

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, OCTOBER 21, 2013**

The Lincoln County Board of County Commissioners met October 21, 2013 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

Commissioners Absent:

Cecelia A. Martin

Others Present:

W. 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 October 21, 2013 meeting of the Lincoln County Board of Commissioners to order and led in an Invocation.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, October 21, 2013**  
**6:30 PM**

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

Call to Order

Invocation – Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

- Tax Requests for Refunds
- July 29 - August 11, 2013
- Capital Project Ordinance #2

3. Planning Board Recommendations - Randy Hawkins

CZ #2013-3 Jeffrey Brewer, applicant  
 CUP #330 Kenneth Tucker, applicant  
 WSCUP #16 C4 Development, LLC, applicant

4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
5. Public Hearing Concerning Installment Financing and motion to approve Resolution #2013-33: Resolution Approving an Installment Financing Contract and Authorizing the Execution and Delivery of Documents in Connection Therewith
6. Approval and Acceptance of Agreement for Completion of Improvement for Villages of Denver Phase IIA, Map #1 - Josh Grant
7. ~~Motion to Approve Cunningham Recreation and Playworld Preferred as vendors to supply playground equipment for Rock Springs Park, as specified in Request for Proposal #2014-0909~~
8. Finance Officer's Report - Deanna Rios
9. County Manager's Report
10. County Commissioners' Report
11. County Attorney's Report
12. Vacancies/Appointments
13. Calendar
14. Other Business
  - Register of Deeds Report
  - Property Tax Collection Report

Adjourn

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

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

- Tax Requests for Refunds
- July 29 - August 11, 2013
- Capital Project Ordinance #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.\*

**Recommendations from Planning Board:**

Randy Hawkins presented the following recommendations:

**CZ #2013-3 Jeffrey Brewer, applicant** (Parcel ID# 57948 and 55816) A request to rezone 1.8 acres from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit an existing auto body shop to be expanded. The property is located at 1634 N. NC 16 Hwy., on the east side of N.C. 16 Business about 1,200 feet north of Smith Harbour Drive, in Catawba Springs Township.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Conditional Zoning #2013-3 – Jeffrey Brewer, applicant.

**CUP #330 Kenneth Tucker, applicant** (Parcel ID# 33812) A request for a conditional use permit to allow a self-storage facility in the Eastern Lincoln Development District (ELDD) in the I-G (General Industrial) district. The 1.0-acre parcel is located about 300 feet west of N.C. 16 Business on the north side of Sugar Wood Lane in Catawba Springs Township.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Conditional Use Permit #330, Kenneth Tucker, applicant, along with the findings of fact presented by the Planning Board.

**WSCUP #16 C4 Development, LLC, applicant** (Parcel ID# 34062) A request for a conditional use permit to allow the use of the high-density option in the WS-IV Protected Area of the Catawba/Lake Norman Watershed. The applicant is proposing to develop a 1.6-acre lot with a 8,320-square-foot retail store, driveways and parking areas. The high-density option would allow the development to have a built-upon surface area covering up to 70 percent of the site, with the use of engineered stormwater controls. The property is located on the north side of N.C. 16 Business about 850 west of Forest Hills Drive in Catawba Springs Township.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Watershed Conditional Use Permit #16, C4 Development, applicant, along with the findings of fact presented by the Planning Board.

**Public Comments:** Chairman Patton opened public comments.  
Being no speakers, Chairman Patton closed public comments.

**Public Hearing Concerning Installment Financing and motion to approve Resolution #2013-33: Resolution Approving an Installment Financing Contract and Authorizing the Execution and Delivery of Documents in Connection Therewith:**

Mitch Brigulio, with Davenport and Company, said he is here to answer any questions. He said this is the County's final step in the process of refinancing, refunding all 2003 certificates of participation and a portion of the 2006 certificates of participation. This will be going from a higher interest rate to a lower interest rate and achieving a savings. This will be releasing a lien on a correctional facility and only keeping a lien on the Department of Social Services building. Estimated savings are over \$500,000 on this refinancing.

## PUBLIC HEARING

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering (1) whether the Board of Commissioners for the County (the "Board") should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$10,000,000 for the purpose of accomplishing the refinancings described in the Notice of Public Hearing and under which the County would secure the repayment by it of moneys advanced pursuant to such contract by granting a lien on a portion of property relating to the refinancings.

The Chairman announced that the notice of the public hearing was published in the Lincoln Times-News, on October 11, 2013.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract, pursuant to or who responded in writing to the notice of public hearing, are as follows:

After the Board had heard all persons who had requested to be heard, Commissioner Robinson moved that the public hearing be closed. The motion was seconded by Commissioner Klein and was unanimously adopted.

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Commissioner Robinson introduced the following Resolution which was read by title, and moved it be adopted:

### **RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH**

**WHEREAS**, the Board of Commissioners of the County duly conducted a public hearing today regarding an installment financing contract to refinance certain installment financing obligations;

**WHEREAS**, there have been available at this meeting drafts of the forms of the following:

- (1) Installment Financing Contract to be dated as of November 14, 2013 (the "Contract") between the County and First-Citizens Bank & Trust Company (the "Bank"); and
- (2) Deed of Trust to be dated as of November 14, 2013 (the "Deed of Trust") from the County to a trustee for the benefit of the Bank.

**WHEREAS**, the Board of Commissioners of the County wants to approve the Contract and the Deed of Trust and to authorize other actions in connection therewith; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County as follows:

1. Each of the Contract and the Deed of Trust, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Finance Director, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
2. The Chairman of the Board, the County Manager, the Finance Director, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents (expressly including an escrow deposit agreement) as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Execution of the Contract by the Chairman of the Board, the County Manager or the Finance Director, shall conclusively evidence approval of all such details of the financing.
3. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.
4. This Resolution shall become effective immediately upon its adoption.

Commissioner Klein seconded the motion and the motion was adopted by the following vote:

AYES: Patton, Robinson, Mitchem, Klein

NAYS: \_\_\_\_\_

\* \* \*

**Approval and Acceptance of Agreement for Completion of Improvement for Villages of Denver Phase IIA, Map #1 - Josh Grant:** Before you is a request to approve Improvement Guarantee #56 for the Villages of Denver Phase IIA Map #1 Subdivision. The Amount in question is \$33,948.48. This amount is 1.25 times the estimated costs to complete the required roadway repair/improvements. The County Attorney and NCDOT have read over the contract and estimate stated that everything was in order and that the dollar amounts were sufficient.

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

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

**County Manager's Report:** Mr. Jackson presented the County Manager's Report, saying he has now met with all department heads and twelve outside agencies.

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

**County Commissioners' Report:** Commissioner Klein reported on an issue Partners Behavioral Management recently had with an agency and how the issue was resolved with another service provider. Commissioner Klein spoke concerning the professionalism of the Partners Board and staff and said they are to be commended.

**Vacancies/Appointments:** Nothing reported.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners