

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 15, 2022**

The Lincoln County Board of County Commissioners met on August 15, 2022, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Bud Cesena
Cathy Davis

Commissioners Absent:

Anita McCall

Others Present:

Davin Madden, Interim County Manager
Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Chairman Mitchem called for a Moment of Silence and led in the Pledge of Allegiance. He asked everyone to remember Commissioner McCall, who is still recuperating at home and thanked everyone who remembered him in their prayers.

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 15, 2022
6:30 PM**

**Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092**

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
 - a. GPO #1
 - b. GPO #2
 - c. GPO #3
 - d. BOA #1
 - e. VTS Refunds – July 2022
 - f. Releases over \$100 – 6/16/22 – 7/15/22
 - g. Approval of Minutes – August 1, 2022
3. Planning Board Recommendations– Andrew Bryant
4. Road Naming Public Hearing – Proposed Renaming of Service Road (S.R. #2124) to Lincoln Commerce Ct. – Susan Sain, Janet Spears, and Andrew Bryant
 - a. Adoption of Ordinance Officially Renaming a Service Road (SR 2124) as Lincoln Commerce Ct.
5. Public Hearing – Proposed Economic Incentive Grant for Existing Industry – John Dancoff
6. Building Reuse Grant Agreement for Punker – Cliff Brumfield
7. Presentation of Schedules, Standards, and Rules for the 2023 Revaluation and the Present Use Value Rates – Susan Sain, Chris Nelson, and John Shrell
8. Annual Settlement for Tax Year 2021 – Susan Sain
 - a. Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator
 - b. Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts
9. Adoption of Resolution Approving Acceptance of ARP Funds from DEQ – Deanna Rios
10. An Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances – Megan Gilbert, John Davis
11. Resolution Approving the Lease of the Property Located at 208 S. Government Street (Adult Probation)– Megan Gilbert
12. Resolution Approving the Conveyance of School Properties to the Lincoln County Board of Education Pursuant to N.C.G.S 160A-274– Megan Gilbert

13. Resolution Approving the Lease of a Portion of the Property Located at 206 Gamble Drive (Juvenile Probation) – Megan Gilbert
14. Resolution Re-Designating the Site of the Lincoln County Courthouse – Megan Gilbert
15. Public Comments
16. Finance Officer's Report
17. County Manager's Report
18. County Commissioners' Report
19. County Attorney's Report
20. Vacancies/Appointments
21. Other Business

Information only – no action needed

- = Register of Deeds Report
- = Property Tax Collection Report

22. Closed Session Pursuant to NCGS 143-318.11(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.
 - (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
 - (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

Adjourn

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

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

- a. GPO #1
- b. GPO #2
- c. GPO #3
- d. BOA #1
- e. VTS Refunds – July 2022
- f. Releases over \$100 – 6/16/22 – 7/15/22
- g. Approval of Minutes – August 1, 2022

Planning Board Recommendations: Andrew Bryant presented the following:

PD #2022-1 Garden Street Communities Southeast, LLC, applicant (Parcel ID# 14798, 14509, and 91403) A request to rezone a 72.9-acre tract from R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 66 single-family detached homes. The property is located on the south side of N.C. 182 at Gainsville Church Road in Howards Creek Township. **This is a continuation of the public hearing that began on June 6th

The Planning Board voted 6-2 to recommend approval. (Kyle Land and Jim Konieczny opposed)

Commissioner Sigmon said the water supply is coming off Hwy 27, across Eagle’s Nest, and up 182, which will be paid for by the developer, if approved.

A MOTION by Commissioner Sigmon to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

VOTE: 2 – 2 **AYES:** Sigmon, Mitchem
NOES: Cesena Davis

Chairman Mitchem announced that the motion failed on a 2-2 vote.

A MOTION by Commissioner Sigmon to approve PD #2022-1 Garden Street Communities Southeast, LLC, applicant, as recommended by the Planning Board.

VOTE: 2 – 2 **AYES:** Sigmon, Mitchem
NOES: Cesena Davis

PD #2019-2 Riverbend Preserve, LLC, applicant: (Parcel ID# 70208) A request the rezone 262 acres in Lincoln County from R-SF (Residential-Single Family) to PD-MU (Planned Development-Mixed Use) to permit industrial uses. The subject property is located on the east side of N.C. 16 bypass and the west side of the CSX railroad at the Gaston County line. As part of a proposed mixed-use development, Riverbend Preserve is

also requesting the rezoning of additional acreage in Gaston County to permit industrial and residential uses. In all, up to 2.5 million square feet of industrial uses are proposed in the two counties. Access to the proposed industrial uses will be from N.C. 16 bypass. An exhibit illustrating the additional traffic signal requested at the Public Hearing, accepted by NCDOT was provided during the meeting for the Planning Board's consideration. (This exhibit was provided to the Board of Commissioners. The Planning Board voted 8-0 to recommend approval.

Commissioner Cesena said that the county does not plan to spend any money on running water to this project, the \$18.5 million state grant will be used, but the developer is responsible for anything over that amount. Commissioner Cesena said the housing is up to Gaston County.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for PD #2019-2 – Riverbend Preserve, LLC, applicant.

CZ #2022-6 Reliable Insulation, LLC, applicant (Parcel ID# 88806) A request to rezone a 1.209-acre parcel from B-N CU (Neighborhood Business Conditional Use) to CZ B-N (Conditional Zoning Neighborhood Business) to permit a 3500-square-foot accessory building behind an existing contractor's office. The property is located at 3217 Cinnabar Ln. in Ironton Township. The Planning Board voted 8-0 to recommend approval

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for CZ #2022-6 Reliable Insulation, LLC, applicant.

CZ #2022-8 Matthew Gilbert, applicant (Parcel ID# 14263) A request to rezone a 4.429-acre parcel from R-SF (Residential Single-Family) to CZ R-R (Conditional Zoning Rural Residential) to permit a campground. The property is located on the west side of Gilbert Road at the intersection with Imperial Lane in the Howards Creek Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for CZ #2022-8 Matthew Gilbert, applicant.

ZMA #692 Nicholas Speed, applicant (Parcel ID# 53512) A request to rezone a 0.576-acre parcel from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is also located in the Eastern Lincoln Development District (ELDD) overlay. The property is located at 7778 N.C. 73 Hwy. in Catawba Springs Township. The Planning Board voted 8-0 to recommend disapproval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board, which means disapproval of the request.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to deny ZMA #692 – Nicholas Speed, applicant.

ZMA #693 Mark Allen, applicant (Parcel ID# 81550) A request to rezone a 1.9-acre parcel from R-S (Residential Suburban) to I-G (General Industrial). The property is located on the north side of N.C. 27 and the west wide of Cat Square Road in Howards Creek Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #693 – Mark Allen, applicant.

ZMA #694 Donald Scott Roach, Jr., applicant (Parcel ID# 101215) A request to rezone a 0.558-acre portion of a parcel from B-G (General Business) to R-T (Transitional Residential). The property is located on the west side of Gaston Hillside Drive and the south side of County Line Trail in Ironton Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #694 – Donald Scott Roach, Jr., applicant.

ZMA #695 Phyllis Labauch, applicant (Parcel ID# 54959) A request to rezone a 1.467-acre parcel from R-SF (Residential Single-Family) to R-S (Residential Suburban). The property is located on the east side of Hoffman Road about 900 feet south of the

intersection with Wesleyan Church Road in Lincolnton Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #695 – Phyllis Labauch, applicant.

ZMA #696 Thomas Lackey, applicant (Parcel ID# 51868) A request to rezone 3.686 acres from B-N (Neighborhood Business) to B-G (General Business). The property is located at 2105 Cat Square Rd. in Howards Creek Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #696 – Thomas Lackey, applicant.

ZMA #698 NC West District of Wesleyan Church, applicant (Parcel ID# 02889) A request to rezone a 7.003-acre parcel from B-N (Neighborhood Business) to B-G (General Business). The property is also in the Eastern Lincoln Development District (ELDD) overlay. The property is located at 2381 N NC 16 Business Hwy in the Catawba Springs Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #698 – NC West District of Wesleyan Church, applicant.

ZMA #700 Carolina Elite Builders, applicant (Parcel ID# 100155) A request to rezone a 5.299-acre parcel from I-G (General Industrial) to R-S (Residential Suburban). The property is located on the north side of Petes Road at the intersection with Midtown Drive in Lincolnton Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #700 Carolina Elite Builders, applicant.

ZMA #701 Danny Weaver, applicant (Parcel ID# 11296) A request to rezone a 10.565-acre parcel from R-SF (Residential Single-Family) to R-R (Rural Residential). The property is located at 7240 Dan Rhyne Rd. in North Brook Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #701 Danny Weaver, applicant.

UDO 2022-2 Lincoln County Planning and Inspections, applicant A request to amend Section 2.4.5 & Section 2.4.6 to increase the minimum lot area and width requirements, to amend Section 2.4.9.B. & Section 2.4.9.E. to create minimum lot area and width standards for residential uses in Planned Development Districts, to amend Section 2.4.9.B.3 to revise the minimum PD-R buffer to 50 feet, and to amend Section 2.4.9. to require exterior sidewalks in the PD-MU district, similar to the requirements of the PD-R and PD-C districts.

The Planning Board voted 7-1 to recommend approval. (Kyle Land opposed)

Commissioner Cesena asked about the loopholes Mr. Oakes asked about. Mr. Bryant said he has discussed the multi-family with Chairman Mitchem and this could be brought back as soon as October. He said the amendment came fairly quickly and there may be other small things missed, which can also be addressed at that time.

Commissioner Davis asked for language pertaining to family subdivisions also.

Mr. Bryant said there are currently around 3,000 lots formally approved by the Board and previous Boards without building permits issued.

The Board discussed affordable housing.

Mr. Bryant said the Planning Board found that this was not consistent with the Land Use Plan, but they gave a favorable recommendation.

Chairman Mitchem said this is not a new idea, there was a growth group around 15 years ago that could come up with no solutions. Chairman Mitchem said at that time he said to not increase sewer capacity or increase lot sizes. He said the can has been kicked down the road.

Commissioner Sigmon said he agrees with the Planning Board that the use is not consistent but is reasonable.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the UDO #2022-2 Lincoln County Planning and Inspections, applicant.

Road Naming Public Hearing – Proposed Renaming of Service Road (S.R. #2124) to Lincoln Commerce Ct – Susan Sain presented the following:

The request is for the proposed renaming of Service Road (SR #2124) to Lincoln Commerce Ct.

Chairman Mitchem opened the public hearing concerning the proposed renaming of Service Road (SR #2124) to Lincoln Commerce Ct.

Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Ordinance Officially Renaming a Service Road (SR 2124) as Lincoln Commerce Ct.

ORDINANCE OFFICIALLY RENAMING A SERVICE ROAD (SR 2124) AS LINCOLN COMMERCE CT

WHEREAS, pursuant to N.C.G.S. §153A-239.1, the County may, by ordinance, name or rename roads within its territorial jurisdiction pursuant to a procedure established by County ordinance; and

WHEREAS, on April 16, 2001, the Lincoln County Commissioners enacted Chapter 93 of the Lincoln County Code of Ordinances, which established a process for naming streets and assigning addresses for properties located within Lincoln County; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.10(A), any existing road within the County may be officially name or renamed by the Board of Commissioners upon recommendation by the Ordinance Administrator (the Lincoln County Tax Administrator) and subsequent adoption by the Board of Commissioners; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.04(E), all roads, both private and public, shall be named and numbered if three or more addressable structures, including mobile homes, are located on and accessed by them; and

WHEREAS, pursuant to the Lincoln County Code of Ordinances §93.10(B), in the event of road naming or renaming, a proper and adequate public hearing shall be scheduled and advertised in accordance with N.C.G.S. §153A-239.1; and

WHEREAS, the Ordinance Administrator is recommending the renaming of a Service Road (SR 2124) located off of NC 73 Hwy, near S NC 16 Hwy, in the Catawba Springs Township as it meets the requirements for an official road name; and

WHEREAS, at least 10 days prior to this date, notice of the time, place and subject matter of the public hearing was prominently posted at the Lincoln County Courthouse, in at least two public places in the area where the road is located, and notice of the same was published in a newspaper of general circulation in Lincoln County; and

WHEREAS, after due notice, a public hearing was held on this day, at the Lincoln County Administration Building at 353 N. Generals Blvd., Lincolnton, North Carolina.

NOW, THEREFORE, be it and it is hereby resolved that:

1. The Ordinance Administrator has recommended the renaming of a service road located in the Catawba Springs Township.
2. The Lincoln County Board of Commissioners held a public hearing pursuant to N.C.G.S. §153A-239.1, and the proper notice was provided as required therein.
3. The renaming of the service road, located in the Catawba Springs Township, shown on the attached maps as “Lincoln Commerce Ct” is approved by the Lincoln County Board of Commissioners.
4. The Ordinance Administrator is hereby authorized to amend the Street Addressing Map and the GIS maps to include said newly renamed street.
5. This Ordinance shall be effective upon its adoption by this Board.

Approved and adopted this the 15th day August, 2022.

ATTEST:

Amy S. Atkins, Clerk to the Board

Carrol Mitchem

Chairman of the Lincoln County Board of
Commissioners

Public Hearing – Proposed Economic Incentive Grant for Existing Industry – John Dancoff presented an Incentive Grant for Cataler:

Chairman Mitchem opened the public hearing concerning the proposed Incentive Grant with Cataler.

Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement with Cataler.

**RESOLUTION TO ADOPT ECONOMIC
INCENTIVE GRANT AGREEMENT WITH
(CATALER).**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Cataler, have developed plans for expansion of their manufacturing equipment in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, Cataler.

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption. This 15th day of August 2022.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH

CAROLINA

LINCOLN

COUNTY

THIS AGREEMENT is made and entered into as of the 15th day of August 2022 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Cataler, a North Carolina corporation (hereinafter referred to as “Cataler”).

WITNESSETH

:

WHEREAS, Cataler has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Cataler to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before August 15, 2022, Cataler shall begin installation of a building and equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Cataler shall make an investment upon such site in building/land and/or machinery and equipment of \$16,397,801 (the expected capital investment) of which \$11,777,585 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Cataler shall provide at such site at least 3 new jobs paying average hourly wages of \$27.83 including benefits.
4. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$61,967.77 per year for a seven-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Cataler within 30 days after Cataler has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level III grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. Cataler shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by Cataler pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by Cataler pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. Cataler specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Cataler shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

Building Reuse Grant Agreement for Punker – Megan Gilbert presented the following:

Unable to secure a Deed of Trust from Borghetti, which the County required to execute the grant agreement, Punker was allowed the time to fulfill the job requirement which was the basis for the grant award. As the time period to go under contract is coming to an end, Commerce is allowing for the jobs created to date without the Deed of Trust and a freshly executed Grant Agreement.

Megan Gilbert recommended acceptance of the Grant Agreement and the number of jobs Punker has been able to create, which is 3 jobs shy of the total required. They will only be awarded for the jobs created and maintained for 6+ months which eliminates the concern of a clawback.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the Building Reuse Grant Agreement for Punker.

Presentation of Schedules, Standards, and Rules for the 2023 Revaluation and the Present Use Value Rates – Susan Sain, Chris Nelson, and John Shrell presented the following:

The public hearing will be held on September 12, 2022. The Schedule of Values and Present Use Value rates are available in the Tax Department for public inspection. Approval will be requested on September 19, 2022.

Annual Settlement for Tax Year 2021 – Susan Sain said this is the first time collection has reached 99.38%. She thanked the Collections Department for an awesome year.

Ms. Sain requested the Board's approval of the Tax Settlement and the Order to Collect Taxes.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator.

RESOLUTION # 2022 ____ : 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 Fire Districts, and the City of Lincolnton.

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 collected 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 officer 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 2022.

Carrol Mitchem, Chair
Lincoln County Board of Commissioners

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts.

**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 2022.

Carrol Mitchem, Chair

ATTEST:

Amy S. Atkins, Clerk to the Board

Adoption of Resolution Approving Acceptance of ARP Funds from DEQ – Deanna Rios presented the following:

The County has been awarded \$200,000 from the State for the repair of Pump Stations 11 & 29. The Board needs to adopt a Resolution Approving Acceptance of ARP Funds from DEQ.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the Resolution Approving Acceptance of ARP Funds from DEQ.

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, Lincoln County has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 20201-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$200,000 to perform work detailed in the submitted application, and

WHEREAS, Lincoln County intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS:

That Lincoln County does hereby accept the American Rescue Plan Grant offer of \$200,000.

The Lincoln County does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Deanna Rios, Finance Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this 15th day of August, 2022, at Lincolnton, North Carolina.

Carrol Mitchem, Chair

An Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances –John Davis and Megan Gilbert presented the following:

Issues have arisen with the current 30 business day time frame for filing an application for a mass gathering or special event. It has been determined by the mass gathering committee that

this is not enough time to properly plan for the need for emergency response personnel and other required departments. It is requested that the Board amend this to 120 days.

There was discussion of a 90 day time frame instead of 120 days.

A MOTION by Commissioner Davis to approve the Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances as presented.

VOTE: 2 – 2 AYES: Davis, Cesena
 NOES: Sigmon, Mitchem

Resolution Approving the Lease of the Property Located at 208 S. Government Street (Adult Probation)– Megan Gilbert presented the following:

This is a lease for the space for an office for the Adult Probation office. Pursuant to NCGS 160A-274, any governmental unit may lease to any other governmental unit any interest in real property upon such terms and conditions as the governments deem wise.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Approving the Lease of the Property Located at 208 S. Government Street.

RESOLUTION APPROVING THE LEASE OF THE PROPERTY LOCATED AT 208 S. GOVERNMENT STREET

WHEREAS, Lincoln County owns the property located at 208 S. Government Street, Lincolnton, NC 28092 (Parcel No. 01207); and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, North Carolina General Statute §7A-302 states that in each county in which a district court has been established, courtrooms, office space for juvenile court counselors and support staff as assigned by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and related judicial facilities (including furniture), as defined in this Subchapter, shall be provided by the county; and

WHEREAS, Lincoln County has determined that it is in the best interest of the County to lease approximately 10,000 square feet of the above-described property to the State of North Carolina for a term of three (3) years, and deems it wise to do for One Dollar (\$1.00) per year.

THEREFORE, the Lincoln County Board of Commissioners resolves that:

1. Lincoln County hereby leases to the State of North Carolina, by separate written agreements, the following property: Being +/- 10,000 Net Square Feet of Office Space Located at 208 S. Government St., Lincoln County, Lincolnton, North Carolina
2. The property herein described shall be leased to the State of North Carolina for One Dollar (\$1.00) per year.
3. The County Manager of Lincoln County, or the Chairman of the Board of Commissioners is authorized to execute all documents necessary to lease the properties in the manner authorized by this Resolution.

Adopted this the ____ day of _____, 2022.

Carrol Mitchem, Chairman
Lincoln County Board of

Commissioners

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

Resolution Approving the Conveyance of School Properties to the Lincoln County Board of Education Pursuant to N.C.G.S 160A-274 – Megan Gilbert presented the following:

The Lincoln County Board of Education has requested that Lincoln County convey all properties that are owned by Lincoln County to the Board of Education, if there is no outstanding debt owed on the property. Lincoln County will retain ownership of North Lincoln Middle School as there is still debt owed by the County for the construction of that school, and once that debt is paid then it will be conveyed back to the Board of Education.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Approving the Conveyance of School Properties to the Lincoln County Board of Education Pursuant to N.C.G.S 160A-274.

RESOLUTION APPROVING THE CONVEYANCE OF SCHOOL PROPERTIES TO THE LINCOLN COUNTY BOARD OF EDUCATION PURSUANT TO N.C.G.S. 160A-274

WHEREAS, Lincoln County owns the following properties, which are part of the Lincoln County School System:

Norris S. Childers Elementary School located at 2595 Rock Dam Road, Lincolnton, NC 28092
(Parcel No. 14634)

North Brook Elementary School located at 642 Highway 274, Vale, NC 28168 (Parcel No.
00179)

Pumpkin Center Primary School located at 3970 King Wilkinson Road, Lincolnton, NC 28092
(Parcel No. 24577)

Pumpkin Center Intermediate School located at 3980 King Wilkinson Road, Lincolnton, NC
28092 (Parcel No. 24577)

Lincolnton Middle School located at 2361 Startown Road, Lincolnton, NC 28092 (Parcel No.
83307)

West Lincoln Middle School located at 260 Shoal Road, Lincolnton, NC 28092 (Parcel No.
00292)

East Lincoln High School located at 6471 NC Highway 73, Denver, NC 28037 (Parcel No.
02897)

Lincolnton High School located at 803 N. Aspen Street, Lincolnton, NC 28092 (Parcel No.
85788)

West Lincoln High School located at 172 Shoal Road, Lincolnton, NC 28092 (Parcel No. 00293)

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, Lincoln County has determined that it is in the best interest of the County to convey the above-described properties to the Lincoln County School Board for no consideration.

THEREFORE, the Lincoln County Board of Commissioners resolves that:

1. Lincoln County hereby shall convey to the Lincoln County Board of Education, by special warranty deed, the following properties, which are part of the Lincoln County School System, and further described in Exhibit A attached hereto:

Norris S. Childers Elementary School located at 2595 Rock Dam Road, Lincolnton, NC 28092
(Parcel No. 14634)

North Brook Elementary School located at 642 Highway 274, Vale, NC 28168 (Parcel No.
00179)

Pumpkin Center Primary School located at 3970 King Wilkinson Road, Lincolnton, NC 28092
(Parcel No. 24577)

Pumpkin Center Intermediate School located at 3980 King Wilkinson Road, Lincolnton, NC
28092 (Parcel No. 24577)

Lincolnton Middle School located at 2361 Startown Road, Lincolnton, NC 28092 (Parcel No.
83307)

West Lincoln Middle School located at 260 Shoal Road, Lincolnton, NC 28092 (Parcel No.
00292)

East Lincoln High School located at 6471 NC Highway 73, Denver, NC 28037 (Parcel No.
02897)

Lincolnton High School located at 803 N. Aspen Street, Lincolnton, NC 28092 (Parcel No.
85788)

West Lincoln High School located at 172 Shoal Road, Lincolnton, NC 28092 (Parcel No. 00293)

2. The County Manager of Lincoln County, or the Chairman of the Board of Commissioners is authorized to execute any documents necessary to convey the properties in the manner authorized by this Resolution.

Adopted this the 15th day of August, 2022.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

Resolution Approving the Lease of a Portion of the Property Located at 206 Gamble Drive (Juvenile Probation) Megan Gilbert presented the following:

This is a lease for the space for an office for the Juvenile Probation office. Pursuant to NCGS 160A-274, any governmental unit may lease to any other governmental unit any interest in real property upon such terms and conditions as the governments deem wise.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Approving the Lease of a Portion of the Property Located at 206 Gamble Drive.

RESOLUTION APPROVING THE LEASE OF A PORTION OF THE PROPERTY LOCATED AT 206 GAMBLE DRIVE

WHEREAS, Lincoln County owns the property located at 206 Gamble Drive, Lincolnton, NC 28092 (Parcel No. 01323); and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, North Carolina General Statute §7A-302 states that in each county in which a district court has been established, courtrooms, office space for juvenile court counselors and support staff as assigned by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and related judicial facilities (including furniture), as defined in this Subchapter, shall be provided by the county; and

WHEREAS, Lincoln County has determined that it is in the best interest of the County to lease approximately 3,578 square feet of the above-described property to the State of North Carolina for a term of three (3) years, and deems it wise to do for One Dollar (\$1.00) per year.

THEREFORE, the Lincoln County Board of Commissioners resolves that:

1. Lincoln County hereby leases to the State of North Carolina, by separate written agreements, the following property: Being +/- 3,578 Net Square Feet of Office Space Located at 206 Gamble Drive, Suite B, Lincoln County, Lincolnton, North Carolina
2. The property herein described shall be leased to the State of North Carolina for One Dollar (\$1.00) per year.
3. The County Manager of Lincoln County, or the Chairman of the Board of Commissioners is authorized to execute all documents necessary to lease the properties in the manner authorized by this Resolution. Adopted this the ____ day of _____. 2022.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

Resolution Re-Designating the Site of the Lincoln County Courthouse: Megan Gilbert presented the following:

Pursuant to N.C.G.S. §153A-169, the Board of Commissioners may adopt by resolution any regulations concerning the use of County property, and may re-designate the site of the any county building, including the courthouse. This Resolution changes the site of the Courthouse from 1 Court Square to 120 Justice Drive.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Re-Designating the Site of the Lincoln County Courthouse.

**RESOLUTION RE-DESIGNATING THE SITE OF THE LINCOLN COUNTY
COURTHOUSE**

WHEREAS, pursuant to N.C.G.S. §153A-169, the Board of Commissioners shall supervise the maintenance, repair and use of all County property; and

WHEREAS, the Lincoln County Courthouse has been located at 1 Court Square, Lincolnton, NC 28092 since 1922; and

WHEREAS, Lincoln County recently constructed and opened to the public the new Lincoln County Courthouse located at 120 Justice Drive, Lincolnton, NC 28092; and

WHEREAS, pursuant to N.C.G.S. §153A-169, the Board of Commissioners may adopt by resolution any regulations concerning the use of County property, and may re-designate the site of the any county building, including the courthouse, with proper notice as set out therein.

NOW, THEREFORE, be it and it is hereby resolved that:

1. The Lincoln County Board of Commissioners provided proper notice of its intent to redesignate the site of the Lincoln County Courthouse as required in N.C.G.S. §153A-169.
2. The site of the Lincoln County Courthouse shall be re-designated as the property located at 120 Justice Drive in Lincolnton, North Carolina.

Adopted this the 15th day of August, 2022.

Carrol Mitchem

ATTEST:

Amy S. Atkins, Clerk to the Board
Chairman of the Lincoln County Board of Commissioners

Public Comments: Chairman Mitchem opened Public Comments.

Mark Bartholomew, 5533 Hwy 27 East, said he has a problem with the Lincoln County Sheriff's Department due to the fact that they did not come and look at a hole caused by the recent heavy rainfall. He said his family was in danger due to this hole and the Sheriff's Department did not help. He got NCDOT to come out and they fixed the problem.

Being no additional speakers, Chairman Mitchem closed Public Comments

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Davin Madden apologized concerning the email glitch recently. He said RFQ's have been submitted for the old Courthouse with selection early October. The jail expansion kickoff meeting is coming up. The budget calendar and budget preparation manual has been shared with staff.

County Commissioners Report: Commissioner Sigmon said Commissioner McCall is having a struggle and asked for prayers for her.

Commissioner Cesena said National Night Out was a success.

County Attorney's Report: Megan Gilbert said she has been working with John Davis to amend Section 96 in the Code of Ordinances. She said she has been working with the Engineer at the Airport to clear up surplus property. Mrs. Gilbert said she was able to attend the ceremonial opening at the Courthouse with Chief Justice Newby.

Vacancies/Appointments: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to make the following appointment:

- **JCPC**
 - **Appoint William Siebenhaar**

Other Business: Chairman Mitchem asked Andrew Bryant when the UDO Amendment will take effect. Mr. Bryant said traditionally Ordinance Amendments take effect immediately.

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 143-318.11(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.
- (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
- (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

The Board returned to Open Session and Chairman Mitchem announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners