Fee for Gaston County Residents - George Wood
- 7. 7:25 PM Other Business
- Adjourn

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

Consent Agenda

- Tax Requests for Releases – More than \$100  
-October 16 - November 15, 2011
- Ordinance #2011-16: Budget Adjustments
- Approval of Minutes - November 21, 2011
- 2012 Meeting Schedule

LINCOLN COUNTY TAX DEPARTMENT			REQUEST FOR RELEASES			1 of 1
G.S. #105-381 (B) ALL RELEASES MORE THAN \$100 AND #105-325 INCLUDING (A) (6)			PERIOD COVERED (October 16, 2011 - November 15, 2011)			
NAME	YEAR	DIST	A/C NO	AMOUNT	REASON	
CPI Packaging Inc.	2010	City	0165994	\$10,846.22	Double listed on A/C 0103179.	
DJ S Cape & Grill	2010	SFFD	0223886	\$181.78	Did not own business personal property as of 1/1/2010.	
General Insulation Inc.	2011	DFD/ELSD	0235571	\$129.24	Assessment adjustment of business personal property.	
Industrial Hard Carbon LLC	2011	ELFD/ELSD	0231693	\$2,338.68	Assessment adjustment of business personal property.	
La Paloma	2011	ELFD	0236103	\$103.93	Double listed on A/C 0230693 & 0228989.	
Mountain Coach Co. Inc.	2010-2011	N-321	0073629	\$340.46	Did not own business personal property as of 1/1/2010.	
NDTS	2005	BCFD	0144160	\$7,441.50	US Bankruptcy Judge discharged personal property.	
One Price Clothing Stores #24	2004	City	25715	\$154.15	US Bankruptcy Judge discharged personal property.	
Randy's Lawn and Landscape	2009	PCFD	0133901	\$278.81	US Bankruptcy Judge discharged personal property.	
Ries, Brian	2010-2011	ELFD/ELSD	0228338	\$206.18	Double listed on A/C 26784.	
S & S Cleveland LLC	2010-2011	SFFD	0205944	\$5,090.31	Adjustment of value from NC Property Tax Commission.	
Taqueria Los Compadres	2007-2008	City	0192735	\$728.33	US Bankruptcy Judge discharged personal property.	
Triple S Motorsports	2008-2011	DFD/ELSD	0207543	\$1,531.43	Business personal property in Mecklenburg County as of 1/1/2008.	
			<b>TOTAL</b>	<b>\$29,371.02</b>		

LINCOLN COUNTY  
TAX DEPARTMENT

**REQUEST FOR RELEASES  
MOTOR VEHICLE BILLS**

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

PERIOD COVERED  
(Oct 16, 2011 - Nov 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Banik, Rudolph M	2010	ELFD/ELSD	0123848	\$104.52	Pro-rated bill.
Beam Simon, Patricia Dale	2011	City	0234135	\$172.19	Vehicle taxable in Burke County.
Buff, Lisa Thomas	2011	NBFD	0082362	\$104.95	Pro-rated bill.
Falasca, Gregory Michael	2011	ELFD/ELSD	0185537	\$104.38	Pro-rated bill.
Hansford, Ogden Jr	2011	City	0211037	\$331.86	Vehicle taxable in Catawba County.
Hunter, Henry Kyle	2011	City	0234416	\$113.91	Vehicle taxable in Gaston County.
Kenco Transportation LLC	2011	DFD	0225458	\$135.55	Pro-rated bill.
Lowe, Danya Heavner	2011	City	0082474	\$150.77	Vehicle taxable in Gaston County.
McDougal, Matthew Steven	2011	BCFD	0233771	\$119.07	Pro-rated bill.
Melendez, Eric Christopher	2011	ALFD	0233547	\$121.93	Pro-rated bill.
Newsome, Eric Walter	2009	City	0196218	\$125.09	Military exemption.
Reiber, David G Sr	2008	ELFD/ELSD	0202279	\$162.91	US Bankruptcy Judge discharged personal property.

LINCOLN COUNTY  
TAX DEPARTMENT

**REQUEST FOR RELEASES  
MOTOR VEHICLE BILLS**

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

PERIOD COVERED  
(Oct 16, 2011 - Nov 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Smith, Tony Matthew	2011	PCFD	0190351	\$109.05	Pro-rated bill.
Templin, Holly Luann	2011	City	0235758	\$175.90	Vehicle taxable in Catawba County.
Thornburg, Geraldine Easler	2011	City	0235774	\$292.97	Vehicle taxable in Gaston County.
<b>TOTAL</b>				<b>\$2,325.05</b>	

**ORDINANCE #2011-16: AN ORDINANCE AMENDING THE FY 2012 BUDGET  
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; 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 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-16, are hereby approved and adopted as amendments to the FY 2012 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 5th day of December, 2011.

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

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board

**EXHIBIT A to Ordinance #2011-15**

Budget Amendments numbered 53 through 56, inclusive.

## **2012 Board of Commissioners Meeting Schedule**

- |                      |                                |
|----------------------|--------------------------------|
| • January 9, 2012    | 6:30 PM Zoning Public Hearings |
| • January 23, 2012   | 6:30 PM Regular Meeting        |
| • February 6, 2012   | 6:30 PM Zoning Public Hearings |
| • February 20, 2012  | 6:30 PM Regular Meeting        |
| • March 5, 2012      | 6:30 PM Zoning Public Hearings |
| • March 19, 2012     | 6:30 PM Regular Meeting        |
| • April 2, 2012      | 6:30 PM Zoning Public Hearings |
| • April 16, 2012     | 6:30 PM Regular Meeting        |
| • May 7, 2012        | 6:30 PM Zoning Public Hearings |
| • May 21, 2012       | 6:30 PM Regular Meeting        |
| • June 4, 2012       | 6:30 PM Zoning Public Hearings |
| • June 18, 2012      | 6:30 PM Regular Meeting        |
| • July 16, 2012      | 6:30 PM Regular Meeting        |
| • August 6, 2012     | 6:30 PM Zoning Public Hearings |
| • August 20, 2012    | 6:30 PM Regular Meeting        |
| • September 10, 2012 | 6:30 PM Zoning Public Hearings |

- September 17, 2012                      6:30 PM Regular Meeting
- October 1, 2012                         6:30 PM Zoning Public Hearings
- October 15, 2012                        6:30 PM Regular Meeting
- November 5, 2012                       6:30 PM Zoning Public Hearings
- November 19, 2012                      6:30 PM Regular Meeting
- December 3, 2012                       6:30 PM Zoning Public Hearings
- December 17, 2012                      6:30 PM Regular Meeting

**Public Hearing - Plat Approval #34 - Austin Commercial Subdivision:** Andrew Bryant presented the following information:

Austin Real Estate Investments, LLC, is requesting preliminary plat review and approval from the Lincoln County Board of Commissioners and Planning Board for the Austin Commercial Subdivision. The subdivision in question contains 2 lots. The Lincoln County Unified Development Ordinance states in Section 9.6.9, all preliminary plats proposing new roads or the extension of infrastructure shall be submitted to the Board of Commissioners and Planning Board for their approval, disapproval, or approval with conditions.

Austin Commercial Subdivision is located on the west side of North Highway 16 just north of the intersection of Webbs Road and N. Highway 16. The subdivision is located in the Catawba Springs Township. The tracts in question are approximately 4.02 acres. The subdivision will be served by a public water and sewer system.

The Lincoln County Land Use plan designates this area as part of the Highway 16 Overlay District. A mix of residential and commercial properties is located along or in close proximity to the proposed subdivision. The Lincoln County Highway 16 Corridor Plan designates this parcel within area defined as “commercial development opportunity.” Moreover, this property lies within a area designated as a commercial node. Such areas that are located near existing residential and commercial developments shall be undertaken in a manner so as to not negatively impact those areas. While this development does not have the option of signalization, the proposed driveway will only include a right in and right out along Highway 16.

Keith Johnson asked about the 30 foot easement on the right side of the property. Andrew Bryant stated that this is a private driveway owned by David Suddreth.

Commissioner Arena asked about the current median with regards to this driveway. Mr. Bryant stated that the current median stops about 90 feet north of this driveway and NCDOT Division 12 indicated that along with the right in/right out, an extension of about 120’ of median would be possible along with the right in/right out to prevent those deviant turns.

Commissioner Arena asked if this application can be conditioned accordingly. Mr. Bryant said it can be conditioned subject to the driveway permit approval of DOT of those conditions on their system.

Commissioner Arena asked if the back lot is subject to the ELDD. Mr. Bryant said a portion lies in the ELDD so it would be.

Chairman Patton opened the public hearing concerning Plat Approval #34 – Austin Commercial Subdivision, applicant.

David Suddreth, 2829 N. Hwy. 16, said he has been contacted by voicemail and by letter with no plat as to what the planning is. He said his house is probably 150 feet from the property line and he has been a resident since 1979. He said he understands this will be an orthodontist office there but is concerned about the other development. He said this is his home place and has sentimental value. He said this was changed 2 or 3 years ago from residential to commercial. He said his biggest concern is his driveway.

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

**Public Comments:** Chairman Patton opened Public Comments.

Being no speakers, Chairman Patton declared the Public Comments section closed.

**Motion to Adopt Revised Work First Family Assistance Plan for 2012-14:** Susan McCracken stated that she is asking for the Board's approval to the basic Work First Family Assistance Plan. Their changes were returned to the basic State standard plan.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the revised Work First Family Assistance Plan for 2012-14.

**Motion to Approve Resolution #2011-66: Resolution Regarding the Waiver of Out-of-County Library Card Fee for Gaston County Residents - George Wood:**

As you know, the Gaston-Lincoln Regional Library will dissolve on June 30, 2012. As part of that dissolution, we have been working with Gaston County and the regional library staff on a seamless transition. One of the issues presented is that currently the residents of both counties use a joint library card, and can access the collections of both Gaston and Lincoln counties.

Once we split apart, our residents will have access to Lincoln County's collection of materials, but not Gaston's, and vice versa. The collections will be on two separate databases as we operate as two separate libraries with our own library cards. To help with this situation, the two staffs are proposing that the two counties agree to provide a library card to residents of the other county at no charge for up to three years. While this will not be as convenient as accessing the other county's collection from your county's library; it will nevertheless allow a resident of one county to access from any branch of the other county's library system the materials of that other county.

If you are in agreement with this proposal, you would need to adopt the attached resolution. As you can see, the only contingency for its implementation is that Gaston County's library system or its Board of Commissioners must adopt an identical policy waiving the fees for Lincoln County residents.

Library Director Jennifer Sackett and I recommend that you adopt this resolution implementing this policy.



**RESOLUTION #2011-~~66~~: A RESOLUTION REGARDING THE  
WAIVER OF OUT-OF-COUNTY LIBRARY CARD FEE FOR  
GASTON COUNTY RESIDENTS**

THAT WHEREAS, Lincoln County and Gaston County have been partners in the Gaston-Lincoln Regional Library System since 1963, but due to a change in NC administrative regulations dealing with regional libraries have determined it is in both counties' best interests to dissolve the regional library and operate as two separate library systems; and

WHEREAS, the two counties have worked cooperatively to accomplish this, and believe that the reciprocal waiver of out-of-county fees for a library card would be beneficial to the residents of both counties; and

WHEREAS, the staffs of both counties have agreed to recommend a three-year period for this reciprocal waiver, with possible extensions in the future;

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

Section 1. That the fee for the issuance of a library card for out-of-county residents is hereby waived for all residents of Gaston County for the period beginning July 1, 2012 and ending June 30, 2015.

Section 2. This waiver is conditioned only upon the Gaston County Library System or Board of Commissioners adopting an identical policy for residents of Lincoln County, so that this waiver is reciprocal for the residents of both counties.

Section 3. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 5th day of December, 2011.

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

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to Resolution 2011-66: Resolution Regarding the Waiver of Out-of-County Library Card Fee for Gaston County Residents.

**Other Business:** Mr. Wood reminded the Board of the budget retreat on Wednesday morning at 9:00 a.m. at the Killian Creek Wastewater Treatment Plant.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners