

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 15, 2003**

The Lincoln County Board of County Commissioners met in regular session on December 15, 2003 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman  
Larry S. Craig, Vice Chairman  
James "Buddy" Funderburk  
Thomas R. Anderson, PE  
Carrol D. Mitchem

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board

**Call to Order:** Chairman Cochrane called the December 15, 2003 meeting of the Lincoln County Board of Commissioners to order and welcomed everyone present.

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

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**DECEMBER 15, 2003**

- |    |         |  |
|----|---------|--|
|    | 7:20 PM | Call to Order  |
| 1. | 7:21 PM | Adoption of Agenda   |
| 2. | 7:22 PM | Approval of Minutes<br>- December 1, 2003  |
| 3. | 7:25 PM | Recognition of Post 100 Baseball Team  |
| 4. | 7:30 PM | Consent Agenda<br>- Tax Requests for Releases<br>Less than \$100 –October 16 – November 15, 2003<br>More than \$100 – October 16 – November 15, 2003<br>- Tax Requests for Refunds<br>Less than \$100 – November 24 – December 7, 2003 |

More than \$100 – November 24 – December 7, 2003

- Budget Adjustments 28, 30 - 36
- Sponsored Group Status
  - South Fork Baptist Association
  - The King's Kids Education Program, Inc.
- Resolution to Allow County Manager or Finance Officer to Approve Tax Releases or Refunds of Less Than \$100

5. 7:35 PM Public Comments
6. 7:50 PM Planning Board Recommendation – Randy Hawkins
  - ZMA #466 – Ronald Best, applicant
7. 7:55 PM Extend Public Hearing Concerning Parallel Conditional Use Permit No. 99 to January 26, 2004
8. 8:00 PM Recommendation for Pathways Area Director – John McKey
9. 8:10 PM Hospital Board Recommendations
10. 8:20 PM BFI Franchise Ordinance and Agreement
11. 8:30 PM School Bonds Discussion
12. 9:00 PM Senior Nutrition Policy – Erma Deen Hoyle
13. 9:20 PM Insurance Coverage for Wallace Keener
14. 9:30 PM Severe Weather and Special Events Policy
15. 9:40 PM Old Recreation Center Cost Estimate
16. 9:50 PM Home Health Lease
17. 10:00 PM Public Works Capital Project Report – Steve Gilbert
18. 10:05 PM Finance Officer's Report – Leon Harmon
19. 10:10 PM Vacancies
20. 10:15 PM Appointments
21. 10:20 PM Calendar
22. 10:25 PM County Manager's Report
23. 10:30 PM County Commissioners' Report

24. 10:35 PM County Attorney's Report
25. 10:40 PM Other Business

Adjourn

**Approval of Minutes – December 1, 2003:** Chairman Cochrane presented the minutes of the December 1, 2003 meeting.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the minutes as amended.

**Recognition of Post 100 Baseball Team:** Commissioner Craig stated that since none of the members were able to attend the meeting tonight, he will hand out the certificates at the upcoming ring ceremony.

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

NAME	YEAR	A/C NO	AMOUNT
Ausband, Samuel Palmer Jr.	2003	0168330	\$ 170.21
BB & T Leasing Corp.	2003	0130549	\$ 167.94
Caddell, Joseph Steven	2003	0168052	\$ 129.80
Daniel, Ronnie Earl	2003	0161509	\$ 111.87
Haag, Charles Frederick Jr.	2003	0159801	\$ 293.23
Horner, Jack Gerald	2003	0169692	\$ 160.60
Lance, Rogers Muse DBA/	2003	0169668	\$ 341.25
Maddox, Sharon Smith	2003	0169790	\$ 128.74
Mauney, Suzanne Lynn	2003	0168679	\$ 176.88
McWhirter, Mark Mills	2003	0169660	\$ 263.97
Mims, William Earnest	2003	0169621	\$ 172.28
Moore, Christopher L.	2003	0135256	\$ 105.14
Murphy, David Scott	2003	0168484	\$ 116.70
Rose, Vernon Steven	2003	0153901	\$ 742.93
Russell, Sean Arthur	2003	0092954	\$ 164.14
Sain, Anthony P.	2003	02806	\$ 136.84
Secrest, William Vernon	2001/02	0118463	\$ 117.00
Shelton, Earl Lynn	2002	0155173	\$ 142.42
Sheppard, Michael Wayne	2003	30366	\$ 218.06
Singletary, Leon Edward Jr.	2003	0128217	\$ 177.21
Stabel, Jason P.	2003	0149310	\$ 129.80
Thompson, Adrienne	2003	0157339	\$ 134.75
Townsend, Michael	2003	0092485	\$ 117.77

Eugene

Yang, Vang	2003	0161471	\$ 137.11
Yates, David Stephen Jr.	2003	0162127	\$ 114.07
Yuen, Tina Kar Lei	2003	0168715	\$ 102.01
		<b>TOTAL</b>	<b>\$ 4,772.72</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Baker, James Andrew Sr.	2002/03	30860	\$ 262.54
Ballard, James Leonard	2003	00255	\$ 2,832.41
Campell, Tom	2002/03	0162460	\$ 282.42
Carolina Trust Bank	2003	0165940	\$ 911.07
	1998-		
Cochrane Furniture Co. Inc.	02	41570	\$ 5,718.88
Conner, Tiffany Joy	1997/98	0110974	\$ 277.08
	1999-		
Cross, Lane	02	0130725	\$ 368.05
	1998-		
Curtis, David L. Family Ltd.	03	0074870	\$ 4,140.00
E & L Grigg Properties	2003	42270	\$ 2,448.78
Ewing, Eddie Charles	2003	03682	\$ 157.34
Fowler, Kenneth Ray Jr.	2003	0077910	\$ 101.44
	1992-		
Glenning, Walter R.	03	35801	\$ 533.16
Gray, Roger Marion	2003	0123760	\$ 147.40
Herman, Donald	2003	0169981	\$ 136.74
Herron, Angela Sisk	2002/03	0135902	\$ 174.62
Ingle, William E.	2003	0153006	\$ 2,928.83
Kennedy, Debra H.	2003	0151336	\$ 104.21
	1997-		
Lattimore, Crystal Shipp	03	09930	\$ 361.18
	2000-		
Mace, Mary D.	03	07237	\$ 372.56
Mauney, Hubert Bennette	2003	0103725	\$ 168.50
Northbrook Cabinet	2003	0133171	\$ 368.50
Oaks Apartments The	2003	0155840	\$ 7,659.00
Parker, Theodore C.	2003	13524	\$ 2,394.02
Phillips, Joseph F.	2003	0115951	\$ 167.36
Pitts, Waylon Lee	1997	0079093	\$ 108.66
Richard, Donald Lee & Shirley	2003	14809	\$ 4,438.93
Wagner, Bill & Pam	2003	0139222	\$ 110.29
Woods, Daniel Ray	2003	0146599	\$ 243.87
		<b>TOTAL</b>	<b>\$37,917.84</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Abernathy, Terry Dwayne	2003	0070523	\$ 22.74

Anderson, Darrel Curtis	2003	17465	\$ 6.70
Anderson, Robin Hunter	1995	0068517	\$ 13.87
Annas, William Robert	2003	0168969	\$ 44.49
Araya, Carlos Enrique Jr.	2003	0131257	\$ 48.14
Arlow, Thomas Andrew	2003	0090213	\$ 23.71
Arrowood, Jack Eugene	2002	0149287	\$ 29.20
Ashe, Justin C.	2003	0166301	\$ 82.31
Austin, Barry Wayne	1997	0070620	\$ 91.64
Barker, Dorothy Bines	2002	0102691	\$ 7.03
Barnette, Richard Frank	2003	0075836	\$ 49.24
Betts, Thomas J.	2003	0097181	\$ 15.70
Black, John Marcus Jr.	2003	0169785	\$ 90.15
Bocock, Jane Elise McGill	2003	0146900	\$ 97.11
Boggs, Audrey Morton	2003	0129933	\$ 19.90
Bostian, Larry Charles	2003	0062729	\$ 48.76
Bowen, Sue Reynolds	2002	0157010	\$ 81.01
Brackett, James Eugene	2003	0162054	\$ 11.20
Bradshaw, Freddie Keith	2002/03	0094238	\$ 59.33
Brady, Terry Ray	2003	0169795	\$ 65.13
Brewer, James Thomas	2003	0075132	\$ 11.84
Brim, Troy M. Jr.	2003	0160699	\$ 14.97
Brown, Phillip Alan	2003	0092688	\$ 41.19
Brown, Rocky Lee	2003	0150575	\$ 18.71
Browning, Juanita Carol	2001	0147652	\$ 44.52
Bryant, James Anthony	2002	0152262	\$ 4.13
Buchanan, Guy Jr.	2002	0128525	\$ 4.30
Bundy, Robert F. Jr.	2003	0108054	\$ 84.62
Cagley, Jack Robert	2003	0079289	\$ 22.08
Caldwell, Billy Joe	2003	0152600	\$ 67.57
Campagna, Leonard C.	2003	0159090	\$ 39.93
Canipe, Hazel E.	2003	0147993	\$ 18.89
Carolina Cross Connection	2003	0074605	\$ 26.49
Carpener, John Reeves III	2003	0169831	\$ 48.00
Carpenter, Nancy Ramsey	2002	0165796	\$ 2.79
Carter, Gary Alan	2003	0100132	\$ 23.78
Carter, Kenneth Elbert	2003	0117315	\$ 4.84
Christopher, Jeffrey			
Dwayne Jr	2003	0125665	\$ 56.20
Clark, Makia Kristine	2003	0168581	\$ 55.59
Clark, Robert Eli	2003	0169881	\$ 88.73
Connor, Tay Adkins	2003	0122645	\$ 2.89
Connor, Tiffany Joy	1997	0089497	\$ 22.34
Cook, Christy Black	2003	0117930	\$ 52.27
Cook, Lori Dayle	2003	0146506	\$ 6.74

Cooney, Ruth Marie	2003	0169892	\$ 67.57
Cornelius, Dawn Temple	2002	0076282	\$ 13.81
Cornelius, Ricky Wrenn	2003	0094916	\$ 77.66
Curran, Daniel Edward	2002	0104851	\$ 11.91
Dellinger, William Joseph Jr.	2003	0065262	\$ 2.39
Diederich, Sandra Mae	2003	0169694	\$ 69.41
Dobbins, Kenneth Leon	2000	0144508	\$ 15.58
Drennen, James Alan	2003	0114144	\$ 16.13
Edwards, James Robert	2003	0131970	\$ 15.72
Engle, Patty McSwain	2002	0105962	\$ 9.60
Flynn, Evelyn Smith	2003	0168491	\$ 60.91
Free, Frank Elon	2003	0130520	\$ 58.25
Gales, Debra Helms	2002	0161197	\$ 68.59
Gilbert, John Wayne	2003	34884	\$ 28.87
Godwin, Ruth Kersey	2002	0164135	\$ 7.50
Gompers, Roger R.	2003	0130042	\$ 50.55
Grigg, Richard	2003	20394	\$ 3.42
Grooms, Teresa Lynn	2003	0162140	\$ 48.24
Hafley, Bruce A.	2003	0161371	\$ 35.77
Harris, Herman Edward	2003	0066313	\$ 13.63
Hensley, Amber Rebecca	2002	0146274	\$ 14.36
Homesley, Angela Donor	2003	0125325	\$ 25.12
Hood, Charles Warren	2003	0169825	\$ 45.55
Hooper, Jepty M. Sr.	2002	18127	\$ 7.15
Howard, Wesley Alexander	2001	0122664	\$ 47.42
Hubbard, Rodney Lee	2003	0169101	\$ 3.32
Illingworth, James M.	2003	0137400	\$ 28.15
Jackson, Tammy C.	2002	0164275	\$ 58.96
Jenkins, David D.	2002/03	0110110	\$ 58.92
Jenks, Zebulon Chuck	2002	0095639	\$ 35.87
Jones, David Michael	2003	0065039	\$ 1.39
Kelly, Michael Shelton	2002	0097808	\$ 1.04
Keziah, Walter P. Sr.	2003	09254	\$ 45.30
Lafave, George Lionel	2003	0161190	\$ 14.19
Lail, James Herbert	2003	0112150	\$ 31.49
Landers, Richard Duane	2003	0136916	\$ 23.93
Lattimore, Crystal Shipp	2001	09930	\$ 8.55
Leatherman, Doris Kersey	2003	0086366	\$ 22.11
Leggette, Mark Gray	2003	0110257	\$ 73.82
Leon, Gustavo	2003	0154983	\$ 79.65
Little, Kimberly Ann			
Jennings	2003	0138569	\$ 58.90
Long, Anthony Todd	2002	0135338	\$ 8.20

Martin, Joseph Kenny	2003	0112261	\$ 42.39
Matola, Thomas Michael	2003	0169004	\$ 21.95
McConnell, Margaret Harless	2003	0130344	\$ 8.35
McKay, Sheila Simpson	2003	0137966	\$ 11.39
McLaughlin, Laurence P.	2003	0089737	\$ 29.92
Mincey, David Edward II	2003	0139689	\$ 79.61
Monge, Marco Vinicio	2003	0123569	\$ 47.84
Moore, Alvah Dewayne	2003	0078882	\$ 44.90
Murray, David Dean	2003	0143856	\$ 4.36
Needham, Crystal Gail	1997	0118684	\$ 33.89
Nicholson, J. C. Sr.	2002	0071402	\$ 33.27
Nolen, Carol Ann Hudspeth	2003	0120618	\$ 28.27
Oxford, Jerry G.	2003	0133856	\$ 78.26
Payne, Conley Willard	2002	0101677	\$ 2.34
Peeler, Bernice Ann	2002/03	0089775	\$ 87.60
Peeler, Floyd Eugene	2003	0071552	\$ 14.67
Polhill, John Hamilton	2003	0113608	\$ 23.78
Pressley, Kristina Hazelton	2003	0160367	\$ 44.45
Price, Timothy Craig	2003	0169915	\$ 11.04
Quickel, Lewis A. Jr.	2003	04348	\$ 33.07
Ramsey, Waylon David	2002	0139146	\$ 1.58
Ratley, Giles Arnold	2003	0169709	\$ 43.78
Reel, Chris Rhyne	2003	0077562	\$ 20.21
Reep, Paul Mitcheal	2003	0084328	\$ 10.45
Reynolds, Raymond Samuel	2003	0103593	\$ 4.43
Rogers, Phillip Larry	2003	0141918	\$ 16.71
Ross, Amanda Joy	2003	0139561	\$ 66.43
Russell, Harry Davis	2002	0163697	\$ 55.17
Saine, James Larry	2003	0137559	\$ 22.03
Salazar, Jonny Esquivel	2003	0100070	\$ 24.68
Satterwaite, Eugene C.	2003	0074803	\$ 9.02
Schenck, James Donald	1999/01	0069763	\$ 8.76
Seagle, Virginia Elizabeth	2003	0111809	\$ 17.54
Shelton, Edwin Beasley Jr.	2003	0146121	\$ 57.34
Small, Betty Clanton	2003	0068293	\$ 6.48
Steinbrook, Shawna Marie	2002	0162845	\$ 28.54
Sturgill, Summers Dallas Jr.	2003	0086195	\$ 14.23
Taylor, Donald Wayne	2003	0097899	\$ 10.80
Teague, Ruth Hudson	2003	08536	\$ 24.57
Thomas, Barron Ray	2003	0061351	\$ 11.32
Varner, Boyce L.	2003	08972	\$ 67.39
Waddell, Raymond W.	2003	21689	\$ 6.89

Waters, John Michael	2003	0139797	\$ 19.01
Watson Carpet & Tile	2002	26250	\$ 20.03
Watson, Danny	2003	0146660	\$ 95.47
Wellman, Johnny Paul	2003	0070266	\$ 14.27
Wentworth, Herbert Grant	2003	0084604	\$ 34.22
Whitfield, Tanya Bissett	2003	0100906	\$ 10.83
Williams, Brian Keith	2003	0168456	\$ 86.97
Williamson, Mark Eugene	2003	0078083	\$ 41.34
Wilson, Gerald Thomas	2003	0120548	\$ 19.76
Wise, Edith D.	2003	0150331	\$ 9.71
Woodard, Regina Ann	2003	0119132	\$ 28.04
Woods, Daniel Ray	2003	0130836	\$ 43.62
		<b>TOTAL</b>	<b>\$4,672.64</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
	1998-		
Cauther, Tammy L.	03	0060018	\$ 68.32
Clayton Homes	2003	0162495	\$ 96.83
Cronland Lumber Co.	2003	24689	\$ 35.89
Curwood, William A.	2003	0146868	\$ 59.82
Dallessandro, Terry Lynn	2003	0163428	\$ 52.87
Melton, Mary Sutton	2003	0159096	\$ 19.78
Mowrey, David	2002	0154604	\$ 55.48
Reid, James Simmons	2003	0102160	\$ 73.70
Rife, Larry W.	2003	0147355	\$ 49.21
Shook, Tony Ray	2002/03	0096745	\$ 18.42
Smith, Oscar	2003	20433	\$ 29.51
Via, Eddy	2003	0169924	\$ 23.65
Watson, Danny	2003	0170173	\$ 99.22
		<b>TOTAL</b>	<b>\$ 682.70</b>

- Budget Adjustment No. 28 by Finance to carry over FEMA funds per request.
- Budget Adjustment No. 30 to appropriate \$2,300 to renovate upstairs area of Historical Coordinator's Office.
- Budget Adjustment No. 31 to establish CIP account for Economic Development from proceeds of land sale in Finger Mill Industrial Park.
- Budget Adjustment No. 32 to allocate additional \$4,800 for Gaston College as approved November 17, 2003.
- Budget Adjustment No. 33 for the Health Department for a Carolina Community Health Institute – grant for contracted services for Health Task Coordination.
- Budget Adjustment No. 34 for the Health Department for a Carolina Community Health Institute – Asthma grant “Be Good To Your Lungs”
- Budget Adjustment No. 35 for the Health Department for a Carolina Community Health Institute for a grant to provide a study on 6<sup>th</sup> grade students for cholesterol, blood pressure, and diabetes.
- Budget Adjustment No. 36 for the Health Department for a Carolina Community Health Institute – Grant to provide shirts for volunteers at Helping Hands Clinic, monies for some minor supplies like blood pressure cuffs, stethoscope, and advertising the clinic.

#### **Sponsored Group Status**



- South Fork Baptist Association
- The King's Kids Educational Program, Inc.

**RESOLUTION TO ALLOW COUNTY MANAGER OR  
FINANCE OFFICER TO APPROVE TAX RELEASES  
OR REFUNDS OF LESS THAN ONE HUNDRED DOLLARS**

WHEREAS, N. C. G. S. 105-381(b) requires that the Board of Commissioners, within 90 days of receiving a taxpayer's written request for a release or refund of tax paid, determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and to release or refund the portion that is in excess of the correct tax liability; and

WHEREAS, Lincoln County routinely receives a large number of requests for such releases or refunds, which requests are generally approved; and

WHEREAS, N. C. G. S. 105-381(b) permits the Board to delegate its authority to make such determinations to the County Manager and/or Finance Officer; and

WHEREAS, the Board verily believes that delegating its authority to determine such requests to the County Manager and/or Finance Officer would expedite the process of releasing or refunding overpaid or incorrect tax payments to their rightful owners; and

WHEREAS, giving the County Manager and Finance Officer the authority to determine such requests would have the additional effect of shortening the agendas of the Board of Commissioners;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, pursuant to N. C. G. S. 105-381(b):

1. That the Lincoln County Board of Commissioners, by this resolution, hereby delegates to the County Manager and/or Finance Officer its authority to determine requests for releases or refunds of tax of less than \$100.00. It is the intent of this resolution that both the County Manager or the Finance Officer shall have such authority and that either of them may exercise such authority.
2. That the County Manager and/or Finance Officer, as the case may be, in accordance with the above-referenced statute, shall monthly report to the Board the actions taken on requests for releases or refunds.
3. That all actions taken by the County Manager and/or Finance Officer on requests for releases or refunds shall be recorded in the minutes of the Board of Commissioners.
4. That if a release is granted or refund made, the Tax Administrator shall be credited with the amount released or refunded in her annual settlement.
5. That this resolution shall become effective immediately upon its adoption.

Adopted this \_\_\_\_ day of December, 2003.

LINCOLN COUNTY

By: \_\_\_\_\_  
Jerry W. Cochrane  
Chairman, Board of Commissioners

ATTEST:

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

**PUBLIC COMMENTS:** Chairman Cochrane advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

***Jim Powell*** presented an alternative proposal for the downtown recreation building. He asked for the Board to look at his proposal and take it into consideration.

***Wanda Moretz***, Principal of Lincolnton High School, asked the Board to consider the bond referendum in May. She highlighted issues with the building at Lincolnton High.

***Scott Cloninger*** stated that the coaches at Lincolnton High School support a bond referendum and asked it to be put on the ballot in May.

***Carl Robinson*** spoke representing East Lincoln High School. He spoke concerning upgrades needed at East Lincoln High School. The East Lincoln Sports Boosters support the bond.

***Crystal Glenn***, from East Lincoln High School PTA, spoke in favor of the bonds. She spoke concerning economic development and the school system.

***Louis Lowery***, spoke as a parent of East Lincoln High School and a graduate of East. He stated that we cannot afford not to plan for the future with the developments that have been approved. He stated that there is not currently a facility at East Lincoln High School big enough to hold all the students for assemblies.

***Calvin Thornburg*** spoke in favor of the bond referendum in May.

***James Turner*** spoke of the need for a Fine Arts Wing at Lincolnton High School and the urgency of a bond in May.

***Dustin Stamey***, Band Director at East Lincoln High School, stated that there is no storage at East Lincoln High School. He stressed the need for a May referendum.

***Mary Daughtery*** encouraged the bond referendum so taxpayers can vote on it.

***Tim Carswell*** spoke in favor of a bond referendum as quickly as possible.



**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the recommendation of Rhett Melton as Area Director for Pathways.

**Hospital Board Recommendations:** Chairman Cochrane stated that at their meeting on November 26, the Lincoln Health System Board of Directors of Lincoln Health System nominated and approved Dr. Hazeline Ford and Ms. Patty Royster for the LHS Board of Directors effective January 1, 2004, subject to confirmation by the Commissioners.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to concur with the Hospital Board recommendation.

**BFI Franchise Ordinance and Agreement:** Jeff Taylor, County Attorney, presented the following BFI Franchise Ordinance and Agreement. He stated that this agreement will need to be voted on tonight and again at the next meeting.

The Board discussed adding more members to the committee mentioned in Section 8 of the Ordinance. They discussed adding 1 member from each township, 1 member from Planning Staff, and 1 member from Lake Norman Landfill.

**ORDINANCE GRANTING A NONEXCLUSIVE  
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL  
FRANCHISE TO LAKE NORMAN LANDFILL, INC.  
AND FRANCHISE AGREEMENT BETWEEN LINCOLN COUNTY  
AND LAKE NORMAN LANDFILL, INC. RELATED TO FRANCHISE**

**WHEREAS**, the Board of Commissioners enacted the Lincoln County Landfill Franchise Ordinance on November 7, 2003; and

**WHEREAS**, North Carolina General Statutes § 153A-136(a)(3) authorizes counties to regulate the disposal and other disposition of solid wastes by granting franchises to one or more persons for the exclusive right to commercially dispose of solid wastes within the county; and

**WHEREAS**, Lake Norman Landfill, Inc. ("Lake Norman") is currently operating an approximately 115 acre construction and demolition debris landfill (the "Landfill") within the jurisdiction of Lincoln County; and

**WHEREAS**, at the time that Lake Norman began operations at the Landfill, the County by affidavit affirmed to the North Carolina Department of Environment and Natural Resources ("DENR") that Lake Norman had all required approvals for operation of the Landfill; and

**WHEREAS**, Lake Norman wishes to move forward with the next phase of the Landfill pursuant to a new Ordinance Granting a Nonexclusive Construction and Demolition Debris Landfill Franchise to Lake Norman Landfill, Inc.; and

**WHEREAS,** the Board of Commissioners desires to grant to Lake Norman a nonexclusive franchise for the disposal of construction and demolition debris in Lincoln County; and

**WHEREAS,** in lieu of host fees, the Board of Commissioners and Lake Norman have agreed to establish a grant program, which will be funded by Lake Norman in accordance with this Franchise and Agreement to be used for grants to non-profit organizations operating in and for the benefit of Lincoln County.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF LINCOLN DOTH ORDAIN:**

**Section 1.** Pursuant to the Lincoln County Landfill Franchise Ordinance and North Carolina General Statutes §§ 130A-294, 153A-121 and 153A-136, Lake Norman is hereby granted a nonexclusive franchise to proceed with an extension of its current permit and/or permitting of the next phase of the Landfill on Quarry Lane in Lincoln County and to operate said Landfill in Lincoln County.

**Section 2.** Nothing contained in this Agreement shall prohibit Lincoln County from operating a landfill for construction and demolition waste or from granting franchises to other entities to operate such landfills.

**Section 3.** The term of the Franchise and Agreement will be five years from the date on which Lake Norman's permit renewal is issued.

**Section 4.** Lake Norman agrees to operate the Landfill in accordance with Conditional Use Permit No. 107 issued by the County to Lake Norman and in compliance with all applicable laws, regulations, rules and governmental orders.

**Section 5.** The population to be served by the Landfill will consist primarily of commercial contractors who specialize in construction, demolition, and land-clearing activities and haulers who haul materials generated from such activities. The area to be served by the landfill will be the area of approximately 100 miles around the Landfill.

**Section 6.** It is anticipated that Lake Norman will accept up to approximately 200,000 tons of waste annually. The waste stream that may be accepted by the Landfill will be composed of all waste that may be accepted at permitted construction and demolition debris landfills by applicable North Carolina laws and regulations.

**Section 7.** The anticipated useful life of the Landfill is approximately 15 years.

**Section 8.** Beginning on the earlier of a) the date that DENR approves Lake Norman's request for an extension of its existing permit or b) the date that DENR issues a permit renewal to Lake Norman, Lake Norman will pay an annual amount of \$50,000.00 for grant funding, to be paid in equal quarterly payments. Lake Norman will make the

first quarterly payment of \$12,500.00 on the last day of the quarter in which the extension is granted or the permit is issued, with subsequent payments of \$12,500.00 to be made on the last day of each subsequent quarter during the term of this Agreement. Lake Norman's obligation to fund the grant program will terminate prior to the termination of this Agreement if the Landfill closes or ceases doing business. Lake Norman will not have an obligation to pay the quarterly payment for any quarter during which no waste is accepted at the Landfill. In the event that the Landfill should close or cease doing business during a quarter, a pro rata share of the quarterly payment will be made no later than the last day of the quarter.

The quarterly grant payments will be made to the Lake Norman Landfill, Inc. Lincoln County Non-Profit Grant Program. This program will be administered by a committee of three members, with one member selected by the Board of County Commissioners, one member selected by the County Planning Staff and one member selected by Lake Norman. The committee will establish guidelines for eligibility and application for the grants and administer the program in accordance with those guidelines. The committee will provide the Board of County Commissioners and Lake Norman with a report of all funds received, grants given and expenses incurred at least annually.

**Section 9.** The application and fee of \$1000.00 have been received.

**Section 10.** The current stated gate rate for the Landfill, which has been approved by the County, is \$25.00 per ton with applicable volume discounts. Lake Norman shall give notice of any proposed stated gate rate changes to the County at least sixty (60) days prior to the proposed effective date of the rate changes.

**Section 11.** Lake Norman may assign this Franchise and Agreement or any right accruing under this Franchise and Agreement by giving written notice to the County. In the event of any assignment, the assignee shall receive the rights and assume the liabilities of Lake Norman.

**Section 12.** This ordinance requires readings and approval at two regular meetings of the Board of Commissioners of Lincoln County, pursuant to and as required by N.C.G.S. § 153A-46, and will become effective following the second reading and approval.

This \_\_\_\_ day of \_\_\_\_\_, 2003.

LINCOLN COUNTY

ATTEST:

By: \_\_\_\_\_

Jerry W. Cochrane  
Chairman, Board of Commissioners

\_\_\_\_\_

Amy S. Long  
Clerk to the Board

LAKE NORMAN LANDFILL, INC.

ATTEST:

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to approve the BFI Franchise Ordinance with the modifications, which will be back for another vote on January 5, 2004.

**School Bonds Discussion:** Fred Jarrett, Chairman of the School Board, thanked the Board for hearing from them. He stated that their goal is to answer questions concerning the new schools and renovations as proposed in the \$47 million bond referendum.

George Dellinger stated that he works with the Building and Site Committee. He stated that they are in desperate need and are asking for the Board to approve a referendum in May. He stated that prolonging this will only hamper them with overcrowding and the costs will go up.

Dr. Jim Watson reviewed the projects that are proposed in the \$47 million bond referendum.

Carrol Mitchem stated that he wants the taxpayers to know that a bond is money that needs to be paid back and is not grant money.

Judy Caudill stated that in all probability they will not have a May election. She said it will probably be closer to August. The cost for having a separate referendum would be \$37,000 to \$45,000.00.

Commissioner Anderson stated that he and Commissioner Mitchem have met with school officials concerning the bond referendum and the projects that will be funded by this money. He stated that by doing the elementary school and middle school together, they will save around one million dollars. By delaying the referendum until November, they could lose between one and one and one-half million dollars.

**A MOTION** by Commissioner Craig to set the bond referendum for May 4, 2004.

Commissioner Craig withdrew his motion.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to set the \$47 million school bond referendum for May 4, 2004.

**Recess:** Chairman Cochrane called for a brief recess. Chairman Cochrane called the meeting back to order.

**Senior Nutrition Policy:** Erma Deen Hoyle presented information concerning a formal seniors nutrition program, which would take advantage of HCCBG funds. An estimated \$75,000 to \$80,000 should be available to Lincoln County. Applying for these funds would require a minimum 10% match. If the County chose to pursue funding for the nutrition program, approximately \$20,000 to \$25,000 of local funds would also be needed to maintain the current level of aging services.

Ms. Hoyle stated that historically, senior nutrition programs are primarily “congregate” meals, with seniors meeting at one or more sites in a county. Transportation is a critical issue with these traditional programs, in addition to finding staffing for food preparation, serving, and cleanup. Educational and nutritional sessions at the daily meal are a required component of the program. Attendance at these more traditional congregate meals are declining throughout North Carolina and the nation.

The program proposed for Lincoln County would be restaurant based, with senior participants earning meal certificates through their attendance at preapproved educational and nutritional programs offered by Senior Services, Cooperative Extension, area hospitals, and related agencies. Menus must also be preapproved and meet certain recommended daily nutrition values.

Identifying participating restaurants and program providers will be the largest hurdles for the program’s inception. A nutrition coordinator (using approximately \$30,000 for salary and fringe benefits) will be responsible for developing the list of restaurant providers and program sources, as well as coordinating reimbursement to the restaurants. The remaining funds will be used to pay for the meals and for a supplemental nutrition program.

The budget process is already underway for 2004-2005 HCCBG funds. The complex funding formulas and past disbursements to other counties will require that Lincoln County make the request for the 2004-2005 funds no later than January 2004. The Council on Aging has heard the proposal and is very excited about the possibility.

Chairman Cochrane stated that he has misgivings about whether the program will work. He asked Erma Deen Hoyle to find out more information on the program in Wisconsin that is currently used.

Ms. Hoyle stated that she will need an answer on this by January.

**Insurance Coverage for Wallace Keener:** Audrey Setzer presented the following information concerning Insurance coverage for Wally Keener.

Wallace L. Keener began employment with Lincoln County on January 20, 1983. On October 31, 2001, he was injured while on duty as Deputy Sheriff/Civil and was on Workers’ Compensation Leave unable to return to work until Mr. Keener retired on disability (as a result of his injury) on October 1, 2003 with 18.9999 years of service with



the Local Government Employees Retirement System and 20 years of service with Lincoln County.

In order for an employee to receive continuation of hospitalization insurance at retirement, the County Policy states that an employee must meet the following qualifications:

- (a) The employee is occupying a full-time or part-time budgeted position at the time of retirement;
- (b) The employee has completed a minimum of twenty (20) years of service with Lincoln County; and
- (c) The employee is eligible to retire with the Local Government Employees Retirement System with a minimum of 20 years.

Mr. Keener was not able to return to work to occupy a full-time position and continue contributions to the Retirement System prior to his retirement. Therefore, he does not meet all of the above qualifications. Staff met with consultant Mark Knuckles and County Attorney Jeff Taylor to review County Policy and discuss this particular situation. Mr. Knuckles' recommendation was to follow County Policy as approved by the Board of County Commissioners.

In presenting this information, staff asks the Board to provide direction of it's desire to:

- (1) Follow the County Policy and deny continuation of insurance coverage
- (2) Set the Policy aside and provide continuation of coverage with the BCBS Medicare Supplement Insurance Plan paid by the County for retirees age 65 and older.

The Board discussed the special circumstances surround Mr. Keener's injury.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to continue Hospitalization Insurance for Wallace Keener.

**Severe Weather and Special Events Policy:** Audrey Setzer, Personnel Director, stated that county staff was instructed to develop a policy that would fairly compensate FLSA exempt and non-exempt County employees who are required to work for extended periods during severe weather and special events. She presented the Severe Weather and Special Events Policy.

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve and adopt the Severe Weather and Special Events Policy.

**Old Recreation Center Cost Estimate:** Commissioner Funderburk presented a letter from Dennis Williams where he recommended against repairing the old recreation center and demolishing it and making a parking lot. He suggested tearing down the recreation building for the construction of a new office or multi-family structure with the parking in the rear. Mr. Williams can put out a RFP to get proposals on this property.



**Voluntary Agriculture District Advisory Board**

- Kenneth Dellinger
- Keith Gilbert

**Planning Board**

- Jerry Geymont

**UPON MOTION** by Commissioner Craig, the Board voted unanimously to approve the above appointments and reappointments.

**County Manager's Report:** Stan Kiser, County Manager, presented the County Manger's Report.

**County Attorney's Report:** Jeff Taylor reported on actions from the ABC Board meeting, the closing of the RSI property, and the Sherrill property.

**Other Business:** Commissioner Anderson thanked Commissioner Mitchem for working with him on the School Bonds Issue.

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

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Amy S. Long, Clerk to the Board

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Jerry W. Cochrane, Chairman