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| EAST LINCOLN COUNTY WATER & SEWER DISTRICT | MINUTES DECEMBER 20, 2004 |
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The Lincoln County Board of County Commissioners met as the governing body of the East Lincoln County Water and Sewer District at the Citizens Center, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. on December 20, 2004. The following were present:

Thomas R. Anderson, Chairman
Carrol Mitchem, Vice Chairman
James "Buddy" Funderburk
Marie Moore
Alex Patton

Jeff Taylor, County Attorney
Stan Kiser, County Manager

Also present were Steve Gilbert, Director of Public Utilities and Amy S. Long, Clerk to the Board.

CALL TO ORDER

Chairman Anderson called the December 20, 2004 meeting of the East Lincoln County Water and Sewer District Board to order.

INVOCATION

Commissioner Alex Patton gave the Invocation.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

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

Agenda

**EAST LINCOLN COUNTY WATER AND SEWER DISTRICT
BOARD OF COUNTY COMMISSIONERS
GOVERNING BODY
LINCOLN COUNTY, NORTH CAROLINA**

**DECEMBER 20, 2004
6:30 PM**

6:30 PM Call to Order

6:31 PM Invocation – Rev. Ken Jones – Macedonia Baptist Church

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| | 6:33 PM | Pledge of Allegiance |
| | 6:34 PM | Adoption of Agenda |
| 1. | 6:35 PM | Approval of Minutes for September 20, 2004 |
| 2. | 6:40 PM | Annexation Hearing – Waterside Crossing, Phase VII |
| 3. | 6:45 PM | Involuntary Annexation Resolution – Steve Gilbert |
| 4. | 6:50 PM | Public Hearing Date for Voluntary Annexations – Steve Gilbert |
| 5. | 6:55 PM | New WWTP Design Contract Amendment No. 1 – Steve Gilbert |
| 6. | 7:00 PM | Capital Project Reports – Steve Gilbert |
| 7. | 7:05 PM | Financial Report – Leon Harmon |
| 8. | 7:10 PM | Other Business |
| 9. | 7:15 PM | Adjourn |

Approval of Minutes: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the minutes of the September 20, 2004 meeting as presented.

Annexation Hearing – Waterside Crossing, Phase VII: Chairman Anderson opened the public hearing concerning Waterside Crossing, Phase VII.

Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

Involuntary Annexation Resolution: UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Resolution Annexing Certain Contiguous Real Property to the East Lincoln County Water and Sewer District for Waterside Crossing, Phase VII.

**RESOLUTION ANNEXING CERTAIN CONTIGUOUS REAL PROPERTY
TO THE
EAST LINCOLN COUNTY WATER AND SEWER DISTRICT
LINCOLN COUNTY, NORTH CAROLINA**

WATERSIDE CROSSING, PHASE VII

WHEREAS, after notice was duly given in accordance with the pertinent sections of Article 6 of Chapter 162A of the North Carolina General Statutes, the Lincoln County Board of Commissioners held a public hearing on December 20, 2004, to consider the annexation of certain tracts of real property (described on the map labeled as Exhibit A attached hereto and

incorporated herein by reference) that are contiguous to the East Lincoln County Water and Sewer District; and

WHEREAS, at said public hearing all persons who wished to speak were given an opportunity to be heard; and

WHEREAS, prior to the public hearing the professional staff of Lincoln County prepared the report on the proposed annexation required by North Carolina General Statute 162A-87.1; and

WHEREAS, the Lincoln County Board of Commissioners finds that the tracts of real property described are contiguous to the District, with at least one-eighth of the aggregate external boundary of each area coincident with the existing boundary of the District; and

WHEREAS, the Board of Commissioners further finds that the residents of the tracts of real property to be annexed will benefit from the annexation; and

WHEREAS, the Board of Commissioners further finds that sewer service has previously been extended to the subject property without unreasonable or burdensome annual tax levies; and

WHEREAS, the Board of Commissioners further finds that the proposed annexation would be in the best interests of the citizens of Lincoln County and particularly of the East Lincoln County Water and Sewer District;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Lincoln County Board of Commissioners that the tracts of real property described on the map attached hereto (labeled Exhibit A and incorporated herein by reference) be the same and are hereby annexed into the East Lincoln County Water and Sewer District, effective at the beginning of the next fiscal year on July 1, 2005.

Adopted this 20th day of December 2004.

Thomas R Anderson, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

Public Hearing Date for Voluntary Annexations: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to set a public hearing for Annexation of Lakewood Subdivision and Eastwind Cove Subdivision for Monday, March 21, 2005 at 6:30 PM, at the regularly scheduled Sewer District Board meeting.

New WWTP Design Contract Amendment No. 1 – Steve Gilbert: Steve Gilbert presented a proposed amendment to the design contract for the new Wastewater Treatment plant to be located on property to be acquired from Duke Power at the Combustion Turbine plant on Old Plank Road. This amendment reflects the cost of surveying and plat preparation for the property to be acquired and the associated access that will be necessary to get to the property that is located on Killian Creek. This amendment will add \$16,200.00 to the existing contract. The area needed for the plant could not be determined when the original design was begun because Duke Power had not given final confirmation. Now that confirmation has been received, it is necessary to have the land surveyed for the acquisition process.

The Public Works Department recommends approval of Amendment No. 1 to the design contract for the new WWTP as presented.

UPON MOTION by Commissioner Patton, the Board voted unanimously to accept Amendment No. 1.

Capital Project Reports: Steve Gilbert presented capital project reports.

Financial Report: Leon Harmon gave the financial report for the sewer district.

Other Business: There was a discussion concerning engineering firms and bidding their services.

Adjourn: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to adjourn the December 20, 2004 meeting.

Amy S. Long, Clerk to the Board
Board of Commissioners

Thomas R. Anderson, Chairman
Board of Commissioners