

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 5, 2015

The Lincoln County Board of County Commissioners met on October 5, 2015, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Bill Beam, Vice Chairman
Martin Oakes
Cecelia Martin
Alex Patton

Others Present:

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

Call to Order: Chairman Mitchem called the meeting to order and called for a moment of silence. Chairman Mitchem led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, October 5, 2015
6:30 PM

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

Call to Order

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Releases over \$100 - 8/16 - 9/15/15
 - Capital Project Ordinance #1

- Capital Project Ordinance Amendment #4
- Budget Ordinance Amendment #5
- Vehicle Tax Requests Over \$100
- Surplus Property
- Minutes for Approval
- CDBG (Community Development Block Grant) Status Updates

3. Public Hearing Concerning Debt Refunding
 - Resolution Approving an Installment Financing Contract with First Tennessee Bank and Authorizing the Execution and Delivery of Documents in Connection - Deanna Rios
4. ~~Rivercross Revision to Approved Phasing Plan~~ Andrew Bryant
5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Motion to Approve Sole Source Purchase of littleBits Snap Circuit Modules in the amount of \$10,450.88 - Jennifer Sackett
7. Motion to Approve Exemption from the RFQ Process for Gaston College Roof Design per G.S. 143-64.32(a)(1): Proposed Project has an estimated professional fee in an amount less than \$30,000 - John Henry
8. Motion to Approve Purchase of Old RB Cronland Site on Salem Church Road - John Henry
9. Motion to Approve Award of Construction Bid to Replace the Courthouse Roof to Baker Roofing - John Henry
10. Motion to Approve Bid Process to Replace Building Clad and Windows for Citizens Center - John Henry
11. Motion to Approve adding evaluation and design for clock at Tax Office to Terracon Plans and Specs and to Approve bid process for sealant replacement and plaza waterproofing to Tax Office- John Henry
12. Request to increase existing 40' permanent easement to 70' and request for a 10' temporary workspace (Piedmont will also purchase .21 acres of timber) - Chanda Womack
13. Other Business
14. Vacancies/Appointments

Adjourn

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the agenda as presented, removing Item 4.

Consent Agenda:

- Releases over \$100 - 8/16 - 9/15/15
- Capital Project Ordinance #1

- Capital Project Ordinance Amendment #4
- Budget Ordinance Amendment #5
- Vehicle Tax Requests Over \$100
- Surplus Property
- Minutes for Approval
- CDBG (Community Development Block Grant) Status Updates

*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

Commissioner Oakes asked for clarification from Deanna Rios concerning the Capital Project Ordinance #1 and Capital Project Ordinance Amendment #4.

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

Public Hearing Concerning Debt Refunding

- Resolution Approving an Installment Financing Contract with First Tennessee Bank and Authorizing the Execution and Delivery of Documents in Connection -
Deanna Rios, Finance Director, said this public hearing is to consider the refunding of the remainder of the 2006 COPS that were not refunded 2 years ago. An opportunity has come up with the possibility of saving a couple hundred thousand dollars.

Mitch Brigulio, with Davenport and Company, said they have identified an opportunity to advance refinance the remaining 2006 Certificates of Participation, which will result in savings of around \$215,000

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

The Lincoln County (the "County") Board of Commissioners (the "Board") held a regular meeting at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M. on October 5, 2015. The following Commissioners were:

Present: Carrol Mitchem, Bill Beam, Alex Patton, Martin Oakes
Absent: Cecelia Martin

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 \$6,000,000 for the purpose of accomplishing the refinancing 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 refinancing.

The Chairman announced that the notice of the public hearing was published in the Lincoln Times-News at least ten days before October 5, 2015.

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 Oakes moved that the public hearing be closed. The motion was seconded by Commissioner Patton and was unanimously adopted.

* * *

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

**RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT
WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION 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 17, 2015 (the “Contract”) between the County and First Tennessee Bank National Association (the “Bank”);
- (2) Deed of Trust to be dated as of November 17, 2015 (the “Deed of Trust”) from the County to a trustee for the benefit of the Bank: and
- (3) Escrow Deposit Agreement dated as of November 17, 2015 (the “Escrow Agreement”) between the County and U.S. Bank National Association.

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, the Escrow Agreement 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 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 Beam seconded the motion and the motion was adopted by the following vote:

AYES: Patton, Beam, Mitchem, Oakes

NAYS: None

* * *

STATE OF NORTH CAROLINA)

COUNTY OF LINCOLN)

I, AMY S. ATKINS, Clerk to the Lincoln County Board of Commissioners, DO HEREBY CERTIFY as follows:

1. A meeting of the Lincoln County Board of Commissioners, located in the State of North Carolina, was duly held October 5, 2015, such meeting having been noticed, held and conducted in accordance with all requirements of law (including open meetings requirements), and minutes of that meeting have been or will be duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of the Board.

2. The attached extract accurately reflects the actions taken by the Board of Commissioners with respect to the matters therein.

3. That extract correctly states the time when the meeting was convened and the place where the meeting was held and the members of the Board who attended the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the seal of the County as of October 6, 2015.

(SEAL)

— Clerk to the Board of Commissioners

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

Rudy Bauer, 8252 Blades Trail, spoke about Covington, the former Burton Creek and the failure of their catch basins. He presented a bottle of water with sediment from his cove after the rain.

Mr. Atkins said he has already sent David Ledford out to the site to check on this situation.

Robert Avery, 4466 Hwy 182, Crouse, spoke concerning the need to update the Policies and Procedures in Lincoln County.

Being no additional speakers, Chairman Mitchem declared Public Comments closed.

Motion to Approve Sole Source Purchase of littleBits Snap Circuit Modules in the amount of \$10,450.88 - Jennifer Sackett presented the following:

The Lincoln County Public Library was awarded a \$50,000 grant to purchase technology, equipment and supplies that will expand Maker Programs which promote literacy, inspire creativity, and incorporate science, technology, engineering, arts, and mathematics (STEAM) components at all three libraries, littleBits is a system of electronic modules that snap together with magnets. Each littleBit has one unique function (light, sound, sensors, buttons) and with different combinations you can make large circuits. littleBits allows you to create interactive projects without any background in engineering, programming or wiring, in just a few seconds.

The Sole Source request is for the original manufacture and to the best of our knowledge is the only company that produces equipment of this type. littleBits were included in the grant.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Sole Source Purchase of littleBits Snap Circuit Modules in the amount of \$10,450.88.

Motion to Approve Exemption from the RFQ Process for Gaston College Roof Design per G.S. 143-64.32(a)(1): Proposed Project has an estimated professional fee in an amount less than \$30,000 - John Henry presented the following:

This is a request to approve an exemption from the RFQ process for Gaston College Roof Design per GS 143-64.32(a)(1): Proposed project has an estimated professional fee in an amount less than \$30,000. Approval of this exemption will shorten the time to construction by 45-60 days.

**RESOLUTION EXEMPTING GASTON COLLEGE ROOF
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 *Gaston College Roof*, 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. 143-64.31 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.

COUNTY OF LINCOLN

By: _____
Carrol MItchem
Chairman of the Board of Commissioners

ATTEST:

By: _____
Amy S. Atkins
Clerk to the Board

(Affix Seal)

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve the Resolution Exemption Gaston College Roof from G.S. 143-64.31.

Motion to Approve Purchase of Old RB Cronland Site on Salem Church Road -

John Henry requested the Board's permission to purchase the old RB Cronland Site on Salem Church Road. These 2 parcels of land consists of six buildings, 3 that can be occupied, the rest are sheds. Mr. Henry presented aerial pictures of the property. Services likely relocated to this site would be: Library Support, Transportation Lincoln County (TLC), Facilities and Grounds, Public Works Operations, Addressing, Emergency Management Trailers, Central Storage for Surplus Property and Bulk Materials/Supplies, Other County Services and future fueling station. He shared with the Board the properties that could be sold including the property on Startown Road. Mr. Henry presented proposed site plans and a construction timeline for use of the facility.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the purchase of the Old RB Cronland Site on Salem Church Road.

Motion to Approve Award of Construction Bid to Replace the Courthouse Roof to Baker Roofing - John Henry presented the following:

Bids were received bids for the courthouse roof, baker roofing low bid at \$304,500, not including the alternates. This project came in about \$136,000 over budget due to the radio tower being taken down, having to cut through limestone for additional scuppers, and lifting and removing 9 HVAC units to replace the roof.

There was discussion about the tower on the Courthouse. Commissioner Beam said he was opposed to the tower being on the Courthouse and said he would like to add that no towers be allowed on the Courthouse roof.

Mr. Henry said the tower will be put back on the roof, but will be lower once it is placed back. Once Emergency Management is moved from the basement of the Courthouse, it can be removed.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the award of the construction bid to Baker Roofing at a total of \$304,500, not including alternates.

Motion to Approve Bid Process to Replace Building Clad and Windows for Citizens Center - John Henry presented the following:

Terracon Consultants evaluated the condition of the exterior cladding and windows of the Citizen Center. The report states that the cladding system has reached end of life and the windows are in poor condition. The included report suggests replacement of both items. Their estimate is \$623,000 and this is an unfunded project.

County staff feel that the cladding poses a safety risk to employees and citizens the enter and walk around the building.

Mr. Henry requested approval to enter into the bid process for formal bidding procedures.

The Commissioners discussed other options for the exterior of the building and Chairman Mitchem asked for different solutions to be brought back when bids come back.

UPON MOTION by Commissioner Patton, the Board voted unanimously approve entering into a bid process for formal bidding procedures for the Citizen Center.

Motion to Approve adding evaluation and design for clock at Tax Office to Terracon Plans and Specs and to Approve bid process for sealant replacement and plaza waterproofing to Tax Office - John Henry presented the following:

Terracon Consultants evaluated the condition of the exterior cladding and windows of the Tax Office. The report states that all sealant should be removed and replaced and the plaza requires waterproofing to stop leaks in the basement.

County staff was asked to determine if the original clock could be hung in its original position on this building. Terracon will provide this evaluation and design.

Chairman Mitchem said the clock will be restored and put back up at no cost to Lincoln County.

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve adding evaluation and design for clock at Tax Office to Terracon Plans and Specs and to Approve bid process for sealant replacement and plaza waterproofing to Tax Office.

Request to increase existing 40' permanent easement to 70' and request for a 10' temporary workspace (Piedmont will also purchase .21 acres of timber) – John Henry presented the following:

This is a request to increase existing 40' permanent easement to 70' and request for a 10' temporary workspace. Piedmont will also purchase .21 acres of timber.

Compensation to Lincoln County will be \$2,909.86.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the increase in the existing 40' permanent easement to 70' and request for a 10' temporary workspace.

Other Business: Commissioner Beam thanked Mr. Atkins for taking him and Commissioner Oakes on a tour of county facilities. He said he was pleased to see the employees and how well the employees treat the buildings they have.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to make the following appointments:

Charlotte-Douglas Airport Board – Tom Anderson to a term ending 12/31/19
Airport Authority – Walt Krupowitz to a term ending 9/30/17
Environmental Review Board – Michael Jones to a term ending 7/31/18.

Adjourn: Chairman Mitchem adjourned the meeting.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners