

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 4, 2013**

The Lincoln County Board of County Commissioners met March 4, 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

**Call to Order:** Chairman Patton called the March 4, 2013 meeting of the Lincoln County Board of Commissioners to order. Commissioner Patton gave the Invocation and led in the Pledge of Allegiance.

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

**AGENDA**  
Lincoln County Board of Commissioners Meeting  
Monday, March 4, 2013  
6:30 PM

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

Call to Order

Invocation - Commissioner Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Tax Requests for Releases - Over \$100

- January 16 - February 15, 2013
- Minutes for Approval
- Monthly Status Report for Community Development Catalyst Program
- Ordinance #2013-5: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2013-6: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Annual Report - Child Protection/Fatality Team

3. Local Watershed Advisory Committee Update - Josh Grant
4. Motion to Approve Addendum No. 1 to Airlie Business Park at Ingleside - Phase 2 - Don Chamblee
5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Motion to Approve Changes to the Medical Insurance Plan as recommended by the County Manager - George Wood
7. Lease for Emergency Communications Tower –SBA Towers II LLC (962 Killian Farm Road)
8. Lease for Emergency Communications Tower –Crown Castle Site: Cherryville (3322 Fish Pond Road)
9. Discussion of Metropolitan Planning Organization (MPO) Boundaries - Andrew Bryant
10. Closed Session Pursuant to N.C.G.S. 143-318.11
  - (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; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
  - (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.
11. Other Business
  - Appointments to Region F Aging Advisory Committee

Adjourn

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

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

- Tax Requests for Releases - Over \$100
  - January 16 - February 15, 2013
- Minutes for Approval
- Monthly Status Report for Community Development Catalyst Program
- Ordinance #2013-5: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2013-6: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Annual Report - Child Protection/Fatality Team

LINCOLN COUNTY TAX DEPARTMENT		REQUEST FOR RELEASES		
		PERIOD COVERED		
G.S. #105-381 (B) ALL RELEASES MORE THAN \$100 AND #105-325 INCLUDING (A) (6)		(January 16, 2013 - February 15, 2013)		
NAME	YEAR	DIST	A/C NO	AMOUNT
Benton, Audrey Ruth	2011	ELFD/ELSD	18476	\$257.22
Cordos, Annie	2012	N-321	0239516	\$1,431.87
Gomes, Rogerio	2008-2012	BCFD	0208899	\$736.73
			<b>TOTAL</b>	<b>\$2,425.82</b>
LINCOLN COUNTY TAX DEPARTMENT		REQUEST FOR RELEASES MOTOR VEHICLE BILLS		
G.S. #105-381 (A) ALL RELEASES MORE THAN \$100 AND #105-325 INCLUDING (A) (6)		PERIOD COVERED (JAN 16, 2013 - FEB 15, 2013)		

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Active Concepts LLC	2012	City	0197822	\$192.70	Pro-rated bill.
Denny, Garrett Scott	2012	City	0242072	\$167.45	Vehicle taxable in Catawba County.
Doolittle, Julie Bryant	2012	City	0199735	\$177.60	Pro-rated bill.
Drake Enterprises of Lincolnton	2011	N-321	0210414	\$678.45	Pro-rated bill.
Duncan, Bernadette Rose	2012	City	0243960	\$265.53	Vehicle taxable in Catawba County.
Eaker, Rebecca Lovett	2012	City	0084121	\$427.99	Vehicle taxable in Gaston County.
Evans, Emily Elizabeth	2012	DFD	0242830	\$172.79	Pro-rated bill.
Everhart, Bruce Lee	2012	DFD/ELSD	0242550	\$171.94	Pro-rated bill.
Green, Lisa Lockridge	2012	City	0244017	\$125.06	Vehicle taxable in Gaston County.
Green, Robert Brandon	2012	City	0243941	\$249.43	Vehicle taxable in Gaston County.
Hensley, Linda Hance	2012	City	0242653	\$257.20	Vehicle taxable in Gaston County.
Hovis, Mark Edward	2012	Crouse	0078910	\$103.87	Pro-rated bill.

LINCOLN COUNTY  
TAX DEPARTMENT

REQUEST FOR RELEASES  
MOTOR VEHICLE BILLS

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

PERIOD COVERED  
(JAN 16, 2013 - FEB 15, 2013)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Kunkel, George Douglas	2012	ELFD/ELSD	0175349	\$308.46	Pro-rated bill.
Lackey, Harold Vance Jr	2012	DFD/ELSD	0120901	\$143.66	Pro-rated bill.
Le Van-Hamby, Jeana	2012	City	0243864	\$158.30	Vehicle taxable in Catawba County.
Lincoln Charter School	2012	ELFD/ELSD	0215576	\$418.95	Total exempt property.
Little, Trenton Dell	2012	BCFD	0243946	\$182.46	Pro-rated bill.
Metal Roofing Systems Inc	2012	ELFD	0156276	\$514.16	Pro-rated bill.
Murray, Michael	2012	DFD	0185967	\$119.35	Pro-rated bill.
Patel, Kinalkumar Kanubhai	2012	City	0228797	\$492.74	Vehicle taxable in Catawba County.
Renno, Douglas Scott	2012	City	0226071	\$293.78	Vehicle taxable in Catawba County.
Sellards, James K	2012	SFFD	0181496	\$198.16	Pro-rated bill.
Spencer, Linda Armstrong	2012	City	0242021	\$203.93	Vehicle taxable in Gaston County.
Sronce, Michael Sherman	2012	City	0082500	\$180.69	District correction.
Stiffler, Amy Renee	2012	DFD	0228133	\$154.61	Pro-rated bill.
Strickland, Phyllis Lamberth	2012	City	0243388	\$195.24	Vehicle taxable in Catawba County.
Travis, Margaret Houser	2012	City	0243743	\$157.14	Vehicle taxable in Catawba County.

LINCOLN COUNTY  
TAX DEPARTMENT

REQUEST FOR RELEASES  
MOTOR VEHICLE BILLS

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

PERIOD COVERED  
(JAN 16, 2013 - FEB 15, 2013)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Wal-Mart Stores Inc	2012	City	0243332	\$126.74	District correction.
Walter, Scott James	2012	ELFD/ELSD	0218209	\$119.02	Pro-rated bill.
			<b>TOTAL</b>	<b>\$6,957.40</b>	

**ORDINANCE #2013-5: 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 #2013-52, 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 4th day of March, 2013.

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

ATTEST:

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Amy S. Atkins  
Clerk to the Board

#### **EXHIBIT A to Ordinance #2013-5**

Capital Project Ordinance Amendment numbered 7.

#### **ORDINANCE #2013-:6: 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 #2013-6, 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 4th day of March, 2013.

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

ATTEST:

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Amy S. Atkins  
Clerk to the Board

#### **EXHIBIT A to Ordinance #2013-6**

Capital Project Ordinance Amendment numbered 12.

**Local Watershed Advisory Committee Update:** Josh Grant, Planner, gave a report on the Local Watershed Advisory Committee as follows:

*Background:*

In August 2010, the Lincoln County Board of Commissioners unanimously adopted the Indian Creek & Howards Creek Local Watershed Plan. The need for such a plan was brought forth by the Ecosystem Enhancement Program (EEP), an entity within the North Carolina Department of Environment and Natural Resources (NCDENR).

As a result of this plan, the Local Watershed Advisory Committee (LWAC) was established within that same time frame. The committee was designed to be a subgroup that stemmed from the Lincoln Natural Resources Committee (LNRC) and would work on implementing the recommendations contained within the plan. Before dissolving in June 2011, the LWAC worked for approximately 18 months and accomplished goals such as obtaining a 319 grant to construct the stormwater wetland at West Lincoln High School and providing in-class educational assistance to county science teachers.

*Update:*

In July 2012, the LWAC re-assembled and has since been slowly developing a larger body of members that are keenly interested in watershed protection and local water quality. Due to recent federal funding cuts, EEP is not currently funding any projects in the Indian & Howards Creek watersheds. However, the North Carolina Division of Water Quality (NCDWQ) is presently coordinating local groups of interest (of which LWAC is an acting partner) to promote watershed protection and help to improve water quality throughout the region.

The committee is in discussion with the staff at West Lincoln High School to provide educational materials and other equipment using funds left over from the 319 grant that was awarded for wetland construction. These materials can be rain gauges, water test kits, and even text books for students. This is an important piece of fulfilling an educational outreach goal set by the committee in the beginning.

Currently the Committee is focusing its efforts most heavily on Mill Creek, a smaller basin within the Indian Creek watershed. We are working diligently with NCDWQ staff to collect data and perform analysis of the land and waters within the Mill Creek area. The committee will be holding a public meeting on **March 19th, 2013 (6:30pm)** at Mt. Zion Baptist Church in Cherryville for the property owners who own land adjoining Mill Creek and its tributaries. Our goal is to engage the public and obtain their input, while also informing them of ways they can be involved in the effort to improve water quality.

**Motion to Approve Addendum No. 1 to Airlie Business Park at Ingleside – Phase 2 –**  
**Don Chamblee:** Don Chamblee presented the following:

The Airlie Business Park Phase II project will extend the roadway approximately 3,900 feet into the park. The asphalt will be approximately 34' wide with 2.5' concrete curb and gutter and storm sewer system. Included in the extension is a stream crossing with a 72" concrete pipe. Rufus Road will be realigned to a "T" intersection with Airlie Parkway. The improvements at the intersection of Airlie Parkway and Optimist Club Road include the addition of right and left turn lanes into the development and through lanes for traffic travelling east and west along Optimist Club Road.

Airlie Business Park is located in the eastern portion of Lincoln County and is being developed by Lincoln County in conjunction with Lincoln Economic Development Association. The modification and extension of the parkway into Airlie Business Park will help traffic flow smoothly into the business park which will provide additional industrial sites in Lincoln County. The County advertised the project and received six (6) bids on February 28, 2013, ranging from \$1,490,464.18 to \$1,775,347.40, with Eagle Wood, Inc. being the apparent low bidder.

Mr. Chamblee requested that the Board of Commissioners authorize the Chairman of the Board to execute the contract with the apparent low bidder, Eagle Wood, Inc. in the amount of \$1,490,464.18 for the extension of Airlie Parkway.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to authorize the Chairman to execute the contract with the apparent low bidder, Eagle Wood, Inc. in the amount of \$1,490,464.18 for the extension of Airlie Parkway.

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

**Rudy Bauer** spoke concerning the Appraisal Department and an issue with a dock.

Being no additional speakers, Chairman Patton closed public comments.

**Motion to Approve Changes to the Medical Insurance Plan as recommended by the County Manager:** Chairman Patton advised that at the last meeting, the Board appointed a committee to study benefits. He asked to defer this to the committee to bring back an alternative scenario to the Board.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to defer this item to the benefits committee to bring back an alternative.

**Lease for Emergency Communications Tower – SBA Towers II LLC (962 Killian Farm Road):** Marta Lide presented the following:

It is recommended that the Board approve the attached Lease for space on a tower located at 962 Killian Farm Road, with SBA Towers II LLC. Equipment for Phase 2 of our Emergency Radio Communications improvements will be installed on this tower.

Lincoln County began working on a multiphase project to improve our emergency radio communications system in 2008 when an evaluation of the existing Tait Simulcast was conducted revealing many system failures and “dead spots.” Phase 1 of this project, which was completed in February 2011, included changing the system to meet FCC narrowband requirements, making emergency repairs to keep the system operational, and addressing the main core infrastructure needs for dispatch channels. Phase 2 of this project, which was approved in October 2011, included, in addition to other system improvements, the addition of 5 new receiver sites (North Brook, Union /Central, South West Area, Killian Farm Road Area and Mt. Zion Southeast /Central area) to improve talk back coverage.

We had originally anticipated the construction of five new towers for these receiver sites, however, as this project has developed, we have determined that we only need to construct two towers. For the other sites, we will be leasing space on existing towers, and utilizing our existing water tank.

<b>Site</b>	<b>Plan</b>
Mt. Zion Southeast /Central area.	Construct Tower at Alexis Fire Department Headquarters site
Union /Central	Construct Tower at Union Fire Department site
South West Area	Lease space on existing privately owned tower
Killian Farm Area	Lease space on existing privately owned tower
North Brook	Install equipment on North Brook Water tank

Some of the major points of the lease are as follows:

- There is a 5-year initial term from March 1, 2013 through February 28, 2018. It will automatically renew for 4 additional terms of 5 years each unless the County notifies SBA of our intent not to renew within one hundred twenty (120) days prior to expiration.
- Rent will be \$850 per month which will increase annually by 3%. We are also required to pay any sales, use and excise taxes and fees or assessments related to the equipment or use of the site.

- Requires the County to obtain all the required approvals and submit plans for installation of equipment to the owner. If requested by the owner, we may be required to conduct a tower load study and/or an intermodal study performed and certified by an independent licensed professional engineer. This study is estimated to cost up to \$2,000- \$5,000.
- Requires that we remove the equipment at the end of the lease agreement
- Requires Lincoln County to maintain and insure the premises and the improvements
- Requires the County to give one hundred eighty (180) days prior notice if we intend to terminate the lease after the initial five (5) year term.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the lease for Emergency Communications Tower – SBA Towers II LLC (962 Killian Farm Road).

**Lease for Emergency Communications Tower – Crown Castle Site: Cherryville (3322 Fish Pond Road)**: Martha Lide presented the following:

It is recommended that the Board approve the attached Lease for space on a tower located at 3322 Fish Pond Road, with Crown Castle. Equipment for Phase 2 of our Emergency Radio Communications improvements will be installed on this tower.

Lincoln County began working on a multiphase project to improve our emergency radio communications system in 2008 when an evaluation of the existing Tait Simulcast was conducted revealing many system failures and “dead spots.” Phase 1 of this project, which was completed in February 2011, included changing the system to meet FCC narrowband requirements, making emergency repairs to keep the system operational, and addressing the main core infrastructure needs for dispatch channels. Phase 2 of this project, which was approved in October 2011, included, in addition to other system improvements, the addition of 5 new receiver sites (North Brook, Union /Central, South West Area, Killian Farm Road Area and Mt. Zion Southeast /Central area) to improve talk back coverage.

We had originally anticipated the construction of five new towers for these receiver sites, however, as this project has developed, we have determined that we only need to construct two towers. For the other sites, we will be leasing space on existing towers, and utilizing our existing water tank.

<b>Site</b>	<b>Plan</b>
Mt. Zion Southeast /Central area.	Construct Tower at Alexis Fire Department Headq site
Union /Central	Construct Tower at Union Fire Department site
South West Area	Lease space on existing privately owned tower

Killian Farm Area	Lease space on existing privately owned tower
North Brook	Install equipment on North Brook Water tank

Some of the major points of the lease are as follows:

- There is a 5-year initial term from March 1, 2013 through February 28, 2018. It will automatically renew for 4 additional terms of 5 years each unless the County notifies the Crown Castle of our intent not to renew within ninety (90) days of expiration.
- Rent will be \$1,050 per month which will increase annually by 3%. We are also required to pay any sales, use and excise taxes and fees or assessments related to the equipment or use of the site.
- Requires the County to obtain all the required approvals and submit plans for installation of equipment to the owner.
- Requires the County to pay a \$1,000 fee to submit site engineering plans, pay a \$2,400 structural analysis fee and pay a \$1,500 inspection fee if Crown Castle is not the construction manager on the installation.
- Requires that we remove the equipment at the end of the lease agreement.
- Requires Lincoln County to maintain and insure the premises and the improvements and increase the insurance coverage by 10% after the end of each five (5) year term.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the lease for Emergency Communications Tower – Crown Castle Site: Cherryville Fish Pond Road)

**Discussion of Metropolitan Planning Organization (MPO) Boundaries – Andrew Bryant:** Andrew Bryant presented the following:

Throughout the past year Lincoln County has been involved in ongoing discussions with several transportation planning organizations in the region including the Mecklenburg-Union MPO, Gaston Urban Area MPO and the Lake Norman RPO to determine future planning boundaries.

This discussion was prompted by results of the 2010 Census that showed the growth of urbanized areas into eastern Lincoln County. As a result of these discussions Lincoln County along with the City of Lincolnton determined that the eastern one third of Lincoln County would work towards joining the Mecklenburg Union MPO while the remaining two thirds of the county, including Lincolnton, would remain a part of the reconstituted Lake Norman RPO. The reconstituted RPO which had assumed the name Southwest Piedmont RPO was to be comprised of the western two thirds of Lincoln County, including Lincolnton, the northwestern portion of Gaston County, including Cherryville, and the whole of Cleveland County and its associated municipalities with the exception of the City of Kings Mountain, its ETJ and the I-85 Corridor towards Grover.

Late last week staff received notification that Cleveland County was prepared to file an injunction in Federal Court related to these proposed boundaries. Cleveland County contends that they were never informed of the Gaston Urban Area MPO's intention to only take in a small portion of the county into their transportation planning area. Cleveland County states that their reason for threatening to file an injunction is so that they do not have to participate in two organizations. In the spring of 2012 Cleveland County officials went on record to explicitly state that they did not want to be part of the MPO and wanted to remain a part of the RPO.

From the statements made by Cleveland County officials in the past several days we feel that it would be prudent to brief the Board of Commissioners on the possibility of several scenarios that could be unfolding in the next few weeks. While we are not requesting official board action it we do feel that it will be beneficial to staff as we continue to meet over the next several weeks to understand the boards feelings and positions on the different scenarios that have been outlined below.

### **Scenario 1**

Either Cleveland County withdraws their proposal to join the Gaston Urban Area MPO or the Gaston Urban Area MPO denies their request. If this occurs Lincoln County will continue on its present course of being members of the Mecklenburg-Union MPO and the SouthwesternPiedmont RPO.

### **Scenario 2**

Cleveland County is successful in becoming members of the Gaston Urbanized Area MPO. This leaves the remaining portions of the RPO technically and statutorily able to still exist but is not a reasonable option. The western two thirds of Lincoln County, including Lincolnton will join the Gaston MPO. The remaining eastern third of Lincoln County will stay a member of Mecklenburg Union MPO.

### **Scenario 3**

Cleveland County is successful in becoming members of the Gaston Urbanized Area MPO. This leaves the remaining portions of the RPO technically and statutorily able to still exist but is not a reasonable option. All of Lincoln County would join the Gaston Urbanized Area MPO.

After discussion, it was the consensus of the Board to go with Scenario 3.

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

(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; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(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.

Chairman Patton announced no action was taken in Closed Session.

Chairman Patton said that a Committee was formed several months ago to look at hiring a new Tax Administrator. Commissioner Robinson chaired this committee.

Commissioner Robinson said the Committee consisted of George Wood, Martha Lide, himself, Audrey Setzer and Floyd Dean. He thanked Mr. Dean for being on the Committee and for the work he put into this. He said there were 38 applicants for the Tax Administrator, which were pared down to the top seven. Those seven were interviewed, and then pared down to three candidates. Those top three candidates were interviewed by the entire Board. He said after that, Mr. Clyde "Kep" Kepley will be appointed as the new Lincoln County Tax Administrator.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2013-08: A Resolution for the Appointment of the Tax Administrator for Lincoln County, North Carolina.

**RESOLUTION #2013-08: A RESOLUTION FOR THE APPOINTMENT OF THE  
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 Lincoln County Board of Commissioners have previously appointed Mrs. Madgalene H. (Madge) Huffman to the position of Tax Administrator for a term running from July 1, 2011 through June 30, 2013; and

WHEREAS, Mrs. Huffman retired on September 28, 2012, and the Board of Commissioners appointed Mr. Jonathan Stephens as the Interim Tax Administrator effective on September 29<sup>th</sup> to fill a portion of the unexpired two-year term, until a permanent Tax Administrator was appointed; and

WHEREAS, Mr. Clyde Andrew Kepley has received his certification for County Assessor from the North Carolina Department of Revenue, and meets all the requirements of North Carolina General Statute 105-294 to be appointed to serve a regular term of four (4) years; and

WHEREAS, Mr. Kepley meets the qualifications listed in North Carolina General Statute 105-349 for appointment as County Tax Collector; and

WHEREAS, the Board of Commissioners wishes to appoint Mr. Kepley as Tax Administrator based upon his professional qualifications and work experience as a tax administrator in other North Carolina counties;

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

that Mr. Clyde Andrew Kepley be and is hereby appointed as Tax Administrator for Lincoln County to fill the current unexpired two (2) year term commencing on April 8, 2013 and ending on June 30, 2013. Mr. Jonathan Stephens' appointment as Interim Tax Administrator will end on April 7, 2013.

BE IT FURTHER RESOLVED that Mr. Clyde Andrew Kepley is hereby appointed as Tax Administrator for Lincoln County for a four (4) year term commencing on July 1, 2013 and ending on June 30, 2017.

BE IT FURTHER RESOLVED that the position of 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. Kepley 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 Tax Administrator for Lincoln County.

BE IT FURTHER RESOLVED that the Lincoln County 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 4<sup>th</sup> day of March, 2013.

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

Attest: \_\_\_\_\_  
Amy S. Atkins,  
Clerk to the Board

Chairman Patton thanked the Committee for their hard work. He said this gentleman is committed to the job and the Tax Department will be a customer friendly department.

**Other Business: UPON MOTION** by Commissioner Robinson, the Board voted unanimously to appoint Sue Jane Sides as a regular member and Richard Sides as the alternate on the Region F Aging Advisory Board.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners