

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, OCTOBER 19, 2009**

The Lincoln County Board of County Commissioners met on October 19, 2009 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

Alex E. Patton, Chairman  
Bruce Carlton  
George Arena  
James A. Klein  
Carrol Mitchem

**Others Present:**

George A. Wood, County Manager  
Martha W. Lide, Assistant County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Planning and Inspections Director  
Randy Hawkins, Zoning Administrator  
Burns Whittaker, Public Works Director  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the October 19, 2009 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton gave the Invocation and led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adopt the agenda.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**OCTOBER 19, 2009**

6:30 PM      Call to Order

Invocation - Rev. J.V. Allen, Boger City Wesleyan Church

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda
2. 6:33 PM Consent Agenda
  - Approval of Minutes
  - October 5, 2009
  - Tax Requests for Refunds - Over \$100
  - September 7 - 20, 2009
  - Elderly Nutrition Funds, as part of the American Recovery and Reinvestment Act (ARRA)
3. 6:35 PM Public Comments
4. 6:50 PM Planning Board Recommendations - Randy Hawkins
  - CUP #291- Mountain Gem and Mineral Association
  - CUP #292 - Vesuvius Vineyard, Inc.
5. 7:10 PM Approval of Contract for Water Tank Maintenance for Optimist Club Road Tank and Car Farm Road Tank
6. 7:20 PM Capital Project Report - Burns Whittaker
7. 7:30 PM Finance Officer's Report - Leon Harmon
8. 7:35 PM County Manager's Report - George Wood
9. 7:40 PM County Commissioners' Report
10. 7:45 PM County Attorney's Report
11. 7:50 PM Vacancies/Appointments
12. 7:55 PM Calendar
13. 8:00 PM Other Business
14. 8:05 PM Closed Session
  - Motion to enter closed session pursuant to N.C.G.S 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize or similar award

Adjourn

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

- Approval of Minutes
  - October 5, 2009
- Tax Requests for Refunds - Over \$100
  - September 7 - 20, 2009
- Elderly Nutrition Funds, as part of the American Recovery and Reinvestment Act (ARRA)

LINCOLN COUNTY TAX DEPARTMENT  
**REQUEST FOR REFUNDS**

## MOTOR VEHICLES

PERIOD COVERED (SEPTEMBER 7, 2009-SEPTEMBER 20, 2009)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
General Electric Capital Lease	2008	DFD	0089245	3,926.49
			TOTAL	\$3,926.49

**Public Comments:** Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

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

## Planning Board Recommendations – Randy Hawkins:

**Conditional Use Permit No. 291 – Mountain Gem and Mineral Association, applicant:** A request for a conditional use permit to allow group digs and camping up to four weekends a year in the R-T (Transitional Residential) district. The 62-acre parcel is located at 375 Timber Road, Iron Station, on the east side of Timber Road about 1,000 feet south of Reinhardt Circle.

Randy Hawkins stated that the Planning Board voted 8-0 to recommend approval with the following conditions:

- 1) A driveway permit shall be obtained from the N.C. Department of Transportation.
- 2) The Lincoln County Planning and Inspections Department shall be notified in advance of each dig.
- 3) Participation in the digs shall be limited to members of the Mountain Area Gem and Mineral Association.
- 4) No camping shall take place in the 100-year flood plain.
- 5) Alwood Lane shall be used only in case of an emergency.
- 6) The digs shall be limited to no more than 150 participants per day.
- 7) The association shall maintain liability insurance coverage and file proof of coverage with the county each year.
- 8) No vehicles shall be parked on or within sight of Timber Road or near any adjoining properties.
- 9) The association shall work with the property owner to clear sufficient areas for primitive camping on a remote area of the property away from any adjoining properties. No permanent camping structures shall be erected. Portable toilets shall be provided on site during the digs and shall be removed when the digs end.
- 10) After each dig, the association shall work with the property owner to restore the collecting area, including removing any loose dirt to prevent runoff into nearby streams, installing silt fences near any streams to further prevent any damage, and cleaning up and removing trash generated during the event.

11) Digs shall be conducted no more than four weekends per year, Friday through Sunday.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to accept the Planning Board's recommendation and approve Conditional Use Permit No. 291 with the findings of fact as presented.

**CUP #292 Vesuvius Vineyard Inc., applicant:** (Parcel ID# 02420) A request for a conditional use permit to host outdoor weddings, corporate events and other private gatherings in the R-T (Transitional Residential) district. The proposed nine-acre site is located at 6173 Vesuvius Furnace Road, Iron Station, on the north side of Vesuvius Furnace Road about 1.1 miles west of Beth Haven Church Road.

PB voted 8-0 to recommend approval with the following conditions:

- 1) A driveway permit shall be obtained from the N.C. Department of Transportation.
- 2) No parking shall be allowed in the road right-of-way.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's recommendation and approve CUP #292 with the findings of fact as presented.

**Approval of Contract for Water Tank Maintenance for Optimist Club Road Tank and Car Farm Road Tank:** Burns Whittaker stated that they solicited proposals from qualified firms to provide multi-year maintenance agreements for the two tanks on September 15. RFPs were sent to three firms involved in this type of work and an advertisement placed in the Lincoln Times News. Proposals were received only from Utility Service Co., Inc.

Utility Service Co., Inc. currently provides services to our other three tanks and have been doing so since 2005. Their response and quality has been excellent.

Mr. Whittaker recommended awarding to Utility Service Co., Inc of the two contracts for Optimist Club Road and Car Farm Road tanks.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve the Contract for Water Tank Maintenance for Optimist Club Road Tank and Car Farm Road Tank.

**Capital Project Reports:** Burns Whittaker presented the Capital Project Reports.

**Finance Officer's Report:** Leon Harmon presented the Finance Officer's Report. Mr. Harmon presented bids for Sheriff's Department vehicles. He presented the state contract bid, which was the low bid, and a bid from Abernethy Chrysler.

The following sealed bid was received October 14, 2009 for the purchase of 15 law enforcement vehicles:

	Unit Price	Total 15 Vehicles
Abernethy Chrysler Lincolnton	\$21,483.82	\$322,257.30

By comparison, the state contract for similar law enforcement vehicles is \$20,026, the vehicle above proposed from Abernethy's included the push bumper option. The push bumper option for state contract is an addition \$352 which makes the totals by comparison:

	Unit Price	Total 15 Vehicles
Ilderton Dodge	\$20,378.00	\$305,670.00

Mr. Harmon recommended that the state contract bid from Ilderton Dodge be approved, a difference of \$16,58730, and that we proceed with financing of these vehicles as proposed in the budget.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the purchase of the vehicles from the low bidder, Ilderton Dodge.

**County Manager's Report:** Mr. Wood reviewed the Pre-foreclosure report.

Mr. Wood stated that Mr. Jerry Haney presented the Board with a request in changing the method of appraisals. He said that after researching this, the County cannot use this method.

Mr. Wood stated that we have a case with Winn Dixie Stores. He said they are in Chapter 11 bankruptcy and owe the county back-taxes of about \$17,032 and are offering \$1600 in settlement.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the settlement with Winn Dixie.

**County Attorney's Report:** Jeff Taylor gave a report on the Maiden lawsuit.

**Calendar:** Chairman Patton presented the November 2009 calendar.

**Other Business:**

- Register of Deeds Report

**Closed Session:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to enter closed session pursuant to N.C.G.S. 143-318.11(a)(2)to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award and (5) to establish or instruct staff concerning the position to be taken by or on behalf of Lincoln

County in negotiating the price or other material terms of a contract or proposed contract for acquisition of real property by purchase, option, exchange, or lease.

Ken Fortenberry said he would like to go on record objecting to the Closed Session.

Chairman Patton advised that no action was taken in closed session.

**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