

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 16, 2013**

The Lincoln County Board of County Commissioners met September 16, 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 September 16, 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, September 16, 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

- 2013 Lincoln County Economic Development Association Industry Appreciation Month

3. Planning Board Recommendations - Randy Hawkins

CUP #328 Brent Reel, applicant

CUP #329 Jonas Smithhisler, applicant

WSCUP #15 John Coughlin, applicant

UDO Proposed Amendments #2013-1 Lincoln County Planning and Inspections Department, applicant

4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)

5. ~~Motion to Approve Professional Services Agreement with CBSA Architects for Oaklawn School Renovation Project~~ - Randy Williams

6. Motion to Approve Purchase of a New 125 HP Submersible Pump at Forney Creek Pump Station - Don Chamblee

7. Motion to Approve Odor Control Contract for Sewer Pump Station Nos. 3, 4, 5, 11, 12, and 28 - Don Chamblee

8. Motion to Approve Purchase of a 2013 CAT 320 EL Excavator from Carolina CAT in the amount of \$188,618.10, utilizing State contract prices - Don Chamblee

9. Motion to Execute the Contract for Engineering Services with US Infrastructure of Carolina, Inc. in the Amount of \$184,627 upon final approval of CDBG and Rural Center Grants - Don Chamblee

10. Compliance Review Funding - Kep Kepley

11. Funding for Revaluation - Kep Kepley

12. ~~Recommendation to award Purchase and Installation of Financial, Human Resources, and Utility Software to Tyler Technologies~~

13. Second Vote: Motion to Approve Revised Ordinance Regulating Special Events and Mass Gatherings - Martha Lide

14. Finance Officer's Report - Deanna Rios

15. County Manager's Report  
- Property Tax Collection Report

16. County Commissioners' Report

17. County Attorney's Report

18. Vacancies/Appointments

19. Calendar

20. Other Business  
- Register of Deeds Report

21. Closed Session

Adjourn

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

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

- 2013 Lincoln County Economic Development Association Industry Appreciation Month

\*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:

**CUP #328 Brent Reel, applicant** (Parcel ID# 85582) A request for a conditional use permit to allow an accessory dwelling in the form of a garage apartment in the R-T (Transitional Residential) district. The 1.2-acre parcel is located at 974 N. Ingleside Farm Rd., about 300 feet east of Ingleside Farm Road and 8,500 feet north of N.C. 73, in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Conditional Use Permit #328 – Brent Reel, applicant, based on the Findings of Fact as presented by the Planning Board.

**CUP #329 Jonas Smithhisler, applicant** (Parcel ID# 02857) A request for a conditional use permit to sell vehicles in the B-G (General Business) district. The 0.28-acre parcel is located at 6864 E. NC 150 Hwy., on the south side of N.C. 150 about 500 feet west of Henry Dellinger Road, in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Conditional Use Permit #329 – Jonas Smithhisler, applicant, based on the Findings of Fact as presented by the Planning Board.

**WSCUP #15 John Coughlin, applicant** (Parcel ID# 89431) A request for a conditional use permit to allow the use of the high-density option in the WS-IV Critical Area of the Catawba/Lake Norman Watershed. The applicant is proposing to develop 0.9 acre with a 2,760-square-foot commercial building, driveways and parking areas. The high-density option would

allow the development to have a built-upon surface area covering up to 50 percent of the site, with the use of engineered stormwater controls. The property is located on the west side of N.C. 16 Business about 600 feet north of Townsend Drive in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Watershed Conditional Use Permit #15 – John Coughlin, applicant, based on the Findings of Fact as presented by the Planning Board.

**UDO Proposed Amendments #2013-1 Lincoln County Planning and Inspections Department, applicant.** A proposal to amend Sections 9.11, 9.18 and 9.19 of the Lincoln County Unified Development Ordinance to make them consistent with new state legislation (Session Law 2013-126) concerning quasi-judicial zoning cases (conditional use permits, variances and appeals).

The Planning Board voted 9-0 to recommend approval.

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

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve UDO Proposed Amendments #2013-1 – Lincoln County, applicant.

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

David Nicholson, Outreach Associate with North Carolina Association of County Commissioners, congratulated the Board for the appointment of Tracy Jackson as County Manager. He presented Commissioner Klein with awards from the NCACC Annual Conference and thanked him for his service.

Chairman Patton thanked Mr. Nicholson for his assistance in the County Manager search.

Mr. Nicholson stated that it was a real pleasure working with Amy Atkins, a great asset to the Board, and each of the Commissioners. He said he took what he did with the County and refined it and they are using it across the state now.

Robert Avery, 843 Newton Lane, spoke concerning changes needed to the UDO and asked the Board to review this.

Being no additional speakers, Chairman Patton closed public comments.

**Motion to approve the purchase of a 125 horsepower submersible pump from Carolina Pumpworks in the amount of \$27,513.00 as a sole-source purchase:** Don Chamblee presented the following:

### ACTION REQUESTED

Lincoln County Public Works requests approval from the Board of Commissioners to purchase a new 125 HP Chicago Submersible Waste Water Pump from Carolina Pumpworks, LLC (CPW) located in Hendersonville, North Carolina in the amount of \$27,513.00, utilizing sole source purchasing.

### BACKGROUND

The new 125 HP Chicago Submersible Waste Water Pump would be an as needed emergency replacement if either one (1) of the current two (2) 125 HP Chicago Submersible Waste Water Pumps require repair or replacement. The Forney Creek Waste Water Pump Station transfers approximately 800, 000 gallons of raw sewage from the entire Highway 16 Corridor to the Killian Creek Waste Water Treatment Plant for treatment. The Forney Creek Pump Station is designed for both pumps to alternate and work together (in high flow conditions) to accommodate all incoming raw sewage flow. If only one (1) pump is operational the potential for a large raw sewage spill is increased during high flow conditions or additional pump failure. A new 125 HP Chicago Submersible Waste Water Pump has a lead time of 10- 12 weeks and due to the high duty requirements and specially designed connection brackets it is the only pump that can be utilized in this particular application.

Carolina Pumpworks, LLC (CPW) is the only southeast regional distributor for Chicago Pumps thus the reason for a sole source purchase. The purchase of a new 125 HP Chicago Submersible Waste Water Pump will allow Lincoln County Public Works to respond quickly and efficiently to any potential hazard of a waste water spill and insure compliance with all NCDENR Rules and Regulations concerning our Collections Permit #WQCS00149.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the purchase of a 125 horsepower submersible pump from Carolina Pumpworks in the amount of \$27,513.00 as a sole-source purchase. This contract is subject to the vendor providing proof of compliance of Article 2, Chapter 64 of the North Carolina General Statutes.

### Motion to approve the continuance of an odor control maintenance contract with Siemens Water Technologies for a term up to three years for Sewer Pump Station Numbers 3, 4, 5, 11, 12, and 28 as long as Siemens maintains current contract pricing:

Mr. Chamblee presented a contract from Siemens Water Technologies for the maintenance of the odor control systems installed at Sewer Pump Stations Nos. 3, 4, 5, 11, 12 and 28. In October 2008, Lincoln County Public Works entered into an agreement with Siemens Water Technologies to install and maintain odor control systems at Sewer Pump Station Nos. 11, 12, and 28 for a trial period to control high levels of hydrogen sulfide (H<sub>2</sub>S) which resulted in heavy odor and corrosion. After a successful trial period Lincoln County Public Works gained approval in January 2009, to install and maintain the same technology at Sewer Pump Station Nos. 3, 4, and 5 also to control high levels of hydrogen sulfide (H<sub>2</sub>S) with the same success.

The odor control equipment at these pump stations is owned and maintained by Siemens Water Technologies and Lincoln County Public Works pays a flat monthly fee plus chemicals costs for the service. Lincoln County Public Works has received very few complaints concerning odor and has observed no corrosion issues concerning the pump stations.

We request to continue with Siemens Water Technologies' annual maintenance agreements for a term up to three (3) years, as long as Siemens maintains the current maintenance contract pricing for the maintenance of Sewer Pump Stations Nos. 3, 4, 5, 11, 12, and 28.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the continuance of an odor control maintenance contract with Siemens Water Technologies for a term up to three years for Sewer Pump Station Numbers 3, 4, 5, 11, 12, and 28 as long as Siemens maintains current contract pricing.

**Motion to Approve Purchase of a 2013 CAT 320 EL Excavator from Carolina CAT in the amount of \$188,618.10, utilizing State contract prices:** Mr. Chamblee presented the following:

Lincoln County Solid Waste requests approval from the Board of Commissioners to purchase a 2013 CAT 320EL Hydraulic Excavator from Carolina CAT located in Charlotte, North Carolina in the amount of \$188,618.10, utilizing State contract prices.

**BACKGROUND**

The 2013 CAT 302EL Hydraulic Excavator would replace a 1993 CAT 320L Excavator which has considerable wear and tear. It is not cost effective to replace the worn out parts and powertrain systems. The excavator is used at the landfill for loading mulch, loading dirt, digging cover material for the landfill refuse, land clearing, packing metal and a multitude of other uses at the landfill

The 2013 CAT 320EL has a standard warranty which includes 5000 PT service meter hours or 36 months.

Commissioner Mitchem asked if this will be replacing one they currently have.

Mr. Chamblee said this is replacing a 1993, which will be put on surplus and sold.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the purchase of a 2013 CAT 320 EL Excavator from Carolina CAT in the amount of \$188,618.10 utilizing State contract prices. This contract is subject to Carolina CAT providing proof of compliance of Article 2, Chapter 64 of the North Carolina General Statutes.

**Motion to Execute the Contract for Engineering Services with US Infrastructure of Carolina, Inc. in the amount of \$184,627 upon final approval of CDBG and Rural Center Grants:** Don Chamblee presented the following:

**BACKGROUND:**

Public Works requested for qualifications of an engineering firm to work with staff to develop and implement water and sewer system improvements for the Highway 16 Bypass Industrial extension as related to the Denver Global Products site.

The project consists of 12" water line and sanitary sewer including a lift station and force main. The project is located at the Northwest corner of Highway 16 and Highway 73 and will extend the water line to the North along frontage road then cross under Highway 16 to provide a future interconnect at Rufus Road. The sewer will be collected and discharged to existing sewer infrastructure near Highway 73. This project will be partially funded using monies from a CDBG and Rural Center grants.

US Infrastructure of Carolina, Inc. has been selected as the top firm and will provide the survey, design, permitting, and construction administration for the above project. Staff has reviewed all submittals and recommends approval of the proposal.

The design proposal has both CDBG and Rural Center Grant funded costs of \$160,617.00 and County funded costs of \$24,010.00. The estimated design and construction for the project is approximately \$1.3 million. We propose to fund the County portion by transferring from the water and sewer operating fund.

**ACTION REQUESTED:**

Approval to execute the contract for engineering services with US Infrastructure of Carolina, Inc. in the amount of \$184,627.00 upon final approval of CDBG and Rural Center grants.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to execute the Contract for Engineering Services with US Infrastructure of Carolina, Inc. in the amount of \$184,627 upon final approval of CDBG and Rural Center Grants.

**Compliance Review Funding:** Kep Kepley, Tax Administrator, presented the following:

During the budget process, it was decided not to place funds in the Tax Office budget for contracted business personal property compliance reviews as a potential legislative change (NCGS 105-299) for contracted contingency fee auditing was pending. This statute did not change this most recent General Assembly Session, and I now request funds in the amount of \$42,000 from the General Fund to be placed in the Tax Office budget for audits to be performed this year. The amount of requested funds was estimated using prior year cost, and an average flat rate fee of \$350 times 120 audits to be conducted this year.

As of July 1, 2013, all new audits performed are to be charged on a flat fee schedule. We still have contingency fee audit amounts outstanding and will have to pay the audit company when the taxes are paid. This could occur this budget year or perhaps in later budget years as collection methods may have to be imposed for nonpayment. Over the last year and a half 103 audits were conducted with estimated revenue to the county of \$246,550 and cost of \$76,430. At this time,

some pre July 1, 2013 audits (35 of the 103) are not completed (audit, appeal process, etc.) and will be billed by our auditor when completed and tax collected.

To continue with the audit program is vital to ensure all business property is listed, assessed properly and all property owners in our county pay their fair share of the tax burden. To not fund this program would allow some business/individuals to not list some or all of their property creating short falls on tax revenue and could be perceived as unfair by some.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve operating expense funds requested by Mr. Kepley.

**Funding for Revaluation:** Kep Kepley, Tax Administrator, presented the following:

In order to provide a more thorough, accurate revaluation and promote better public relations, funds to visit (walk around) each parcel is requested. Funding in the amount of \$38,000 is requested for the current budget year (2013-2014) and an additional \$38,000 for the next budget year (2014-2015). Some of these funds (\$20,000) may be borrowed from line item 11-4141-5199 (Professional Service) for the current year reducing the request for the current year to \$18,000. These funds will need to be replaced in next year's budget (2014-2015), because to transfer funds would delay the contract work for commercial and industrial parcels. Commercial/industrial work is contracted with Ron McCarthy every revaluation.

There are two (2) options for funding: (1) to fund this part of the revaluation project for the full amount \$38,000 for this year and \$38,000 from next year's budget or (2) borrow the \$20,000 from contracted service then fund \$18,000 for the current budget year and fund next year's budget for \$58,000 (\$38,000 plus \$20,000 borrowed).

Visiting each parcel will enable the Tax Office staff to meet with property owners/residents to build confidence in the revaluation, correct information, and open lines of communication. Owners will know their property was properly inspected and all aspects of value were considered in assessing value. Good public relations will help to ensure a successful revaluation.

The Board questioned what will be done with no trespassing signs. Mr. Kepley said they would try to contact the owner and try to get their permission. If they couldn't get the information, they would have to go through aerial photography and the best information they had.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve \$38,000 for the Tax Department to do walk around visits for the next revaluation year.

Commissioner Mitchem said we should have been doing this in the past and make sure staff is doing what they should be.

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

**County Manager's Report:** Mr. Jackson presented the County Manager's Report.

He reported on the Children's Advocacy Center and the fact that they will not receive \$105,000 state funding. The previous County Manager had planned for this money to come from Partners Behavioral Management and this was approved by the Board in June.

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

**Vacancies/Appointments:** **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to appoint Kristin Ricker to the Jury Commission, based on the recommendation of Fred Hatley, Clerk of Court.

**Closed Session:** **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to enter into Closed Session pursuant to NCGS 143-318.11 (a) (5) To establish, or instruct the public body's staff or negotiation agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

**UPON MOTION** by Commissioner Mitchem, the Board returned to open session.

Chairman Patton reported that no action was taken in Closed Session.

**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