

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 4, 2014

The Lincoln County Board of County Commissioners met August 4, 2014 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:

Tracy Jackson, 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 August 4, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson 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, August 4, 2014
6:30 PM

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

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Releases - Over \$100
 - June 16 - July 15, 2014
 - CDBG Monthly Status Update
 - Minutes for Approval
 - June 2, 2014; June 16, 2014
 - Surplus Property
 - Budget Ordinance Amendment #2
3. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
4. Resolution #2014-19: 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 - Kep Kepley
5. Other Business
6. Closed Session Pursuant to NCGS § 143-318.11. **Closed sessions.**
 - (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant.

Adjourn

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt the agenda adding Vacancies and Appointments and an item for discussion in Other Business by Commissioner Mitchem.

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

- Tax Requests for Releases - Over \$100
 - June 16 - July 15, 2014
- CDBG Monthly Status Update
- Minutes for Approval
 - June 2, 2014; June 16, 2014
- Surplus Property
- Budget Ordinance Amendment #2

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.

Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person): Chairman Patton opened public comments.

Rudy Bauer, 8252 Blades Trail, Denver, spoke concerning the removal of C&D disposal at convenience sites. He asked for some help with the traffic light at 16/73. He commented on county vehicles that do not stop and pick up things in the middle of the road.

Robert Avery, Hwy 182 West Crouse, spoke concerning the Schedule of Values saying the taxpayers need a voice on this.

Being no additional speakers, Chairman Patton declared public comments closed.

Resolution #2014-49: 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: Kep Kepley presented the following:

Chapter 105-373 of the North Carolina General Statutes requires 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 the county. Approval of the settlement by the governing board does not relieve the collector of any liability that may arise after the settlement.

The settlement report will be reviewed by our county finance officer prior to submission to the board.

After approval of the tax settlement, the Board is requested to authorize the collection of taxes for the tax year 2014-2015.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2014-49: 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.

RESOLUTION # 2014-_____ : 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 August 2014.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

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 August 2014.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Other Business:

Update on Convenience Sites in East Lincoln:

Tracy Jackson save an update on C&D waste at convenience sites. He said staff has reached out to Republic Services to try and open their c&d landfill to the public at comparable rates to what the county charges for c&d disposal. He said this seems to be an encouraging possibility. He said there may also be the option of adding c&d at the new convenience site that will be built in East Lincoln.

A MOTION by Commissioner Mitchem to reverse the policy and put the c&d boxes at the convenience sites based on the fact that residents pay eighty something dollars per year for the landfill.

VOTE: 2 – 3

AYES: Mitchem, Martin

NOES: Patton, Robinson, Klein

Noise Ordinance Discussion: Tracy Jackson gave an update on the Noise Ordinance, speaking about decibel levels and enforceability.

The Board asked the Sheriff to attend the next meeting to give his input on what would be enforceable.

The Board had a discussion with Kep Kepley concerning the Schedule of Values, which will be presented at the September 8, 2014 meeting. Commissioner Mitchem asked for the formation of a committee to look over the Schedule of Values.

Vacancies/Appointments: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to appoint John Dancoff to the Gaston College Board of Trustees.

Closed Session: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. Closed sessions.

(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant.

Chairman Patton announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners