

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**WEDNESDAY, JANUARY 31, 2001**

The Lincoln County Board of County Commissioners met for a work session on January 31, 2001, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane  
Beth H. Saine  
Thomas R. Anderson, PE  
Larry S. Craig  
Dr. John R. Gamble, Jr.

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Cheryl A. Baxter, Assistant Clerk to the Board  
Leon Harmon, Finance Director

**Call to Order:** Chairman Cochrane called the meeting to order.

**Adoption of Agenda:** UPON MOTION by Commissioner Anderson, the Board voted unanimously to approve the agenda as presented.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**PUBLIC HEARINGS**  
**JANUARY 31, 2001**

- |    |         |   |
|----|---------|---|
|    | 5:30 PM | Call to Order   |
| 1. | 5:31 PM | Adoption of Agenda  |
| 2. | 5:32 PM | Public Hearing for Conveyance of a Parcel of Real Property<br>Located in the Lincoln County Industrial Park off Finger Mill<br>Road in Lincoln County, North Carolina, to an Industrial Prospect. |
| 3. | 5:45 PM | Public Hearing to Consider a Request by Shaver Wood<br>Products, Inc. for a Refund of Excise Tax that was Erroneously<br>Paid in the Amount of \$1,179  |

4. The Board of Commissioners will recess to 6:30 PM at the Lincoln Campus of Gaston College, Room 218/220, 511 South Aspen Street, to hold a joint meeting with the School Board.

**Public Hearing for Conveyance of a Parcel of Real Property Located in the Lincoln County Industrial Park off Finger Mill Road in Lincoln County, North Carolina, to an Industrial Prospect:** Barry Matherly, Director of Economic Development, stated that they have a prospect that is looking to purchase a 31.97 acres site for \$270,000. He stated that they are negotiating with the company and would expect them to announce in February. Mr. Matherly stated that they wanted to go ahead and have this public hearing so they could tell them that they definitely could buy that piece of property for that amount.

Chairman Cochrane opened the Public Hearing for the conveyance of a parcel of real property located in the Lincoln County Industrial Park off Finger Mill Road in Lincoln County, North Carolina, to an industrial prospect.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to close the Public Hearing, due to the fact that no one spoke.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to approve the conveyance, fee-simple of approximately 31.97 acres of property in the Lincoln County Industrial Park, to an industrial prospect, with closing to occur within the next 60 days, for \$270,000.

**Public Hearing to Consider a Request by Shaver Wood Products, Inc. for a Refund of Excise Tax that was Erroneously Paid in the Amount of \$1,179:** Chairman Cochrane opened the public hearing to consider a request by Shaver Wood Products, Inc. for a refund of excise tax that was erroneously paid in the amount of \$1,179.

Jeff Taylor, County Attorney, stated that this is an unusual request, which falls under a new Statute that was adopted by the General Assembly last summer, that is applicable to timber deeds and contracts executed after July 1, 2000. He stated that what has apparently happened, according to written documentation that was sent to Amy Long, Shaver Wood Products overpaid their excise tax when they recorded their timber deed back in November. He stated that they figured the tax based on 2% of the transaction price, when it should have been \$2 per \$1,000, which resulted in a substantial overpayment there. Mr. Taylor stated that the General Statutes allow the Board to authorize a refund of that excise tax, but it requires that a public hearing be held within 90 days after they make a written request. He stated that after the public hearing, the Board can authorize a refund and they have to comply with some other formalities before they can actually get the refund. The amount that was paid was \$1,326, which included the calculated 2% excise tax and the recorded fees. He stated that when recalculated correctly, it should have been \$1,179 less than that, so that would be the amount of the refund.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to close the public hearing.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to refund to this organization the figure as presented by the Council with the adjacent extracurricular activities that would be involved in that refund.

County Manager Stan Kiser requested that the Board amend the agenda to add an Item 3a – 2001 Grant Pre-application for the Lincoln County Group Home. He stated that this is something that was brought to him shortly before five this evening. Mr. Kiser stated that this has to be postmarked by today's date.

**A MOTION** by Commissioner Craig to add Item 3a – 2001 Grant Pre-application for the Lincoln County Group Home.

Commissioner Gamble stated that he would let them wait another month. He stated that the Board has always added to the agenda thoughtlessly, and he thinks that these people who are adding to the agenda ought to get a lesson somewhere.

Chairman Cochrane stated that he agrees with Commissioner Gamble, but this is for a grant and it's his understanding that the grant has to be postmarked today.

Commissioner Gamble asked who is negligent in this, because someone is.

Chairman Cochrane stated that he agrees and this should be followed up on.

**Vote: Unanimously approved.**

Leon Harmon stated that we get funds from the Department of Juvenile Crime Prevention to operate a Group Home in the county and the county has to match it 40%. He stated that they are trying to get money from the Department of Public Safety to help operate the home to give them a little more flexibility in funding.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the grant application.

Mr. Kiser informed the Board that in the front cover of the Board packet books, the agenda and information for tomorrow night could be found. The rest of the Board packets are for Monday's meeting. He presented the Board with copies of the Hospital Audit from the Settlement Agreement and a copy of the engagement letter.

Commissioner Gamble asked for a copy of the signed Settlement Agreement.

**Recess:** Chairman Cochrane recessed the meeting to the Lincoln Campus of Gaston College.

Chairman Cochrane called the meeting back to order and welcomed the School Board to the joint meeting.

Jean Dellinger welcomed everyone and thanked the Board of Commissioners for the joint meeting. She proposed that the two boards meet at least each quarter.

Dr. Marty Eaddy gave a presentation on the growth and needs of the school system.

**Recess:** **UPON MOTION** by Commissioner Saine, the Board voted unanimously to recess until February 1, 2001.

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Amy S. Long, Clerk  
Board of Commissioners

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Jerry W. Cochrane, Chairman  
Board of Commissioners