

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 15, 2000**

The Lincoln County Board of County Commissioners met in regular session on May 15, 2000 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

James A. Hallman, Chairman  
Terry L. Brotherton, Vice-Chairman  
Beth H. Saine  
W. J. Waters, Jr.  
John R. Gamble, Jr.

Others Present:

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

**Call to Order:** Chairman Hallman called the meeting to order.

**Invocation:** Commissioner W. J. Waters gave the Invocation.

**Pledge of Allegiance**

**Adoption of Agenda:** UPON MOTION by Commissioner Waters, the Board voted unanimously to approve the agenda with the additions of Item 13A - Comments and Proposal about Hospital and Item 12A – Boger City Fire Department Property Issue.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MAY 15, 2000**

5:30 PM      Call to Order

5:30 PM      Invocation

5:30 PM Pledge of Allegiance

1. 5:30 PM Adoption of Agenda

2. 5:30 PM Approval of Minutes  
- May 1, 2000

3. 5:35 PM Consent Agenda  
- Tax Requests for Releases  
    Less than \$100 – March 16 – April 15, 2000  
    More than \$100 – March 16 – April 15, 2000  
- Tax Requests for Refunds  
    Less than \$100 – March 16 – April 15, 2000  
    More than \$100 – March 16 – April 15, 2000  
- Budget Adjustments 101 – 102  
- Water Adjustments – March 15 – May 5, 2000

4. 5:40 PM Public Comments

5. 5:55 PM LNCF Grant Application for Beatty's Ford – Erma Deen Hoyle

6. 6:05 PM Lincoln County Animal Shelter Bid Results

7. 6:15 PM School Bonds Resolution

8. 6:25 PM Set Public Hearing for Appeal No. 173 – Gary & Lori Patrick

9. 6:35 PM Set Public Hearing for Solid Waste Management Plan for June 5, 2000 at 7:10 PM

10. 6:45 PM Set Public Hearing for Incentive Program for June 5, 2000 at 7:20 PM

11. 6:55 PM Set Public Hearing for Budget for June 5, 2000 at 7:30 PM

12. 7:00 PM Resolution Relating to Working with FEMA

13. 7:05 PM Budget Presentation – County Manager Stan Kiser

14. 7:55 PM Vacancies

15. 8:00 PM Appointments

16. 8:05 PM      Calendar

17. 8:10 PM      County Commissioners' Report

18. 8:25 PM      County Manager's Report

19. 8:35 PM      Other Business

Adjourn

**Approval of Minutes:** **UPON MOTION** by Commissioner Waters, the Board voted unanimously to approve the minutes of the May 1, 2000 Board meeting.

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

RELEASES FOR MARCH 16<sup>TH</sup> THRU APRIL 15<sup>TH</sup>, 2000

MORE THAN \$100 - VEHICLES

| NAME                          | YEAR    | A/C NO  | AMOUNT   |
|-------------------------------|---------|---------|----------|
| Abbott, Glenn K.              | 1999    | 0126072 | \$138.78 |
| Auton, Paula Reinhhardt       | 1998    | 0135287 | \$123.93 |
| Baxter, Arthur Sherrill       | 1998    | 0091872 | \$109.23 |
| Baxter, Diana Lynn            | 1998    | 0137619 | \$152.85 |
| Beason, Danny M.              | 1999    | 0131378 | \$211.73 |
| Childers, Quinton Lee         | 1998/99 | 0118459 | \$350.41 |
| Claar, Rodney Blaine          | 1999    | 0126562 | \$180.67 |
| Collins, Michael Derwin       | 1999    | 0100941 | \$138.51 |
| Consolidated Textile Services | 1999    | 0141024 | \$153.09 |
| Dellinger, Mary McCray        | 1999    | 0136876 | \$202.54 |
| Douthit, James Arnold         | 1999    | 0126585 | \$153.58 |
| Farley, Nettie Sue            | 1999    | 0138523 | \$193.06 |
| Gordon, Alan S.               | 1999    | 0128849 | \$183.59 |
| Hamilton, Gerald Bryan        | 1999    | 0128108 | \$201.57 |
| Hodge, Albert Brady           | 1999    | 0125123 | \$258.92 |

|                            |      |         |          |
|----------------------------|------|---------|----------|
| Huff, Thomas Edward        | 1999 | 0126382 | \$214.21 |
| Jacic, Rasim               | 1999 | 0110495 | \$105.83 |
| Malphrus, Tracy Lamar      | 1999 | 0133420 | \$127.58 |
| McCall, Charles Edward     | 1999 | 0111138 | \$135.77 |
| Perry, Blanca Estela       | 1998 | 0137510 | \$147.38 |
| Ringler, Clay B. & Barbara | 1999 | 09442   | \$138.31 |
| Shoemaker, Scott Allen     | 1999 | 0142463 | \$163.66 |
| Sigmon, Lauren Paige       | 1999 | 0141796 | \$236.93 |
| Smith, James Martin Jr.    | 1999 | 0072096 | \$122.83 |
| West, Gary L.              | 1999 | 0112993 | \$111.66 |
| Wylie, Kathy Smith         | 1999 | 0141920 | \$148.59 |
| Zoresco Equipment Co.      | 1999 | 0121829 | \$206.55 |

#### LESS THAN \$100-VEHICLES

|                             |      |         |         |
|-----------------------------|------|---------|---------|
| Aguillar-Vega, Johnny W.    | 1999 | 0135621 | \$6.19  |
| Aleman, Luis Enrique Calero | 1998 | 0109234 | \$30.13 |
| Allen, Dianne Eaker         | 1998 | 0132180 | \$24.82 |
| Ambrose, Jacqueline Theresa | 1999 | 0125755 | \$2.13  |
| Araya, Carlos Enrique       | 1999 | 0098426 | \$81.83 |
| Armstrong, Martha Ann       | 1999 | 0102891 | \$29.08 |
| Armstrong, Robert Linwood   | 1999 | 0089256 | \$71.93 |
| Benton, Audrey Ruth         | 1999 | 18476   | \$48.41 |
| Blakeley, Harvey E. Jr.     | 1999 | 0140757 | \$31.79 |
| Blalock, Bobby Lee          | 1996 | 0114472 | \$12.25 |
| Blanton, Amy Fields         | 1999 | 0140408 | \$54.20 |
| Blanton, Amy Powell         | 1999 | 0142458 | \$19.99 |
| Boutviseth, Loakham         | 1999 | 0121056 | \$87.18 |
| Boyles, Phillip M.          | 1999 | 0130126 | \$56.86 |

|                           |      |         |         |
|---------------------------|------|---------|---------|
| Boyles, Robert Gary       | 1999 | 0068544 | \$18.75 |
| Bridges, David Michael    | 1998 | 0113679 | \$7.30  |
| Brown, Bobby Jerry        | 1999 | 0108463 | \$65.97 |
| Brown, Glenna Rucker      | 1996 | 0103138 | \$9.11  |
| Burgess, Matthew L.       | 1999 | 0132496 | \$3.42  |
| Burgess, Valerie Dover    | 1998 | 0135022 | \$13.60 |
| Bush, Charles Edward      | 1999 | 0126551 | \$74.24 |
| Caldera, Victor Campos    | 1999 | 0067461 | \$18.31 |
| Caldwell, Charlie         | 1998 | 0129499 | \$12.74 |
| Caldwell, Mildred Kelly   | 1998 | 0073156 | \$11.01 |
| Caldwell, Misty Lynn      | 1999 | 0138623 | \$25.38 |
| Calvo, Nidia              | 1997 | 0120527 | \$14.14 |
| Camp, Christopher Scott   | 1999 | 0084509 | \$12.88 |
| Campbell, Gail McConnell  | 1999 | 0134649 | \$93.66 |
| Canipe, Linda Shull       | 1999 | 0094508 | \$63.42 |
| Carver, Jonathan Todd     | 1995 | 0116092 | \$74.55 |
| Caudle, Alicia Ann        | 1999 | 0127555 | \$4.45  |
| Caylor, Willard L.        | 1999 | 0104065 | \$48.80 |
| Champbers, Anna M.        | 1999 | 0101745 | \$37.11 |
| Chester, Lora Ann         | 1999 | 0131526 | \$3.89  |
| Clark, Richard Harrison   | 1999 | 0067427 | \$19.75 |
| Cornwell, Franklin D. Jr. | 1999 | 0127200 | \$16.55 |
| Couteller, Chris          | 1999 | 0110383 | \$17.36 |
| Crouse, David Eursmus     | 1999 | 0081788 | \$3.99  |
| Crunkleton, Margaret Ann  | 1999 | 0080511 | \$21.47 |
| Cruse, Florence Duckworth | 1999 | 0075088 | \$3.66  |
| Davidson, Linda Louise    | 1999 | 0121074 | \$24.89 |
| Davis, Christopher Brian  | 1999 | 0073318 | \$2.73  |
| Davis, Mark Eldon         | 1999 | 0137027 | \$13.60 |
| Deberry, Joyce Allen      | 1998 | 0080782 | \$17.63 |

|                            |      |         |         |
|----------------------------|------|---------|---------|
| Denver Mobile Home Moving  | 2000 | 0096342 | \$18.23 |
| Desantiago, Ernesto R.     | 1998 | 0108984 | \$16.56 |
| Dodgens, Robert Francis    | 1999 | 0137211 | \$44.39 |
| Don Surgeon Construction   | 1999 | 0071550 | \$30.79 |
| Doolittle, Bradley C.      | 1999 | 0125730 | \$93.40 |
| Dupree, Jeffrey Scott      | 1999 | 0140405 | \$19.51 |
| Durance, Bridgett Michelle | 1998 | 0132589 | \$37.00 |
| Edwards, Donald Gerald     | 1999 | 0080508 | \$43.07 |
| Elmore, Charles R.         | 1999 | 06119   | \$10.37 |
| Emory, William Zeb         | 1999 | 0072899 | \$24.21 |
| Engle, Lorine Talbert      | 1998 | 0093148 | \$4.17  |
| Escobar, Laura Alicia      | 1999 | 0129980 | \$11.59 |
| Ewing, Gene Tunney Sr.     | 1999 | 0081959 | \$16.27 |
| Exline, Dwight A.          | 1997 | 0108084 | \$33.65 |
| Felts, Steve Barry         | 1999 | 0134988 | \$60.14 |
| Fernandez, Mayela Sunsin   | 1996 | 0105365 | \$22.00 |
| Fernandez, Sara Fanny S.   | 1996 | 0119418 | \$32.99 |
| First Union National Bank  | 1999 | 0138284 | \$82.84 |
| Fletcher, John Wayne       | 1999 | 0125881 | \$41.17 |
| Flores, Jaime              | 1998 | 0108559 | \$19.35 |
| Fredell, Floyd Ray         | 1999 | 0097680 | \$2.66  |
| Frix, Glen Alan            | 1999 | 0105489 | \$41.14 |
| G & M Enterprises          | 2000 | 0106427 | \$99.67 |
| Gamble, Elaine Cribbs      | 1999 | 0113997 | \$35.28 |
| Gantt, Benjamin Matha      | 1999 | 0090775 | \$20.28 |
| Garcia, Karla Oddette      | 1999 | 0131149 | \$9.75  |
| Garner, Marc Howard        | 1999 | 0105370 | \$27.82 |
| Garofalo, Frank Stanley    | 1999 | 0081625 | \$13.92 |
| Gennari, Joseph G.         | 1999 | 0131503 | \$35.22 |
| Goins, William Jarrod      | 1999 | 0099395 | \$37.34 |

|                              |      |         |         |
|------------------------------|------|---------|---------|
| Gonzalez, Gerardo Rodriquez  | 1999 | 0106736 | \$23.25 |
| Goodnight, David P.          | 1999 | 0127765 | \$58.38 |
| Gordon, Robert Lee Jr.       | 1999 | 0102823 | \$39.13 |
| Grant, Alice Lail            | 1998 | 0123594 | \$0.78  |
| Greene, Donna Michelle       | 1997 | 0102770 | \$31.77 |
| Grigg, Vickie Scronce        | 1999 | 0103233 | \$27.30 |
| Guice, Gerald Gregory        | 1999 | 0128198 | \$6.50  |
| Gwynn-Peoples, Betty C.      | 1999 | 0130910 | \$40.96 |
| Haney, Jerry Delmus          | 1999 | 0084672 | \$22.96 |
| Heafner, Carol Schrum        | 1998 | 0077603 | \$3.90  |
| Helderman, Charles Russell   | 1999 | 0088845 | \$6.28  |
| Hensley, Robert C.           | 1999 | 15246   | \$3.26  |
| Hidges, Danielle Smith       | 2000 | 0072558 | \$24.42 |
| Hineman, Jimmy Dean          | 1999 | 0137858 | \$27.03 |
| Hinson, Archie William Jr.   | 1998 | 0135284 | \$27.16 |
| Hoffman, Brady Jonas III     | 1999 | 0101177 | \$49.73 |
| Holman, Teresa K.            | 1999 | 0064405 | \$59.53 |
| Houk, Richard Joe            | 1999 | 0087446 | \$2.33  |
| Houser, Barbara Sain Mrs.    | 1999 | 07171   | \$61.98 |
| Hovis, Alfred Shelton        | 1999 | 0101061 | \$24.72 |
| Howard Realty Builders Inc.  | 1999 | 25171   | \$39.70 |
| Hull, Warren Ray             | 1999 | 01452   | \$34.61 |
| Hunt, Debbie L.              | 1999 | 0135183 | \$11.61 |
| Hurley, Jeffrey W.           | 1995 | 0110019 | \$7.26  |
| Huss, Donald E. Sr. & Sue L. | 1999 | 08067   | \$3.29  |
| Jolley, Lyle Paul Jr.        | 1999 | 0139923 | \$64.46 |
| Jeune, Frederick Wilson      | 1998 | 0117484 | \$24.29 |
| Kennedy, Margaret M.         | 1999 | 0125514 | \$22.57 |
| Killian, Deborah Jane        | 1999 | 0142482 | \$50.37 |
| Klutz, Harold Lloyd Jr.      | 1999 | 0130124 | \$17.40 |

|                            |      |         |         |
|----------------------------|------|---------|---------|
| Kochosky, Scott Michael    | 1999 | 0142404 | \$92.51 |
| Lancster, Darlene Herman   | 1999 | 0136996 | \$65.28 |
| Lane, Tommy Dean           | 1993 | 0072324 | \$1.77  |
| Lawing, Vernon Allen       | 1999 | 0094804 | \$24.34 |
| Ledford, Steven Lloyd      | 1999 | 0119589 | \$99.75 |
| Lenox, Sarah Abernathy     | 1999 | 0101297 | \$23.73 |
| Leonard, Russell S.        | 1999 | 10228   | \$19.41 |
| Lingerfelt, Sharon Geneva  | 1999 | 0066440 | \$9.81  |
| Littlejohn, Gene Arthur    | 1999 | 0108759 | \$32.85 |
| Maffat, Darlene Bard       | 1997 | 0126399 | \$13.17 |
| Martinez, Miguel Angel     | 1999 | 0126339 | \$29.41 |
| McCroskey, Vernon Donald   | 1999 | 0133661 | \$3.41  |
| McCurry, Florida Y.        | 1999 | 0135878 | \$29.77 |
| Mergler, William W. Jr.    | 1999 | 00440   | \$7.03  |
| Merritt, Charles H.        | 1999 | 0125564 | \$35.35 |
| Miller, Cheryl             | 1999 | 0061291 | \$49.81 |
| Mitchem, Bradley Durand    | 1999 | 0092058 | \$56.56 |
| Mudge, Beth Ann            | 1997 | 0109969 | \$5.42  |
| Murillo-Peraza, Luis Angel | 1999 | 0140184 | \$15.92 |
| Neal, Chastity Amanda      | 1999 | 0127481 | \$20.28 |
| Norwood, Ann Pendley       | 1998 | 0092213 | \$33.18 |
| Odom, Jamie Carlton        | 1993 | 0079350 | \$16.99 |
| Pace, Charles Mack II      | 1999 | 0135369 | \$38.15 |
| Parker, Pamela Hovis       | 1999 | 42045   | \$27.20 |
| Parker, Robert Dennis      | 1999 | 0067223 | \$14.08 |
| Parlier, Robert Leslie     | 1999 | 0086137 | \$26.55 |
| Parris, Wayne G.           | 1996 | 33247   | \$86.30 |
| Parsons, Dewey M.          | 1999 | 45470   | \$5.50  |
| Pigg, Dwayne Eugene        | 1999 | 0112362 | \$19.65 |
| Plumley, Adam Marion       | 1999 | 0137791 | \$62.09 |

|                            |      |         |          |
|----------------------------|------|---------|----------|
| Plumley, Tammy Canterbury  | 1999 | 0086661 | \$75.13  |
| Pope, Raymond Arnold       | 1999 | 0113238 | \$27.97  |
| Presley, Scott Michael     | 1998 | 0134007 | \$9.00   |
| Pressley Refrigeration Co. | 2000 | 0068375 | \$98.56  |
| Price, Jeffery Chad        | 1998 | 0128513 | \$3.19   |
| Price, Pamela Coker        | 1999 | 0097999 | \$57.02  |
| Pyant, Ricky Darnell       | 1999 | 0069674 | \$24.30  |
| Radke, David Bruce         | 1999 | 0098329 | \$22.46  |
| Reinhardt, Michael Scott   | 1999 | 0142330 | \$14.29  |
| Reynolds, Hazel Bown       | 1999 | 0064408 | \$7.37   |
| Rhylee, Patricia Miller    | 1998 | 0137632 | \$30.00  |
| Richards, Donna Grigg      | 1998 | 0074602 | \$18.17  |
| Roberts, Marianne Lee      | 1999 | 0104846 | \$84.92  |
| Rowe, Dale Maurice Jr.     | 1998 | 0137508 | \$93.34  |
| Russell, Velcer Blake Jr.  | 1998 | 0094467 | \$20.51  |
| Saine, Keith W. Jr.        | 1999 | 13613   | \$55.77  |
| Scronce, Ernest Hal        | 1999 | 0103134 | \$9.44   |
| Setzer, Chastity Renise    | 1996 | 0111135 | \$43.56  |
| Sigmon, Jammie Ann         | 1998 | 0095905 | \$ 10.30 |
| Small, Betty Clanton       | 1999 | 0068293 | \$ 11.56 |
| Smith, Loren Allen         | 1999 | 0130570 | \$ 11.23 |
| Stinson, Manley Roger      | 1999 | 0137938 | \$ 13.61 |
| Taylo, Larry Ronald        | 1999 | 0066283 | \$ 13.59 |
| Tesi, Timothy Scott        | 1999 | 0142488 | \$ 67.33 |
| Torres, Jose Bulmaro       | 1999 | 0128024 | \$ 33.21 |
| Towery, Lester C.          | 1998 | 43670   | \$ 30.79 |
| Turner, Linda Jo           | 1993 | 0085899 | \$ 3.54  |
| Valenicana, Manual Rios    | 1998 | 0086585 | \$ 6.61  |
| Vance, Michael Earl        | 1999 | 0129065 | \$ 29.04 |
| Vargas, Karina Rodriguez   | 1999 | 0126502 | \$ 43.49 |

|                            |         |         |          |
|----------------------------|---------|---------|----------|
| Vash, Linda Elaine         | 1999    | 0103584 | \$ 9.42  |
| Wallace, Willis D.         | 1999    | 0130819 | \$ 36.21 |
| Ward, Audrey Delrae        | 1999    | 0140897 | \$ 7.65  |
| Watkins, Sandra Terry      | 1999    | 0142206 | \$ 6.08  |
| White, Heman H. & Helen F. | 2000    | 45983   | \$ 5.65  |
| Williams, Karen Battle     | 1999    | 0109135 | \$ 58.71 |
| Williams, Walker Edward    | 1999    | 0093328 | \$ 44.33 |
| Willis, Alden Clent        | 1997/98 | 0101618 | \$ 10.44 |
| Willis, Cindy Lynn         | 1999    | 0121033 | \$ 29.18 |
| Wright, John Toliver       | 1999    | 0079527 | \$ 8.58  |
| Wylie, Zebulon Nathaniel   | 1999    | 0124080 | \$ 19.37 |
| Yost, Alice Madge          | 1999    | 0127981 | \$ 30.11 |

MORE THAN \$100

| NAME                 | YEAR    | A/C NO  | AMOUNT   |
|----------------------|---------|---------|----------|
| Bradshaw, George     | 1998/99 | 0110956 | \$204.62 |
| Fondren, Cynthia     | 1991-93 | 35471   | \$399.39 |
| Geese, William F.    | 1994-97 | 39545   | \$124.97 |
| Heavner, Kenneth Ray | 1999    | 42012   | \$246.03 |
| Nonenman, Martha C.  | 1998/99 | 0085453 | \$755.90 |

LESS THAN \$100

| NAME                 | YEAR    | A/C NO  | AMOUNT  |
|----------------------|---------|---------|---------|
| American Craft Corp. | 1999    | 0081062 | \$17.41 |
| Bryson, Gary Dean    | 1999    | 0075197 | \$14.05 |
| Bush, Louis Reynolds | 1999    | 0107400 | \$75.52 |
| Christeler, Mark Enz | 1999    | 0063779 | \$95.78 |
| Copley, Sharon Stacy | 1998    | 0128061 | \$24.42 |
| Grant, Alice S.      | 1992-98 | 37930   | \$25.25 |

|                           |         |         |         |
|---------------------------|---------|---------|---------|
| Grant, Frances Moose      | 1999    | 19907   | \$16.64 |
| Martin, Carlos (Heirs of) | 1999    | 0128748 | \$44.63 |
| Rooker, Alex              | 1998/99 | 0088792 | \$20.36 |
| Stanley, David Edward     | 1999    | 36114   | \$58.52 |

**LINCOLN COUNTY TAX DEPARTMENT** **REQUEST FOR REFUNDS**  
**ANNUALS** **PERIOD COVERED (March 16 – April 15, 2000)**

G.S.#105-381(B) ALL REFUNDS LESS THAN \$100.00  
 (and) #105-325 including (A) (6)

|                             |      |           |         |        |
|-----------------------------|------|-----------|---------|--------|
| Beard, Caroline S.          | 1999 | BCFD      | 0097278 | \$2.74 |
| Greeno, Steven & Sue        | 1999 | SFFD      | 0130158 | 1.98   |
| Hullett, Mary Jane          | 1999 | HCFD      | 0064640 | 3.94   |
| Johns, Pamela & Gary        | 1999 | ELFD/ELSD | 0091260 | 1.05   |
| Lackey, Patsy               | 1999 | NBFD      | 32666   | 2.49   |
| Matney, Shannon J.          | 1999 | NBFD      | 39885   | 5.62   |
| Munday, Randy & Renee       | 1999 | N321      | 0103749 | 55.75  |
| Sain, James E.              | 1996 | CITY      | 38717   | 31.19  |
| Taylor, Michael & Phyllis   | 1999 | ALFD      | 35228   | 21.70  |
| Thomason, Leroy & Blanche   | 1999 | ELFD      | 21214   | 35.65  |
| Turner, Darlene & Philmon   | 1999 | PCFD      | 0117748 | 1.27   |
| Wingate, Richard Harles Jr. | 1999 | ELFD/ELSD | 0084067 | 11.09  |

**LINCOLN COUNTY TAX DEPARTMENT** **REQUEST FOR REFUNDS**  
**ANNUALS**

**PERIOD COVERED (March 16 – April 15, 2000)**

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00  
 (and) #105-325 including (A) (6)

|                           |      |           |         |          |
|---------------------------|------|-----------|---------|----------|
| Acox, William A. & Robin  | 1999 | PCFD      | 0124935 | \$198.72 |
| Phelps, Sandra F.         | 1999 | N321      | 13806   | 349.30   |
| Smithstone Properties LLC | 1999 | ELFD/ELSD | 0131858 | 279.73   |

**LINCOLN COUNTY TAX DEPARTMENT** **REQUEST FOR REFUNDS**  
**MOTOR VEHICLES**

**PERIOD COVER (March 16 – April 15, 2000)**

G.S.#105-381(B) ALL REFUNDS LESS THAN \$100.00  
 (and) #105-325 including (A) (6)

| NAME                         | YEAR | DIST      | A/C#    | AMOUNT |
|------------------------------|------|-----------|---------|--------|
| Abernathy, Linda Lee         | 1999 | ELFD/EKSD | 36401   | \$3.84 |
| Allen, James Mithcell Jr.    | 1999 | ELFD      | 0107343 | 3.33   |
| Auten, John Douglas          | 1999 | PCFD      | 0137158 | 61.54  |
| Baker, Milton Lee            | 1999 | CRFD      | 0073782 | 2.00   |
| Bernstzky, James E.          | 1999 | DFD       | 0121185 | 10.51  |
| Bernatzky, James E.          | 1999 | DFD       | 0121185 | 27.87  |
| Biggerstaff, Kelly E.        | 1999 | N321      | 0123192 | 4.14   |
| Boyles, Joel Anthony         | 1999 | HSFD      | 0077254 | 23.74  |
| Bradshaw, Ralph Jr. & France | 1999 | ALFD      | 12818   | 2.03   |

|                              |      |           |         |       |
|------------------------------|------|-----------|---------|-------|
| Bynum, Margaret Ann          | 1999 | BCFD      | 0072607 | 1.65  |
| Commerical Printing Co.      | 1999 | CITY      | 24627   | 1.41  |
| Davis, Robert Eugene         | 1999 | PCFD      | 0113600 | 11.40 |
| Dittman, Gary & Karen        | 1999 | CITY      | 37961   | 28.80 |
| Driskell, Thomas E.          | 1999 | BCFD      | 0138302 | 2.00  |
| Edwards, Charles Lee         | 1999 | N321      | 0105723 | 1.49  |
| Edwards, Helen Juliene       | 1999 | DFD       | 0103608 | 2.63  |
| Franklin, Mark W. Jr.        | 1998 | CRFD      | 0068828 | 6.19  |
| Gaither, William H.          | 1999 | ELFD      | 0114066 | 40.59 |
| Gardner, Cindy L.            | 1999 | N321      | 0081554 | 13.85 |
| Gurganus, Stephen E.         | 1999 | ALFD      | 0131072 | 6.87  |
| Gurganus, Stephen E.         | 1999 | ALFD      | 0131072 | 6.16  |
| Hance, Patricia Bogden       | 1999 | CITY      | 0104524 | 15.49 |
| Harford, Debra               | 1999 | CITY      | 0077889 | 2.53  |
| Hoell, Frederick C.          | 1999 | CITY      | 0123244 | 7.64  |
| Hoffman, Stephanie M.        | 1999 | DFD       | 0126965 | 1.84  |
| Holland, Patti E.            | 1999 | CITY      | 0080182 | 2.95  |
| Hoyle, Thomas Ray            | 1999 | UNFD      | 0082877 | 36.55 |
| Huff, Thomas Edward          | 1999 | CITY      | 0126382 | 35.36 |
| Huss, Bryan T.               | 1999 | CRFD      | 0139536 | 3.11  |
| Iddings, Joe                 | 1999 | ELFD      | 18557   | 25.93 |
| Isenhour, Donald & Nola      | 1999 | ELFD      | 39908   | 45.99 |
| Jones, Jonas D. Jr.          | 1999 | PCFD      | 0078750 | 1.30  |
| Knopp, Gregory Thomas        | 1999 | DFD/ELSD  | 0128084 | 9.25  |
| Linerfelt, Larry Stephen     | 1999 | NBFD      | 0093044 | 6.44  |
| Macleod Construction, Inc.   | 1999 | DFD       | 0098225 | 61.51 |
| Mobbs, Gwendolyn Sue         | 1999 | CRFD      | 0113330 | 9.29  |
| Moretz, Donald W. & Patsy B. | 1999 | NBFD      | 0073735 | 3.99  |
| Nichols, Vonnie Terry        | 1998 | BCFD      | 0110515 | 41.87 |
| Noblitt, Robert & Sandra     | 1998 | ELFD      | 0065631 | 60.18 |
| Perry, Oscar M.              | 1999 | CITY      | 0091378 | 41.79 |
| Phelps, Sandra Farley        | 1999 | N321      | 0092338 | 26.58 |
| Ramsey, Geneva D.            | 1999 | SFFD      | 0067920 | 2.30  |
| Retana, Olivier              | 1999 | SFFD      | 0124024 | 10.80 |
| Riddle, David & Martha       | 1999 | PCFD      | 0127852 | 2.31  |
| Roof, Sara E.                | 1999 | CITY      | 0132143 | 24.37 |
| Root, Paula Ann              | 1999 | ALFD      | 0102804 | 6.50  |
| Rylee, Patricia M.           | 1999 | BCFD      | 0137632 | 5.30  |
| Sharpe Grading               | 1999 | ELFD      | 0090646 | 2.03  |
| Sigmon, Kimberly A.          | 1998 | CITY      | 0135179 | 81.89 |
| Stewart, Kenneth F.          | 1997 | CITY      | 0126987 | 35.24 |
| Weaver, Johnny T.            | 1999 | SFFD      | 09526   | 3.81  |
| Whiteside, Harold D. Jr.     | 1999 | BCFD      | 0066463 | 2.18  |
| Whitesides, A B Jr. & Martha | 1999 | N321      | 015078  | 42.47 |
| Wilkinson, Angelia Yvonne    | 1999 | UNFD      | 0113678 | 9.57  |
| Wright, Sandra Holden        | 1999 | ALFD      | 0132800 | 15.90 |
| Wylie, Sonia R.              | 1998 | ELFD/ELSD | 0077329 | 4.53  |

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (March 16 – April 15, 2000)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00  
(and) #105-325 including (A) (6)

| NAME                    | YEAR | DIST | A/C#    | AMOUNT   |
|-------------------------|------|------|---------|----------|
| Associates Leasing Inc. | 1999 | BCFD | 0121812 | \$589.08 |
| Associates Leasing Inc. | 1999 | BCFD | 0121812 | 589.08   |
| Gold Key Lease Inc.     | 1999 | DFD  | 0110568 | 125.65   |

## Water Adjustments

| <u>NAME</u>              | <u>ACCOUNT #</u> | <u>ADJUSTMENT</u> | <u>NEW TOTAL</u> |
|--------------------------|------------------|-------------------|------------------|
| David Draper             | 122415541-01     | \$191.28          | \$139.28         |
| Steve Flanigan           | 5084231-01       | \$ 11.87          | \$ 24.79         |
| Todd Fowlkes             | 6121961-03       | \$ 45.54          | \$ 38.36         |
| James Gantt              | 4057871-00       | \$ 51.08          | \$ 81.74         |
| Lisa Gavel               | 10225601-01      | \$ 42.30          | \$ 88.65         |
| Hayes Rental Properties  | 2036761-00       | \$185.10          | \$106.64         |
| Bob Hecht                | 10233091-00      | \$669.51          | \$306.84         |
| Jamie's Marine Service   | 6122531-07       | \$1,733.75        | \$820.89         |
| Lakeside TV & Video Inc. | 6100801-00       | \$191.88          | \$157.38         |
| William Andrew Phelps    | 6104161-05       | \$ 25.52          | \$ 78.33         |
| Jonathan Watts           | 6151081-01       | \$ 21.00          | \$ 58.14         |
| Joyce B Wilson           | 6157011-00       | \$ 51.21          | \$ 55.48         |

## Budget Adjustments 101 - 102

Budget Adjustment 101 – To show receipt of Smart Start funds for “Very Important Parents” project and allocate these funds to proper line items.

Budget Adjustment 102 – Smart Start Grant to be used for nursing consultant in day care.

## Public Comments:

Chairman Hallman opened the Public Comments section.

Steve Peace stated that he wishes the Board would fund the Deputy Sheriff some more money, we are loosing too many law officers.

Sylvia Holmes stated that there was a grant available through a magazine called Boat US, that has a Clean Water Trust Fund, and they gave out grants to community organizations. ELBA applied for the maximum grant of \$2000 to establish a mini-recycling center at the Beatty's Ford Access Area Park and the Little Creek Park. She stated that they were awarded \$1500. She stated that since they did not get the full amount, they will just be doing this at the Beatty's Ford Access Area. Ms. Holmes stated that they have a year to spend the money.

Bob Richardson stated that he is the Vice President of the Humane Society and urged the Board to vote to accept the bid and proceed without further delay.

Terry Kenny asked if now was the appropriate time to speak concerning Appeal No. 173 – Gary & Lori Patrick.

Being no one wishing to speak, Chairman Hallman declared the Public Comments section closed.

**LNCF Grant Application for Beatty's Ford – Erma Deen Hoyle:**

Erma Deen Hoyle, Recreation Director, stated that she is requesting Board approval for a Land and Water Conservation Fund Grant (LWCF) for the Beatty's Ford Access Area Project. The LWCF is a federal program, with funding from proceeds of off-shore oil leases. This grant may be used for outdoor facility acquisition and development.

The LWCF grant is a 50-50 matching grant. Ms. Hoyle stated that she had requested \$75,000 in the 2000-2001 CIP Budget for the Beatty's Ford Project, which she understands this has been cut somewhat. This allocation (or other amount) could be used to match the proposed grant. Facility development planned for the site include restrooms, shelter(s), trails, disc golf, volleyball courts, and playground equipment. The enclosed site plan is a draft of the proposed development. This plan was created using the study committee's ideas and suggestions.

Applying for this grant requires a formal authorization from the local governing board, certifying the match. The grant application is due May 31, 2000, therefore action is needed before final budget approval.

**UPON MOTION** by Commissioner Waters, the Board voted unanimously to allow Erma Deen Hoyle to apply for the \$75,000 grant.

**Lincoln County Animal Shelter Bid Results:**

Nick Montanez stated that on May 2, 2000 bids were received. He requested that the Lincoln County Board of Commissioners ratify and award the following Single Prime Contract to Burgess Wright and authorize M.B. Kahn Construction Company to prepare this contract. The amount of this contract will be \$167,000.00 per the bids received on May 2, 2000.

**A. RESULTS OF SINGLE PRIME CONTRACT:**

**SINGLE PRIME CONTRACT**

|                |                   |
|----------------|-------------------|
| Burgess Wright |                   |
| Base Bid       | <u>167,300.00</u> |

|                                    |                     |
|------------------------------------|---------------------|
| <b>TOTAL SINGLE PRIME CONTRACT</b> | <b>\$167,300.00</b> |
|------------------------------------|---------------------|

B. RESULTS OF MULTIPLE PRIME CONTRACTS:

**BUILDING AND FINISHES**

|                             |              |
|-----------------------------|--------------|
| Burgess Wright Construction |              |
| Base Bid                    | \$120,000.00 |

**HVAC**

|                     |              |
|---------------------|--------------|
| Huffman Metal Works |              |
| Base Bid            | \$ 20,789.00 |

**ELECTRICAL**

|                     |              |
|---------------------|--------------|
| Lail Electric, Inc. |              |
| Base Bid            | \$ 11,250.00 |

**PLUMBING**

|                 |                     |
|-----------------|---------------------|
| Denver Plumbing |                     |
| Base Bid        | <u>\$ 25,899.00</u> |

|                                   |                     |
|-----------------------------------|---------------------|
| <b>TOTAL MULTI-PRIME CONTRACT</b> | <b>\$177,938.00</b> |
|-----------------------------------|---------------------|

Chairman Hallman asked when work will begin if the bid is awarded tonight.

Nick Montanez stated that work will begin by Wednesday, and are looking at a completion date of around 90 days time.

Commissioner Brotherton asked what the difference between the original contract price versus what has already been spent and the new bid.

Mr. Montanez stated that they are very close to balancing on this project.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to approve the bid of Burgess Wright at \$167,300.00 and proceed with the construction of the Lincoln County Animal Shelter.

Chairman Hallman stated that he would like to see this behind us. He stated that the people from the Humane Society give a lot to the community and have been promised this for years.

The Board of Commissioners received from the Lincoln County Board of Elections a certified copy of the proceedings of said Board of Elections taken on May 5, 2000,

evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the County of Lincoln on May 2, 2000 upon the question of approving \$36,000,000 School Bonds of said County.

After said proceedings had been considered and reviewed by the Board of Commissioners, Commissioner Waters introduced the following resolution which was read by title:

**RESOLUTION RELATING TO THE CANVASS OF THE RETURNS OF THE  
SPECIAL BOND REFERENDUM HELD IN THE COUNTY OF LINCOLN, NORTH  
CAROLINA ON MAY 2, 2000 UPON THE QUESTION OF APPROVING \$36,000,000  
SCHOOL BONDS AND DETERMINING THE RESULTS THEREOF**

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln:

Section 1. The Board of Commissioners for the County of Lincoln having received from the Lincoln County Board of Elections a certified copy of the proceedings of said Board of Elections taken on May 5, 2000, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the County of Lincoln on May 2, 2000 upon the question of approving \$36,000,000 School Bonds of said County, does hereby declare and certify the results of said referendum to be the results which are set forth in the following statement of the results of said referendum, which statement has been prepared by said Board of Commissioners:

**STATEMENT OF THE RESULTS  
Of the  
SPECIAL BOND REFERENDUM  
Held in the  
COUNTY OF LINCOLN, NORTH CAROLINA  
On May 2, 2000  
UPON THE QUESTION OF APPROVING  
\$36,000,000 SCHOOL BONDS**

At a special bond referendum held in the County of Lincoln on May 2, 2000, 38,037 voters were registered and qualified to vote.

At said referendum 6,725 votes were cast for the order adopted on February 14, 2000 authorizing not exceeding \$36,000,000 School Bonds of the County of Lincoln, North Carolina, for the purpose of providing funds, together with any other available funds, for erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities and acquiring necessary land and equipment therefor in order to provide additional school facilities in the County of Lincoln, and authorizing the levy of taxes in an amount

sufficient to pay the principal of and the interest on said bonds, and 2,507 votes were cast against said order, and a majority of the qualified voters of said County who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

Board of Commissioners  
For the County of  
Lincoln, North Carolina

Section 2. The Clerk to the Board of Commissioners shall file a copy of the foregoing statement of the results of said referendum in her office and shall publish such statement once in The Lincoln Times-News. A statement in substantially the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after [date of publication].

Board of Commissioners  
For the County of  
Lincoln, North Carolina

Section 3. This resolution shall take effect upon its passage.

Upon motion of Commissioner Waters, and seconded by Commissioner Brotherton the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE COUNTY OF LINCOLN, NORTH CAROLINA ON MAY 2, 2000 UPON THE QUESTION OF APPROVING \$36,000,000 SCHOOL BONDS" was passed by the following vote:

Ayes: Commissioners Chairman James A. Hallman, Terry L. Brotherton, Beth H. Saine, W. J. Waters, Jr., John R. Gamble, Jr.

Noes:

**Set Public Hearing for Appeal No. 173 – Gary and Lori Patrick:**

Lee Lawson, Land Use Coordinator, presented the following information concerning Appeal No. 173 – Gary and Lori Patrick.

The applicant is requesting an appeal of the Board of Variances & Appeals decision on Appeal case #170 (Robert Emery, applicant). The Board of Variances & Appeals voted unanimously that due to the fact of the time period from which the pier was constructed to the time when the complaint was filed causes this case not to be valid for a decision by the Board of Variance & Appeals and that Lincoln County will not pursue this complaint

any further due to time constraints and jurisdictional issues. This decision was made on April 3, 2000 at the Board of Commissioners Regular Zoning Meeting.

This .975 acre parcel is located at 7757 Live Oaks Drive in the Catawba Springs Township. It is zoned Residential Single Family and is joined on all sides by parcels zoned R-SF. The Lincoln County Land Use Plan calls for higher density development in this area.

Mr. Lawson stated that the way the Zoning Ordinance states is that the party that wants to appeal the decision of the Board of Variance and Appeals would have to present some new evidence or new circumstances that would change the whole issue. The Board has the right to decide if they want to hear it or not.

Jeff Taylor stated that there is one procedural quirk that he has discussed with staff. He stated that the decision was made in the Board of Variances and Appeals, which is not holding a meeting tonight. The application was filed under provisions of Section 5.8.1, which allow the Board of Variance and Appeals to grant a rehearing of a case that has already been heard, subject to a finding that there has been a substantial change in facts, evidence, or conditions that would justify a rehearing. He stated that it says that a rehearing shall be denied by the Board of Variances and Appeals if in its judgement, such change in facts, conditions, or evidence has not been proven. He stated that the question is when the Board hears this. He stated that he feels it would be appropriate for the Board to listen to any new information, and take it under advisement. He stated that a decision can be made at the next BOVA meeting.

Jeff Taylor stated that this is in the Superior Court right now, because of the thirty day time limit, the parties didn't have the luxury of waiting for a resolution on this before their time would have run on filing an appeal to Court on the Board's previous decision to deny the case.

Terry Kenny stated that Mr. Taylor is correct in saying that regrettably they couldn't come here to talk to the Board before their time for filing in Superior Court was done. She stated that this wouldn't have been their first choice, but they were thrust into Superior Court without the opportunity to come back to the Commissioners and present the evidence they believe is different from what was heard at the Board of Variances and Appeals. Ms. Kenny submitted for consideration packets that were sent to the Board by Dr. and Mrs. Patrick. She stated that there was a lot of discussion based on the minutes she read, that the pier was completed in 1993, and that it was done pursuant to a zoning permit. She stated that the evidence will show that the pier was not constructed in 1993, there is conclusive evidence in the packet, by virtue of photographs, showing that the pier was not done in 1993. In fact, the pier was not completed, there are photographs showing in 1994 that the pier was still an ongoing construction project, and hence the Patrick's did not complain, because it was not, at that point in time, encroaching over into their projection line, and impeding their ability to use the pier they constructed. She stated that

they think the date is closer to 1995. The fact of the matter is, if you look at the Zoning Permit that was presented to the Board of Variance and Appeals, the zoning permit specifically requires that the pier be built within the projection lines as drawn on the sketch. If you look at the sketch, you will see that the pier is 70 feet long and 22 feet wide. To their knowledge, there was no check to be sure it was done properly, no certificate of compliance. The pier in fact is 80 feet long and 26 feet wide, which brings it out over the projection line, into the Patrick's projected area. She stated that the pier was built, not in conformity, as the Patrick's had been told, as they believed with the zoning permit, in fact it had been built directly not in accordance with the specifications of the Zoning Permit. If it had been built 10 feet shorter, if it had been built narrower, they would not be having this appeal. It is in fact 10.8 feet over the projection line.

Ms. Kenny stated that what you get when you buy a lake lot and a lake house, is the view, location, and the access to the water. What has happened by this pier being built improperly and not in conformity with the requirements, and not in conformity with the Ordinances, is it is too long, and therefore projects out, is in the projection line of the Patrick's. Therefore they lose some of what they purchased, the ability to use their docking facilities, or their pier, it encumbers their property so now they have a cloud on their property, and is in their line of site. All of the things that one hopes to accomplish when they buy a lake lot is simply encumbered or bothered by the fact that this pier was not built properly.

Ms. Kenny stated that she believes the ruling of the Board of Variance and Appeals, from reading the minutes, was that the Board held that they did not have jurisdiction. She argued that the Board does have jurisdiction to enforce it's ordinances. She stated that the ordinance specifically says that you can't be over 1/3<sup>rd</sup> of the cove, and it can't be built out over the projection line. She stated that this is what they are asking, they think some information was provided that was not accurate, and based upon that the Board drew a conclusion that they would hope would be reconsidered once all the facts came out. She stated that they are asking the Board to do one thing, to enforce the ordinances as written, getting this pier back in conformance with the ordinance, and taking the cloud off the title of the Patrick's property. She stated that they hoped the Board would reconsider and have another public hearing, based on the additional evidence presented.

Commissioner Waters stated that this is a case of the Patrick's word against the other man's word, there is no hard evidence. He stated the pictures have hand-written dates on them.

Ms. Kenny stated that the Patrick's can testify and have evidence in the packet, as to when their pier was constructed. She stated that you can look out over the swimming pool, and see that the pool is under construction and be able to date when that was occurring, and see the pier that still had some construction work done on it.

Chairman Hallman asked staff if there was a building permit for the pier.

Lee Lawson stated that there is not a building permit for this pier.

Chairman Hallman asked what they do when something is built, and a building permit is required, and they do not get one.

Kelly Atkins stated that not having a building permit is a state violation, and would be handled through the Building Inspections Department.

Jeff Taylor stated that what has happened in other instances when something was built without a building permit, is the Inspectors go out and try to make an inspection if it's possible without dismantling the structure. He stated that they see if a structure meets requirements for the permit to be issued retroactively.

Commissioner Brotherton asked which dates were important, the beginning or ending date.

Jeff Taylor stated that he would probably say the beginning date, depending on circumstances.

Ms. Kenny stated that these people would not have known this was not in compliance when it began, because it was in compliance. It was built by a zoning permit. She stated that when the Land Use Coordinator went out, he wrote a letter saying that it is not built correctly. In the letter, Mr. Lawson goes on to state the remedies are move it so it is not over the projection line, tear it down, or shorten it so that it is in compliance. She stated that they are just asking that the pier be moved so that it is in compliance.

Commissioner Brotherton asked the width of the cove.

Lori Smith Patrick stated that the total width of the cove is 188 feet.

Commissioner Waters stated that the decision on this is in far more qualified hands, in the Superior Court. He suggested that the Board wait and see what Superior Court says.

**A MOTION** by Commissioner Waters to stand on original finding.

Commissioner Brotherton stated that he heard the terms "my cove" and phrase "buying access to water". He stated that you will not find a deed recorded in the Courthouse where anyone purchased access to water, they purchase access up to the 7/60 line.

Ms. Terry stated that the reality is that people buy land on the lake so they can use the water.

Commissioner Gamble stated that it appears to him that Ms. Kenny has made a case to him that this pier is too long, by virtue of projection and width. He stated that it is ridiculous to ask these people to spend more money going to court. Commissioner Gamble stated that he is going to vote against the motion, he thinks the Board needs to help these folks and clear the deeds for the properties.

Commissioner Waters stated that the property has been through a deed recording with the pier in place.

Commissioner Brotherton stated that he was talking with someone a week or so ago about a different case, and it was pointed out how difficult it is to sell something if there's a knowledge of an encroachment.

**Vote: 3 – 2 AYES: Hallman, Waters  
NOES: Brotherton, Saine, Gamble**

Jeff Taylor stated that it takes 4 votes to grant a rehearing, under this section of the Ordinance.

**A MOTION** by Commissioner Gamble to grant a rehearing.

**Vote: 3 – 2 AYES: Gamble, Brotherton, Saine  
NOES: Hallman, Waters**

Gary Patrick stated that he would appreciate it if the Board would just follow through with the violation. He stated that he appreciates the Board's time.

**Set Public Hearing for Solid Waste Management Plan for June 5, 2000 at 7:10 PM:**

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to set a public hearing for the Solid Waste Management Plan for June 5, 2000 at 7:10 PM.

**Set Public Hearing for Incentive Program for June 5, 2000 at 7:20 PM:**

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to set a public hearing for June 5, 2000 at 7:20 PM.

**Set Public Hearing for Budget for June 5, 2000 at 7:30 PM:**

Chairman Hallman stated that tonight Mr. Kiser will present the budget, and at the end of the meeting, the Board will recess and set some work sessions between now and the end of June. He stated that the public hearing will let the public comment on what has transpired to date, and does not mean that changes cannot be made up until the last day of June.

Commissioner Waters stated that he is having a real problem with this. He stated that he has read more about the budget in the newspaper than he has had in his hands. He stated that he has a problem with having a public hearing when the public does not know what it's commenting on.

Commissioner Brotherton stated that from this point forward, the information will be on public display for citizens that want to come look at it.

**UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to set the public hearing for the Budget for June 5, 2000 at 7:30 PM.

**Resolution Relating to Working with FEMA:** **UPON MOTION** by Chairman Hallman, the Board voted 4 – 1 (Commissioner Gamble against) to approve the following Resolution.

**A RESOLUTION OF THE  
BOARD OF COMMISSIONERS  
OF LINCOLN COUNTY, NORTH CAROLINA  
RELATING TO  
WORKING WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
(FEMA)**

**WHEREAS**, FEMA asks counties to assist them in urging citizens affected by disasters to call the toll-free FEMA Disaster Assistance telephone number to register for disaster assistance; and,

**WHEREAS**, information to call this toll-free number for disaster assistance is distributed on a local level as well as by FEMA Community Relations workers who go door-to-door for weeks after a disaster in an effort to make sure that everyone gets the word; and

**WHEREAS**, although FEMA asks for local cooperation, names of citizens who register are not shared with county government so that local services can be immediately provided to the citizens; and,

**WHEREAS**, asking citizens to call at a separate “local government” number from the “FEMA number” would confuse the issue and perhaps cause citizens to mistakenly think that they had registered for disaster assistance when in fact they had not; and

**WHEREAS**, FEMA claims this is a privacy issue and they are therefore unable to release the registration information pursuant to federal law;

**NOW, THEREFORE, BE IT RESOLVED** that the Lincoln County Board of Commissioners, meeting this 15<sup>th</sup> day of May, 2000, in Lincolnton, North Carolina, does hereby urge the Lincoln County Congressional Delegation to support federal legislation that would allow a federal or state agency to disclose to a county government the name, address and phone number of citizens registering for aid following a federally-declared emergency.

**BE IT FURTHER RESOLVED** that this resolution be transmitted to the North Carolina County Commissioners Association and the National Association of County Officials for introduction as a policy of each association.

Adopted this the 15<sup>th</sup> day of May, 2000.

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James A. Hallman, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Long  
Clerk to the Board

**Boger City Fire Department:** Ken Sain, President of the Boger City Fire Department, stated that they are in the process of trying to build a new Fire House in Boger City. He stated that they found some land and made a deal, but ran into a small problem, when the County gave the fire department the present land it sits on now, there was a stipulation in the contract that if the land was ever not used as a fire department, it would go back to the County. He requested that the County remove the clause. Mr. Sain stated that they have plans for a beautiful four-bay drive through fire station on McAllister Road.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to remove the reverter clause subject to the stipulation that the Boger City Fire Department not use the proceeds of the transaction for anything but Fire Department purposes.

**RESOLUTION TO RELINQUISH REVERTER CLAUSE ON REAL PROPERTY  
PREVIOUSLY CONVEYED TO BOGER CITY VOLUNTEER FIRE DEPARTMENT**

WHEREAS, by deed recorded in Book 347, Page 225, Lincoln County Public Registry (which deed is hereby incorporated by reference), the Lincoln County Board of Commissioners conveyed certain real property to the Boger City Volunteer Fire

Department (hereinafter referred to as "BCVFD") under the express condition that said property should be used for the local fire department and for no other purpose; and

WHEREAS, by subsequent deed recorded in Book 379, Page 368, Lincoln County Public Registry (which deed is also hereby incorporated by reference), the Lincoln County Board of Commissioners conveyed certain other real property immediately adjacent to the aforesaid property to the BCVFD subject to the same condition; and

WHEREAS, the deeds conveying the said real property to the BCVFD contained language providing that title to said tracts and any buildings placed thereon would revert to Lincoln County in the even of a violation of the stated condition or the nonuse of the properties for the purpose for which they were conveyed; and

WHEREAS, the fire department facility that was constructed on the said site is outdated, undersized, and in need of replacement, and the present site is not large enough to permit expansion; and

WHEREAS, the BCVFD has received an offer to trade the said real property for a larger site which is capable of accommodating a larger facility and is thus more suitable for meeting the needs of the citizens served by the BCVFD than the present facility; and

WHEREAS, the BCVFD needs to obtain Lincoln County's release of the right of reverter contained in the deeds referenced above to permit the proposed trade so that the site of the existing BCVFD may be conveyed by general warranty deed, free and clear, to the present owners of the property for which the existing BCVFD site would be traded; and

WHEREAS, the Board of Commissioners verily believes that it would be in the best interests of the citizens of Lincoln County to relinquish the said right of reverter and permit the said trade to take place in consideration of the BDVFD's agreement to use any lands, proceeds, or other consideration that it may receive in exchange for such property for a public purpose as authorized by North Carolina General Statute Section 160A-279;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That in consideration of the terms hereinafter contained the Lincoln County Board of Commissioners approves the relinquishment of the right of reverter contained in the deeds from Lincoln County to BCVFD, recorded in Book 347 at Page 225 and Book 379 at Page 368, Lincoln County Public Registry, so that the proposed trade of the said property for a larger site may proceed.
2. That in accordance with the requirements of N. C. G. S. 160A-279, such

documents shall provide that any lands, proceeds, or other consideration that the BCVFD may receive in exchange for the said property shall be used for a public purpose, specifically, for fire department purposes.

3. That public notice of this action shall be given as provided by N. C. G. S. 160A-267.

4. That upon the expiration of the public notice period specified above, the Chairman of the Lincoln County Board of Commissioners and its Clerk are hereby authorized to execute such quitclaim deeds and/or other documents as may be necessary to consummate the relinquishment herein approved.

This resolution adopted at the regular meeting of the Lincoln County Board of Commissioners this 15<sup>th</sup> day of May, 2000.

LINCOLN COUNTY

By: \_\_\_\_\_  
James A. Hallman, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Long, Clerk to the  
Board of Commissioners

**Recess:** Chairman Hallman called for a five minute recess.  
Chairman Hallman called the meeting back to order.

**Budget Presentation – Stan Kiser:**

Stan Kiser, County Manager, presented the following information concerning the budget.

Lincoln County's move into the 21<sup>st</sup> century will be both exciting and challenging. The decisions made in the next few years will determine the type of county we live in for the next half-century. Growth confronts us as never before. The ability to provide services to an expanding population is of paramount concern. Adequate funding for education should remain a high priority. Our citizens have continued their commitment to education by passage of the recent \$36,000,000 bond referendum. As the county's growth continues we will require additional funds to meet the rising school

needs. The Board of County Commissioners is maintaining their goal of raising the school current expense to the state average. Current expense for schools is \$8,916,883 up from last years \$7,937,591.

We must strive to provide safety to our citizens through our sheriff's department and emergency ambulance service. We are now entering the first full year of operation of the new law enforcement center. In the coming budget year the county will begin work on a permanent central base for EMS. The cost of the Social Services Department continues to rise with Medicaid increasing over \$500,000 in the next budget year. DSS has little control over this expense, while the county has a required match for Medicaid spending. As our county population grows library services and recreation will be in continual demand. The county is committed to branch libraries in the east and west along with an expanding presence of recreational facilities. Necessary in our attempt to deliver additional services is an expanding tax base. Attracting new industry is critical to providing additional tax revenue and jobs for our citizens.

With these thoughts in mind we must commit ourselves to working together to solve our county's problems.

The valuation in Lincoln County came to \$3,997,757,000. At a collection rate, for 1999, of 97.31%, that brings the total to \$3,890,217,000. At a tax rate of 54 ½ cents, that will yield \$21,201,687.

Mr. Kiser extended an invitation for Board members to set up appointments to go over the budget with him.

The inventory tax is roughly \$1.1 million. Sales tax, one percent local, is 3.5 million. The first one half cent sales tax is 2.72 million. The second one half sales tax is 2.7 million.

The Register of Deeds had proposed \$628,000 in revenue this year, which is \$52,000 less than the current year. If you check the numbers on actual revenues so far, she has generated \$636,000. He stated that he increased the revenue in the Register of Deeds office from \$628,000 to the budget level of this year of \$680,000.

The revenue for the Health Department total is \$2.329 million. The revenue for DSS is \$6.2 million, which is up roughly \$314,000. Investment earnings was \$450,000 for this budget year. This will be forecast at \$600,000, an increase of \$150,000, mainly due to a larger fund balance.

General Fund expenses are a 2 1/2% COLA for employees. In the General Fund, there has only been the creation of 2 new positions that are EMS Ambulance Drivers. The County currently pays employees .28 cents per mile when they use their own vehicles, he suggested this go to .31 cents, which is more in line with the Federal Government. When employees are outside the County, they are currently paid \$5 for breakfast, he is suggesting that be raised to \$6, lunch is currently \$7, he suggested raising that to \$9, and dinner is currently \$12, he suggested raising this to \$15.

\$40,000 has been placed in line item 5190 for a pay study. 1995 was the last time the County conducted a pay study. \$32,500 was allotted for the annual audit.

The Elections Department has asked for a full-time position, but was not given this position.

The Register of Deeds asked for a new full-time position which was not allowed, and also requested \$12,200 for additional office furniture and was allowed \$6,200. She asked for \$23,000 for computers, and has been allowed \$11,500 and they are trying to find money in this year's budget for the other \$11,500. Rent on buildings increased from \$960 to a little over \$14,000 for the additional space in the Bank of America Building.

The Sheriff's Department asked for vehicles last year, and all were cut to provide for the schools, and to start up EMS. There is a request for \$315,000, which will purchase roughly 15 new vehicles. The Sheriff has also requested that the Sheriff's Department be combined into one department, currently the Sheriff's Department is a separate department, the jail, Comm Center, and Animal Control are all separate departments. David Lawrence with the Institute of Government sees no problem with this, so he suggested it for the Board's consideration.

Emergency telephone system has an increase in salaries. There are a few position changes – Candace Ramseur, who currently does addressing part time, will go 100% to addressing, and all her salary will come out of the emergency telephone system. Mike Helms, who put the County's road signs up 2 days per week, 40% of his salary will come from this budget. Beverly Childers, who does E911 addressing, 50% of her salary will come from this budget.

The Jail budget includes \$46,000 for 2 new vehicles. These were asked for last year but were not granted.

The Fire Marshal asked for a new position, which was not allowed. He presented the following Fire Department requests.

| <b><u>Fire Department</u></b> | <b><u>Tax Rate Requested</u></b> | <b><u>Change from Last year</u></b> |
|-------------------------------|----------------------------------|-------------------------------------|
| Union                         | 5 cents                          | Same                                |

|                     |           |                 |
|---------------------|-----------|-----------------|
| Boger City          | 5 cents   | Up from 3 cents |
| North Brook         | 5 cents   | Same            |
| Alexis              | 5 cents   | Same            |
| Pumpkin Center      | 5 cents   | Same            |
| Howard's Creek      | 5 cents   | Same            |
| East Lincoln County | 3 cents   | Same            |
| North 321           | 3.5 cents | Same            |
| Crouse              | 4 cents   | Same            |
| Denver              | 4 cents   | Same            |
| South Fork          | 5 cents   | Up from 4 cents |

The Building and Land Development Department requested vehicles last year and were turned down. They have requested 3 vehicles this year which were allowed. They requested \$5,000 for computers, and are looking for the money in this year's budget.

In the Emergency Ambulance budget, there were 2 new positions created.

District Court requested \$20,000 for new furniture, and were allowed \$15,000.

In the Solid Waste budget, there have been problems for years with the Car Farm and Webbs Road Convenience Sites. He stated that they have requested \$77,000 to expand the Car Farm Convenience Site, and \$75,000 for the Webbs Road Convenience Site, a total of \$152,000. Mr. Kiser stated that he did not allow the expansion of the Owl's Den site, which would cost \$92,000 or redoing the site, which would cost \$150,000. He stated that this should either be done this budget year or the next.

The National Guard, Lake Norman Marine Commission, and Mountain Island Lake Marine Commission were funded as requested.

Soil and Water Conservation requested a new position, which was not funded.

Rescue Squads have requested \$9000, and Bill Ward has been told to find the money in this year's budget.

Commissioner Gamble asked if the computers could not be upgraded.

Mr. Kiser stated that this could be looked into.

Under Miscellaneous grants, there is \$5500, \$5000 of which is for the YMCA project, which the Board had committed to funding.

The Council of Aging, Arts Council, Main Street Program, Cultural Center, and Chamber of Commerce were funded as requested.

Commissioner Brotherton asked if there would be a Main Street Program funded by the County if West Norman passes.

Economic Development Association had requested that their funding go back to \$165,000, which was granted.

Commissioner Brotherton stated that he has been on the EDA Board for 3 years and he is beginning to believe more would be accomplished if the City and County would combine forces and borrow \$1.5 million to finish the park in Lincolnton and buy property for a park in east Lincoln County.

The Budget request for the Health Department was \$3,520,000, up from \$3.2 million the previous year.

In the DSS budget, \$494,000 is the County's 50%, where they pay for people in rest homes. Medicaid increased from \$1,370,000 to \$1,889,000, a \$519,000 increase. The total DSS budget increased from \$8.6 million to \$9,334,000, of the County's share of this was \$2,731,000 this year, and will be \$3,391,000 next year. This is a \$659,000 increase or 24% increase, but without the Medicaid portion, it is only a 3% increase.

The School's current expense increased from \$7,937,000 to \$8,916,000, or a 979,000 increase or 12.3%.

Recreation requested \$701,000, which is the amount put into the budget.

Historical Properties requested \$13,546, and he approved only \$7546. The Historical Properties Commission had asked for \$6,000 to pay for 501(C)3 status to be eligible for grants. He stated that it is the Board's decision if they want to do this.

Darrell Harkey stated that they got a grant from Timken, but couldn't get the money because they are not a 501(c)3.

The original estimate for debt service was \$4,593,000, since the Board has by consensus given support for an EDA project for \$70,000, and \$450,000 to cover the interest for the school bonds. This would bring the debt service to \$5.1 million.

There is \$476,362 general fund money headed into the CIP program.

There was \$26,357 placed into contingency, for a sudden emergency.

The total budget is \$49,660,669.

Mr. Kiser reviewed the funds 20 – 26. In the CIP, there is \$476,362 from the General Fund. There is \$300,000 coming in from the hospital as part of the lawsuit settlement. In the CIP budget, there is \$164,798 for the upgrading of the computer system to bring more services online and to provide a firewall in the server. \$166,000 for the cost on an ambulance, and \$133,000 to cover the cost of converting the old jail into an EMS base. Solid Waste has requested an additional roll-off truck, and with the payment on the existing truck, it would bring the total to \$65,564. The Recreation Budget requested \$750,000 and \$170,000 was approved. Mr. Kiser reviewed the funding for Recreation's projects.

The revenue from the water fund is as follows: Water taps and availability fees are estimated at \$280,000 and water sales are estimated at \$2.6 million. They have estimated the loan amount at \$457,770. The Hoyle's Creek Sewer Treatment Plant will no longer be a budget item, once the line is written. The total revenue for the water system is \$3,554,974.

There is \$303,000 in expense for the Water Treatment Department for salaries. There is \$1,457,000 for Bond Principal, and \$701,000 in Bond Interest, for a total of \$2,158,342 or 60% of the entire budget.

In the East Lincoln Sewer District, the total assessment came to \$827,614,705. At a collection rate of 97.31%, that would make \$805,351,869. At a tax rate of 15 cents, that would generate \$1,208,027. Sewer taps, which is grinder pumps, taps, and availability fees came to a revenue of \$650,000. With the sewer fees, they forecast them to be \$430,000. Mr. Kiser stated that he is suggesting that they raise the sewer rates for those outside the sewer district. The total estimated revenue for the Sewer District is \$2,572,000. Salaries are \$173,000, Environmental is \$210,000, bond principal is \$775,000, bond interest is \$699,00, with total payments of \$1,474,000. Mr. Kiser stated that he has approved repayment of the remaining \$250,000 to repay the Interlocal Agreement between the County and the East Lincoln Sewer District.

The Landfill tipping fee is estimated at \$325,000 of revenue. The Availability fee will generate \$1,895,000. The total revenue is \$2,521,800. The landfill has requested that all of John Avery and Nancy Rickard's salaries come out of a landfill fund itself, and that they create one full time position in the landfill fund. The expenses are \$184,000 for salaries, \$200,000 for additional land purchase, \$150,000 to test for ground water, and \$75,000 to do the testing. \$1.4 million has been placed into reserve. He stated that you cannot borrow money to cap a landfill. Mr. Kiser stated that John Avery would like water lines run from the Crouse area to the landfill.

**Recess:** Chairman Hallman called for a five minute recess.  
Chairman Hallman called the meeting back to order.

**Comments on Hospital:**

Commissioner Brotherton stated that the Board signed an agreement that they would not interfere with the hospital's dealings. He stated that there is nothing this Board can do about it, and he does not want to talk about it every meeting. He stated that he thinks they are treading on very dangerous ground legally.

Commissioner Gamble stated that the North Carolina State Statutes say loud and clear that the County Commissioners are responsible for the health of the citizens of the County. Commissioner Gamble asked if the Board was willing to vote to pay for an audit of the hospital, which they agreed to do, but has not been done.

Commissioner Brotherton stated that if the Board takes that action, they have broken their agreement.

Jeff Taylor stated that the Board of Commissioners has followed through with everything they promised to do, but the Hospital Board has not provided the promised audit.

Chairman Hallman stated that he would not have a problem with this if the Board approached the hospital, and said the Board is sensitive to the financial condition of the hospital, but in order to fulfill the terms of the agreement, the Board would be willing to fund the audit they agreed to.

Commissioner Gamble presented the following Resolution to the Board.

**PROPOSED RESOLUTION FOR AN AUDIT OF LINCOLN HEALTH SYSTEMS**

WHEREAS, the Lincoln Health Systems nor any of its affiliates has honored the agreement reached on June 23, 1999 with the Lincoln County Board of Commissioners with regard to an audit;

WHEREAS, the Lincoln Medical Center as the income producing affiliate of the Lincoln health Systems has lost money for the last three fiscal years according to a recent statement to me in a conference;

WHEREAS, these losses have not appeared in the audits of the Lincoln Health Systems for the FY 1997, FY 1998, nor FY 1999;

WHEREAS, the audits we have seen do not segregate the various affiliates balance sheets but were commingled suggesting a problem with the segregating of different affiliate's finances;

WHEREAS, the current CFO stated to the Lincoln County Board of Commissioners at its May meeting with the Lincoln Health Systems that the financial accounts were in a terrible condition when he arrived and that he was just then getting a handle on them,

WHEREAS, many employees are concerned about their retirement, 403b plan and other employee benefits because at least one retired employee has had great difficulty collecting hers;

WHEREAS, the Lincoln Medical Center has lost one lawsuit and settled another regarding employee benefits which in so far as we can determine are not yet handled in a timely and correct fashion;

WHEREAS, the Lincoln County Board of Commissioners has the ultimate responsibility for the Lincoln Medical Center;

WHEREAS, the Lincoln County Board of Commissioners has the responsibility of the health of the citizens of the county according to G. S. 153A-149 and GS 131E-5;

WHEREAS, the Lincoln County Board of Commissioners cannot adequately address these responsibilities without true, current, and full disclosure;

WHEREAS, the Lincoln Health Systems has never answered the questions submitted to them on June 23, 1999;

BE IT RESOLVED that the Lincoln County Board of Commissioners demand and request a full investigative audit for the FY years 1995 through the present date, to include but not limited to, the EMS, Lincoln Medical Foundation, the YMCA, all medical practices, purchases and operations, all realty transfers, all contracts, all employee benefits and any other information to supply a complete understanding of the operation;

BE IT RESOLVED also that this audit be conducted by a firm not doing or having done audits for Carolinas Medical Systems nor any of its affiliates or by a firm not doing or having done an audit for Lincoln Health Systems or its affiliates;

FURTHER, BE IT RESOLVED that due to the financial condition of Lincoln Health Systems/Lincoln Medical Center that Lincoln County pay for the audit; and that the audit be begun within the next thirty days and completed as expeditiously as possible.

### **Vacancies:**

Commissioner Saine presented the following list of Vacancies:

|  |   |
|--|---|
| Lincoln County Child Protection Team                     | 1 |
| Nursing and Adult Care Home Community Advisory Committee | 4 |
| Gaston Community Action                                  | 1 |

**APPOINTMENTS:**

Library Board

Reappoint: Katharine Price, Kathryn Shidal

Regional Library Board

Reappoint: Katharine Price

Nursing and Adult Home Advisory Committee:

Appoint: Marlene Meyer

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to appoint Marlene Meyer to the Nursing and Adult Home Advisory Committee and reappoint Katharine Price and Kathryn Shidal to the Library Board and reappoint Katharine Price to the Regional Library Board.

**Calendar:**

Chairman Hallman presented the Board's calendar for the month of June, 2000. The Board set the following dates as work sessions: May 23, 24, and 30 and June 1, 2000 at 5:30 PM.

**County Commissioners' Report:**

Commissioner Waters stated that he has been asked the question if the County would be willing to consider a County Cemetery at some point in time. He stated that he would be glad to go talk to the City about it.

Commissioner Brotherton asked Jeff Taylor if he had heard anything on the turn lane at the convenience site at Webbs Chapel.

Jeff Taylor stated that it will be completed by either the end of June or July one.

Commissioner Brotherton stated that Rock Springs School is in the process of a fundraiser for an upper body exercise equipment. He stated that in order to complete the project by the beginning of the school year, they need to order the equipment by the end of this school year. He stated that they are about \$15,000 short.

Commissioner Brotherton made a motion that the Board supply them with a grant of \$15,000 for the upper body exercise building.

Commissioner Gamble stated that this is opening the door for a number of requests.

Chairman Hallman stated that all the other schools will come up hollering that they didn't get theirs.

Commissioner Waters stated that he feels the \$15,000 is too much money.

**Vote: 2 – 3 AYES: Hallman, Brotherton  
NOES: Saine, Waters, Gamble**

**County Manager's Report:** Stan Kiser, County Manager, stated that it has been suggested that the Board put on/off switches on the microphones. He has received an estimate of \$875, or \$125 each.

**A MOTION** by Commissioner Gamble to put the on/off switches on the microphones.

Commissioner Waters stated that he has a problem with getting the on/off switches. He stated that the purpose of the new sound system was to have completely open meetings.

**Vote: 1 – 4 AYES: Gamble  
NOES: Waters, Hallman, Saine, Brotherton**

**Recess: UPON MOTION** by Commissioner Waters, the Board recessed the meeting to May 23, 2000 at 5:30 PM.