

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 22, 2014**

The Lincoln County Board of County Commissioners met September 22, 2014 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  
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 September 22, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, September 22, 2014**  
**6:30 PM**

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

Call to Order

Invocation – Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Approval of Minutes
  - Proposed Sublessee Agreement for Special Olympics of Lincoln County
  - Capital Project Ordinance Amendment #2

- Budget Ordinance Amendment #3
  - Surplus Property
  - Hydac Time Extension
  - Gaston College Proclamation
  - Approval of Lincoln County Work First Program Plan for FY 2016 - 2019
  - Stand Up for America Rally
3. Presentation of Proclamation to Gaston College
  4. Public Hearing - Schedule of Values - Kep Kepley
  5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
  6. Approval of Construction Contract for Rescue Squad Park to Brushy Mountain Builders, Inc. - Don Chamblee
  7. Cooperative Extension Presentation - Tom Dyson
  8. Approval to pursue a building conditions assessment grant for Pleasant Retreat Academy - Tracy Jackson
  9. Request to Include the public library in its formation of legislative goals to be presented to the NCACC - Jennifer Sackett
  10. Approval to Apply for Library Service and Technology Act (LSTA) EZ Edge Technology Grant - Jennifer Sackett
  11. Approval of Indian Creek Fire Protection System Agreement - Don Chamblee
  12. Construction Project Update - Don Chamblee
  13. Planning Board Recommendations - Randy Hawkins

CUP #339 Melissa Lefler, applicant (Parcel ID# 58764) The Planning Board voted 6-0 to recommend approval.

UDO Proposed Amendments #2014-2 Lincoln County Planning and Inspections Department, applicant. The Planning Board voted 6-0 to recommend approval.

14. Presentation of the Certificate of Achievement in Financial Reporting for FY 13 - Deanna Rios
15. Finance Officer's Report
16. County Manager's Report
17. County Commissioners' Report
18. County Attorney's Report
19. Vacancies/Appointments
20. Calendar
21. Other Business
  - Register of Deeds Report
  - Property Tax Collection Report
22. Closed Session Pursuant to NCGS 143-318.11 (a) (6) To consider the qualifications,

competence, performance, character, fitness, conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Adjourn

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

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

- Proposed Sublessee Agreement for Special Olympics of Lincoln County
- Capital Project Ordinance Amendment #2
- Budget Ordinance Amendment #3
- Surplus Property
- Hydac Time Extension
- Gaston College Proclamation
- Approval of Lincoln County Work First Program Plan for FY 2016 - 2019
- Stand Up for America Rally

**Presentation of Proclamation to Gaston College:** The Board presented a Proclamation to Gaston College congratulating them on their 50<sup>th</sup> anniversary as an institution of higher education.

**Public Hearing – Schedule of Values:** Chairman Patton opened the public hearing concerning the Schedule of Values.

Frances Knox, 1560 Verdict Ridge Drive, spoke concerning the Schedule of Values. She said most Lincoln County residents do not know what the Schedule of Values are. She said before the Board embarks on approving this, there should be more information presented and more public hearings. Mrs. Knox said instead of the Board of Equalization and Review, the Commissioners should hear those cases.

Lori Glover, 4340 Cricket Cove Court, spoke on behalf of LiSCO to protest the Schedule of Values and asked the Commissioners to reject the Schedule of Values on its merits and cancel the property revaluation currently underway. She presented some handouts concerning the Schedule of Values.

Allen Brotherton, 5044 Shady Meadow Lane, said he is here on behalf of his client, Verdict Ridge Golf and Country Club and the taxpayers and owners, Eddie and Frances Knox to, as required, object to the Schedule of Values, specifically as it applies to the valuation methodology for golf courses. The golf course valuation section is identical to the valuation schedule for the 2011 valuation except there has been a change to the gross income multiplier they use. The

methodology suggested for use is wrong for several reasons. Mr. Brotherton said since he is required to put it on the record that they object to the Schedule of Values

Robert Avery, 4466 Hwy 182, said the main thing about the Schedule of Values is an old system to pay county debt. He asked the Board if they have read and understand the Schedule of Values. He said the software needs to be updated.

Commissioner Mitchem asked about confidentiality and the Schedule of Values not be open to the people. Kep Kepley said technically they are not supposed to distribute the Schedule of Values until they have been presented to the Commissioners. Up until that time, they are a work in progress and are until they are sent to the Board. This is why they are not made public, statutorily, the public has the time to review the Schedule of Values prior to the hearing and approval, then still have time to appeal after they have been approved by the Board of Commissioners. This is all set up according to NCGS 105-317.

Commissioner Mitchem asked how many days this has been available to the public. Mr. Kepley said they were presented at the first meeting in September, so almost two weeks.

Commissioner Mitchem asked if there is a deadline on approving the Schedule of Values. Mr. Kepley answered that it has to be approved by January 1. The Department of Revenue has asked that they be in place by January 1. If someone was to appeal the Schedule of Values, they need to get it before the Property Tax Commission at their meetings either in November or December. This is on a schedule to present it, have the public hearing and approval on October 6, which will give them ample time to hear appeals.

Commissioner Mitchem asked if the Schedule of Values will be on halt if it is appealed. Mr. Kepley said it will be approved by the Board and if someone goes before the Property Tax Commission, they will have to make their case that the Schedule of Values is not what it should be. The Property Tax Commission will make that ruling, not Lincoln County.

Commissioner Mitchem asked if Lincoln County will make any changes to this Schedule of Values if it is approved on October 6. Mr. Kepley said after approval, Lincoln County would not change the Schedule of Values unless the Property Tax Commission said something should be changed.

Commissioner Martin asked if the Schedule of Values could be changed due to the public hearing. Mr. Kepley said it is statutorily required that a public hearing be held, but he doesn't know of anything that would need to be changed. The public hearing is basically for the public to have the chance to give input.

Commissioner Mitchem said at one of the meetings, he asked for a committee to be established to look at the Schedule of Values, but this was denied. He said basically Kep is saying that what the people said tonight is dead in the water. Mr. Kepley said he would take trying to make any changes at this point with a grain of salt. He said major changes would not be advisable, because it could hinder the process.

Commissioner Mitchem asked about the different approaches to value property. Mr. Kepley stated that there are 3 ways to value property, there is the market approach, income approach and construction or cost approach. He explained the different methods.

Commissioner Robinson said there was a public hearing tonight and feedback was received. He said we need to listen to that feedback and see if there is anything that needs to be addressed before October 6.

Commissioner Mitchem said he is tired of rubberstamping the Schedule of Values.

Commissioner Martin asked what happens if the Board does not approve the Schedule of Values.

Mr. Kepley said to the best of his knowledge, we will statutorily remain where we are and will have to go back and undo all the work done so far. We would remain with the 2011 Schedule of Values. He said if the Board chose not to approve the Schedule of Values, they would have to move everything back to where it was and postpone the Revaluation.

Commissioner Mitchem said he agrees with Commissioner Robinson. He said the people have spoken tonight and said what they wanted. He said everyone's suggestions at the public hearing can be researched and a report made back to the Board. He said there should still be time to have another public hearing and the Schedule approved.

Commissioner Klein asked Mr. Kepley if he foresees any changes based on the comments tonight at the public hearing. Mr. Kepley said there is one change he would be inclined to consider, expanding the range a little larger than it already is, to give a little more leeway to access a particular type of property.

Tracy Jackson asked the impact of this being delayed until another meeting and not making a decision at the next meeting. Mr. Kepley said once approved, the impact would be the further the approval date is pushed off, the clock starts running on a 30 day window to appeal to Raleigh. He said it should be on Raleigh's December or November meetings.

Chairman Patton asked Mr. Kepley to take the information received tonight and bring back to the Board at the next meeting what if anything should be changed or the reasons why the changes should not be made.

Chairman Patton declared the public hearing closed.

**Public Comments:** Chairman Patton opened Public Comments.

Tom Hawk, 105 McKellar Street, Lincolnton, recommended marketing the old hospital building due to the fact that marketing conditions have improved since 2009.

Pris Mauney presented a petition with 1000 signatures and encouraged the Board to keep County offices in downtown Lincolnton. She asked the Board to consider other options and save Lincolnton.

Rudy Bauer, 8252 Blades Trail, said he received a letter today concerning the landfill. He asked if the landfill is making money or not. He spoke about storage units, car lots and dog day cares in Denver. He asked what happened to the plan for Highway 16.

David Boyles, 5031 Highway 27 West, said the Lincoln County Chamber of Commerce would like to restate their position against moving offices out of downtown Lincoln.

Brooke Sherrill, DDA Chair, encouraged the Board to keep an open mind and consider alternatives presented regarding keeping county offices downtown.

Osama Yousef asked the Board not to move county offices from downtown. He said this many people leaving town will have a huge impact on downtown businesses.

Reggie Saddler informed the Board of his Stand Up for America even and asked for their support.

Robert Avery stated that there should be a Citizens Review Committee for the Schedule of Values.

Being no additional speakers, Chairman Patton closed public comments.

**Approval of Construction Contract for Rescue Squad Park to Brushy Mountain Builders, Inc.:** Don Chamblee presented the following:

On September 5, 2014, Lincoln County Public Works and Lincoln County Parks and Recreation held a bid opening for Rescue Squad Park

Rescue Squad Park's development is partially funded by a \$352,432 PARTF grant. The minimum local match for the initial construction phase will be funded by the Denver/Lake Norman Rotary Club Foundation (Denver Rotary Fnd). Phase I of this new park will provide gravel parking, active field areas, walking trails, playground and multipurpose shelter. The future phases will include a dog park and concession/restroom building.

There is \$1,366,432 designated for the project as detailed below.

**Breakdown:**

\$ 352,432 PARTF  
\$ 352,432 Denver Rotary Foundation (Local Match)  
\$ 459,568 Denver Rotary Foundation (Estimated Additional)  
\$ 162,000 Lincoln County CIP for Multipurpose Shelter  
\$ 40,000 Lincoln Charter School

**OPTIONS FOR CONSIDERATION:**

The Bid from Brushy Mountain Builders, Inc. is outlined on the next page. This base contract amount includes grading, storm drainage, irrigation, fields, trails, gravel parking, lowering and paving Galway Lane.

Base Bid				As Bid	Proposed
A.	<u>Base Bid</u>			<u>995,000.00</u>	<u>995,000.00</u>
B.	<u>Gravel Parking</u>	<u>1.33</u>	<u>SFT</u>	<u>58,653.00</u>	<u>58,653.00</u>
C.	<u>Paving Galway</u>	<u>3.25</u>	<u>SFT</u>	<u>36,806.25</u>	<u>36,806.25</u>
<b>Unit Prices</b>					
c)	8' Asphalt Trail	2.45	SFT		
h)	Crushed Stone Walk	1.85	SFT		
<b>Alternates</b>					
1)	Concession Building			305,000.00	
2)	Dog Park			32,150.00	
3)	Synthetic Turf			819,000.00	
4)	Multipurpose Shelter			328,000.00	
4a)	<u>Multipurpose Shelter - Wood</u>			<u>124,000.00</u>	<u>124,000.00</u>
4b)	<u>Plumbing</u>			<u>12,550.00</u>	<u>12,550.00</u>
4c)	<u>Drinking Fountain</u>			<u>1,300.00</u>	<u>1,300.00</u>
4d)	<u>Utility Sink</u>			<u>700.00</u>	<u>700.00</u>
4e)	<u>Ceiling Fans</u>			<u>750.00</u>	<u>750.00</u>
4f)	Delete Two Bays			-56,000.00	
4g)	Delete One Bay			-25,000.00	
4h)	Grass Pavers	5.65	SFT	63,986.25	
4i)	Alternate Metal Structure			-165,000.00	
4j)	Alternate Wood Structure			-500.00	
5)	Additional Parking	1.35	SFT	19,440.00	
6a)	Natural Trail			10,850.00	
6b)	Foot Bridge			9,500.00	
7a)	Gravel Walk	2.90	SFT	10,875.00	
7b)	Concrete Walk	7.85	SFT	29,437.50	
8)	<u>Utilities - Water and Sewer</u>			<u>62,750.00</u>	<u>62,750.00</u>
9)	Concrete Loop Walk	2.85	SFT	69,682.50	
					<u>1,292,509.25</u>

These alternates are included in this design package, so all elements are ready for construction as additional funding becomes available.

This recommendation is to include the Base Bid Items, Utilities, and the Wood Multipurpose Shelter with plumbing & electrical. The items not included in the award are the concession building, Dog Park, and synthetic turf, parking lot paving and additional trails/sidewalks.

**ACTION REQUESTED:**

Request that the Board of Commissioners award the contract to the Lowest Responsive Bidder of Brushy Mountain Builders, Inc. for the construction of Rescue Squad Park in the amount of \$1,292,509.25 with a

contingency of \$50,000.00. Total Contract/Contingency Amount of \$1,342,509.25 of which \$162,000 is currently budgeted by Lincoln County.

Additionally, authorize the Board Chairman or County Manager to execute Change Orders for any additional work that have been fully funded and deposited to Lincoln County. This will allow quick approval of any alternates that may become funded during construction and not delay the project.

Commissioner Mitchem questioned the size of the shelter and the lack of restrooms.

Commissioner Klein said this is a one million dollar project and the Rotary Foundation, of which he is a member, has not asked the County for a dime – the County offered \$150,000 to build a shelter. He said if the Board is lamenting because there aren't bathrooms, if the County is willing to put some money on the table, the Rotary Club would be more than happy to consider alternatives.

**A MOTION** by Commissioner Klein to approve the construction contract as presented, reminding the Board that he is a Rotarian in this club.

**VOTE: 3 – 2                    AYES: KLEIN, PATTON, ROBINSON**  
**NOES: MITCHEM, MARTIN**

**Cooperative Extension Presentation:** Tom Dyson, Cooperative Extension Director for Lincoln County, gave a presentation concerning Cooperative Extension's role in the county. He said they are facing declining federal and state financial support. Mr. Dyson presented the goals and initiatives as well as cost sharing of staff necessary in the future.

**Approval to pursue a building conditions assessment grant for Pleasant Retreat Academy:** Tracy Jackson stated that staff applied for a grant that closed on September 1 for this building conditions assessment grant. The amount is \$6,500 and is with a private foundation called the Mario Stedman Covington Foundation. He said they are looking at what needs to happen in the future with the building by bringing in a professional historian and preservationist to tell them the condition and identify any potential issues so they will be prepared.

Commissioner Klein asked about taking on this project, knowing there will be outcomes with money attached to them.

Mr. Jackson said the UDC has a 99 year lease and it is specified in the lease who shares what in terms of responsibilities. Some of the major repairs are negotiated between the two parties.

**UPON MOTION** by Commissioner Martin, the Board voted 4 – 1 (Klein against) to pursue the grant for Pleasant Retreat Academy in the amount of \$6500.

**Request to include the public library in its formation of legislative goals to be presented to NCACC** Jennifer Sackett, Library Director, stated that the Lincoln County Public Library asks that the Lincoln County Board of Commissioners consider including language regarding the



public library in its formation of legislative goals to be presented to the NCACC this fall. This goal includes a request for the state to fulfill its obligation of supporting public libraries by restoring funding for State Aid to Public Libraries and to preserve the integrity of the existing distribution formula.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Klein against) to include the public library in its formation of legislative goals to be presented to NCACC as presented by Jennifer Sackett.

**Approval to Apply for Library Service and Technology Act (LSTA) EZ Edge Technology Grant:** Jennifer Sackett presented the following:

The Lincoln County Public Library is requesting approval to apply for a \$5,000 LSTA EZ Edge Technology Grant to purchase equipment and software that supports multimedia content creation and wireless printing at all three libraries. This project will assist the library in meeting technology standards outlined for public libraries through the Edge Initiative and supported by the State Library of North Carolina.

The Edge initiative helps libraries assess their operations and plan for the future by using benchmarks to evaluate themselves. It includes tools to build capacity and improve services. The goal of the EZ Edge Technology Program is to help public libraries meet the public access technology needs of their communities. The State Library of North Carolina is offering a pilot reimbursement program with LSTA funds to assist public libraries that have identified areas of improvement using the Edge assessment and have developed an Action Plan based on that assessment.

The Lincoln County Public Library completed both the Edge Assessment and the Action Plan in 2014.

There are no matching funds for this grant.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the Library Services and Technology Act EZ Edge Technology Grant as presented by Ms. Sackett.

**Approval of Indian Creek Fire Protection System Agreement:** Don Chamblee presented the following:

Indian Creek Fire Protection System (FPS) serves five (5) industries in the Indian Creek Industrial Park. The Indian Creek FPS Industries have requested a new agreement to increase the base monthly fee from \$100.00 to \$250.00 a month. The Industries have also requested that Lincoln County Public Works be allowed to increase the minor repairs limit from \$1,000.00 to \$5,000.00 without seeking approval from all industries involved.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Indian Creek Fire Protection System Agreement.

**Construction Project Update:** Don Chamblee updated the Board on past and current construction projects.

**Planning Board Recommendations:** Randy Hawkins presented the following:

Randy Hawkins stated that some questions have been raised about the Family Dollar store in Denver. He said it is still under construction and what you see now is not what you get. He said there was an application for a mini storage facility on Highway 16, to be heard on October 6, and that applicant withdrew.

**CUP #339 Melissa Lefler, applicant** (Parcel ID# 58764) A request for a conditional use permit to operate a boarding kennel in the I-G (General Industrial) district. The proposed 0.7-acre site is located at 896 Dove Ct., on the east side of Dove Court about 300 feet north of Townsend Drive, in Catawba Springs Township.

**The Planning Board voted 6-0 to recommend approval.**

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve CUP #339 – Melissa Lefler, applicant.

**UDO Proposed Amendments #2014-2 Lincoln County Planning and Inspections Department, applicant.** A proposed to amend the Lincoln County Unified Development Ordinance as follows:

- Amend Section 12.3.2 to add a definition for solar farm.
- Amend Section 2.3.3 to specify that the use group “Major Utility” does not include a solar farm.
- Amend Section 2.2.1 to add “solar farm” as a conditional use in the R-R, R-T, B-G, B-C, I-L and I-G districts.
- Amend Section 2.5.1.F to add “solar farm” as a conditional use in the Eastern Lincoln Development District
- Amend Section 4.3 to add standards for a solar farm.

**The Planning Board voted 6-0 to recommend approval**

**A MOTION** by Commissioner Klein to approve UDO #2014-2, as recommended by the Planning Board.

**VOTE:            3 -2    AYES: Klein, Robinson, Patton**  
**NOES: Mitchem, Martin**

**A MOTION** by Commissioner Klein to approve the Statement of Consistency and Reasonableness.

**VOTE: 3 -2 AYES: Klein, Robinson, Patton**  
**NOES: Mitchem, Martin**

**Presentation of the Certificate of Achievement in Financial Reporting for FY 13:** Deanna Rios presented the Board with the Certificate of Achievement in Financial Reporting for FY 13.

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

**County Manager's Report:**

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

**County Commissioners' Report:**

**Vacancies/Appointments:**

The following are Commissioner Robinson's recommendations for appointments:

**Appoint:**

Nursing and Adult Care Home CAC

- Becky Criscoe

Planning Board

- James Houser (Howard's Creek)

Council on Aging

- Martha Duncan
- Darnell Reinhardt

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to make the appointments.

**Closed Session:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session pursuant to **§ 143-318.11. Closed sessions.**

(a) (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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or

discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

The Board returned to Open Session and Chairman Patton announced that there was no action to report from Closed Session.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve a 1.5% pay increase for Tracy Jackson, County Manager, effective when other county employees receive theirs.

**Adjourn:** **UPON MOTION** by Commissioner Robinson, 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