

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 18, 2017**

The Lincoln County Board of County Commissioners met December 18, 2017 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Bill Beam, Chair  
Anita McCall, Vice Chair  
Carrol Mitchem  
Richard Permenter  
Martin Oakes

Others Present:

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

**Call to Order:** Chairman Beam called the December 18, 2017 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, December 18, 2017**  
**6:30 PM**

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
1. Surplus Property

2. Tax Request for Releases over \$100 - 10/16/17 to 11/15/17
3. VTS Refunds
4. Rules of Procedure
5. Minutes to be approved
3. Planning Board Recommendations - Randy Hawkins
4. Closeout Public Hearing - Catalyst 11-C-2376 - Community Development Block Grant for Oaklawn - Andrew Bryant
5. Active Shooter Training Presentation - Trent Carpenter
6. US Census Presentation - Laura McClellie
7. Resolution to Designate Brett Hicks and Laura Elam as Review Officers for the City of Lincolnton- Brett Hicks
8. Approval of Real Estate Appraiser - Susan Sain
9. Request to Approve Exemption from the RFQ Process for the Appraisal Upfit - John Henry
10. Budget Ordinance Amendment #4 - Deanna Rios
- 10a. NC Housing Finance Agency- Urgency Repair Program Grant Application - Josh Grant
11. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
- 11a. Discussion of payment to Two Way Radio - Deanna Rios
12. Finance Officer's Report - Deanna Rios
13. County Manager's Report
14. County Commissioners' Report
15. County Attorney's Report
16. Vacancies/Appointments
17. Calendar
18. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

19. Closed Session - Personnel

\*\*The Board will hold a special meeting at 4:00 p.m. for the purpose of a closed session to discuss economic development\*\*

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

**Consent Agenda:** Mr. Atkins reviewed the items on the Consent Agenda.

Consent Agenda

1. Surplus Property
2. Tax Request for Releases over \$100 - 10/16/17 to 11/15/17
3. VTS Refunds
4. Rules of Procedure
5. Minutes to be approved – November 20, 2017, December 4, 2017

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

**Planning Board recommendations:** Randy Hawkins presented the following:

**CUP #371 – Marty Reep, applicant.:**

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

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve CUP #371 – Marty Reep, applicant, as recommended by the Planning Board.

**CUP #372 – Delzon Kingett, applicant.:**

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

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve CUP #372 – Delzon Kingett, applicant, as recommended by the Planning Board.

**ZMA #641 – Jeff Heavner, applicant.:**

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

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the statement of consistency and reasonableness as submitted by the Planning Board.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve ZMA #641 – Jeff Heavner, applicant, as recommended by the Planning Board.

**ZMA #642 – Rickard Cronland, III, applicant.:**

**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 as submitted by the Planning Board.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve ZMA #642 – Rickard Cronland, III, applicant, as recommended by the Planning Board.

**PD #2017-3 D.R. Horton, Inc., applicant.:**

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

Stephen Pace said the commitment has been made for a fire station site. The site has been introduced to Fire Chief Tench and Fire Marshal. The site has been submitted to the agency that approves sites and will come back to the Commissioners for approval at a future date.

Mr. Hawkins said the applicant provided a clause in the revised report that they would provide a sewer tap for the easement in phase 5, which is across the road.

Commissioner Oakes presented changes to the wording in the Statement of Consistency and Reasonableness:

This proposed amendment is reasonable and in the public interest in that:

**This property is adjoined by property zoned PD-R and which is approved for a higher density (2.75 homes per acre) than this planned development. This property borders on Killian Creek where a gravity sewer main is located. A water main extends along N.C. 73 to Killian Creek. The developer has agreed to pay the capacity (aka System development) fee for water and sewer at the time that each plat is recorded.** This property is located on a main highway at an interchange, less than two miles from a four-lane, divided highway that serves the region. As part of the rezoning, road improvements and a monetary contribution toward road improvements will be provided to mitigate the impact of the development. Approximately 55% of the site will be reserved as recreation and open space. Under the rezoning plan, a historic house and surrounding land will be preserved. **In the event that the county takes title to the historic property, the developer has agreed to contribute \$50,000 to aid with maintenance, and to pay that before receiving permitting the 200<sup>th</sup> unit. Further, the developer has agreed to donate a parcel of land for use of a fire station, the location of which has tentatively been agreed upon by the developer, property owners and Fire Marshal and provide a water and sewer tap.**

**UPON MOTION** by Commissioner Oakes, the Board voted 4-1 (Mitchem against) to approve the statement of consistency and reasonableness as submitted by the Planning Board and amended by Commissioner Oakes.

**UPON MOTION** by Commissioner Oakes, the Board voted 4-1 (Oakes) to approve PD #2017-3 D.R. Horton, Inc., applicant, as recommended by the Planning Board.

**VR #2017-1 D.R. Horton, Inc., applicant.:**

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

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve VR #2017-1 D.R. Horton, Inc., applicant, as recommended by the Planning Board.

**PD #2017-5 Essex Homes, applicant.:**

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

**Essex has amended their PDR report to say that capacity fees will be paid at the time of plat recording.**

Commissioner McCall expressed concerns about the traffic and the ability of the roads in the area to handle it.

Commissioner Mitchem expressed concerns about the density in this development.

This proposed amendment is reasonable and in the public interest in that:

The surrounding area is primarily residential. This property is located less than a mile from a four-lane, divided highway that serves the region. Approximately one third of the site will be set aside as recreation and open space. Amenities will be provided for residents of the development as part of the master plan. As part of the rezoning, road improvements and a monetary contribution of **\$ 100,000 payable prior to permitting the 100<sup>th</sup> unit**, toward road improvements will be provided to mitigate the impact of the development.

**UPON MOTION** by Commissioner Oakes, the Board voted (3-2 Mitchem, McCall) to approve the statement of consistency and reasonableness as submitted by the Planning Board and amended.

**UPON MOTION** by Commissioner Oakes, the Board voted 3-2 (Mitchem, McCall) to approve PD #2017-5 Essex Homes, applicant, as recommended by the Planning Board.

**Closeout Public Hearing – Catalyst 11-C-2376 – Community Development Block Grant for Oaklawn:** Andrew Bryant presented.

Chairman Beam opened the public hearing concerning the closeout public hearing – Catalyst 11-C-2376 – Community Development Block Grant for Oaklawn.

Being no speakers, Chairman Beam closed the Public Hearing.

Commissioner Oakes asked Andrew Bryant about drafting a Tree Ordinance. He said concerns have been raised that trees are being clearcut from large parcels in East Lincoln. This is happening years before a development ever starts. He asked how to make sure the trees are not clearcut to the extent that we lose the buffers. Mr. Bryant said State Statutes give authority to counties in NC to have a Tree Preservation Protection Ordinances. The county last visited this in the 2008 timeframe, around the adoption of the UDO. It never made it to public hearing. Chairman Beam advised that the Board should return to the agenda and since this was not an agenda item and be added to an agenda later.

**Active Shooter Training Presentation:** Trent Carpenter gave a Powerpoint Presentation concerning the Active Shooter Training held at Lincolnton Middle School.

Commissioner McCall asked if the City Police Department participated in the drill. Mr. Carpenter said they were invited, but did not chose to participate. The Lincoln County Sheriff's Department would handle all command procedures for all schools in Lincoln County.

**US Census Presentation:** Laura McClellie, Partnership Specialist for NC for the Census Bureau. April 1, 2020 is Census Day, but they are getting started early. She asked the county to provide a liaison to work with the Census.

**Resolution to Designate Brett Hicks and Laura Elam as Review Officers for the City of Lincolnton:** UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Resolution.

**NORTH CAROLINA  
LINCOLN COUNTY**

**RESOLUTION**

**WHEREAS**, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

**WHEREAS**, the Lincoln County Board of Commissioners believes and so find that Brett Hicks and Laura Elam are persons experienced in mapping of land records management in the spirit of the aforesaid statute, and

**WHEREAS**, to comply with General Statute 47-30.2 the Lincoln County ton Board of Commissioners enacts this Resolution:

**NOW, THEREFORE, BE IT RESOLVED**, by the Lincoln County Board of Commissioners at is December 18, 2017 regular meeting as follows:

1. That Brett Hicks and Laura Elam are hereby appointed as a **REVIEW OFFICER** to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincoln Board of Commissioners at its regular December 18, 2017 meeting.

**LINCOLN COUNTY**

**By:** \_\_\_\_\_

**Approval of Real Estate Appraiser:** Susan Sain presented a request for a Real Estate Appraiser for the Tax Department for the remainder of this year. It will be approximately \$18,000, which is just for wages until July.

**UPON MOTION** by commissioner McCall, the Board voted unanimously to approve the Real Estate Appraiser position as requested.

**Request to Approve Exemption from the RFQ Process for the Appraisal Upfit:** John Henry presented a request for exemption from the RFQ process for upfit the third floor at the Bank of America building to relocate Appraisals from 119 E. Court Square.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the exemption from the RFQ Process for the Appraisal Upfit as presented.

RESOLUTION EXEMPTING APPRAISAL UPFIT

FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for design services for work on the Appraisal upfit at 100 E. Main St. and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

**LINCOLN COUNTY**

\_\_\_\_\_  
**Chairman of the Board of Commissioners**

**ATTEST:**

BY: \_\_\_\_\_ **Clerk to the Board**

\_\_\_\_\_  
**Printed Name/Title**

**(Affix Seal)**

**Budget Ordinance Amendment #4: UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance Amendment #4.

**NC Housing Finance Agency – Urgency Repair Program Grant Application:** Josh Grant presented the following concerning the NC Housing Finance Agency – Urgent Repair Program Grant Application.

The County was awarded URP for the first time since 2003 in 2017. We partnered with Gaston County and will be starting construction on 6 urgent repairs to homes in the community totaling \$100,000. The deadline for applying for the same program in 2018 is December 30, 2017. This year we will not be partnering with Gaston County, however are still eligible for up to \$100,000.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the NC Housing Finance Agency – Urgent Repair Program Grant Application as presented.

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

Rudy Bauer, 8252 Blades Trail, representing residents on Blades Trail, asked the decision on the core samples and when a decision will be made if the county will take action.

The Board discussed the core samples.

Being no additional speakers, Chairman Beam closed Public Comments.

**Discussion of payment to Two Way Radio:** Deanna Rios introduced Mr. Fred Guin, Owner and President of Two Way Radio of Carolina, Inc. He said they have worked with the county for ten years. He said they received payment for phase 2 and were billing on a milestone basis. They billed through the 2013 project. The county sent a payment in 2014 for \$357,000 which deviated from the entire milestone payment. He said it was not uncommon to carry balances of \$60,000 to \$80,000 year to year. He said the final payment, excluding sales tax, was about \$76,000. He said the invoices were generated in 2013, but they recently brought them back up to get them processed.

Deanna Rios said what she received were 2 invoices dated January 17, 2014, billed to Rick Ellis – one was for Killian Road - \$16,670 and the other for Fish Pond for \$18,660. The third invoice was dated 8/29/17 and that was for the balance of phase 2. The problem is that they could not find a signed, pre-audited contract.

Bill Gibbs said he can attest to the fact that the work was done, there is no question that the work was completed.

Mr. Deaton spoke about these bills possibly being time barred and the difficulty paying them without a contract.

**A MOTION** by Commissioner Beam, to pay the bills not to exceed \$76,000. Commissioner Beam withdrew his motion.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to table until the next meeting.

**Finance Officer's Report:** Scott Cook presented the Finance Officer's Report.

**County Manager's Report:** Mr. Kelly Atkins said the closing for Center Street property will be scheduled. Construction on the new digital sign at the Citizens Center will be installed this week. He thanked the Board for a productive budget retreat last week.

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

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

January 25 is the joint budget meeting with the Board of Education at 6:00 p.m.

There was a brief discussion on the drafting of a Tree Ordinance.

**A MOTION** by Commissioner Oakes to direct Andrew Bryant to research what a Tree Ordinance might look like.

**VOTE: 2 – 3**

**AYES: Oakes, Permenter**

**NOES: McCall, Beam, Mitchem**

**Closed Session:** **UPON MOTION** by Commissioner McCall, the Board voted unanimously to enter Closed Session to discuss personnel, property acquisition, and to do an annual evaluation of the County Manager.

No action was taken in Closed Session.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Bill Beam, Chairman  
Board of Commissioners