

EAST LINCOLN COUNTY WATER & SEWER DISTRICT	MINUTES JUNE 21, 1999
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The Lincoln County Board of County Commissioners met as the governing body of the East Lincoln County Water and Sewer District at the Citizens Center, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. on June 21, 1999. The following were present:

James A. Hallman, Chairman
Terry L. Brotherton, Vice Chairman
Beth H. Saine
John R. Gamble, Jr. – arrived at 7:10 PM
W. J. Waters, Jr.

Jeff Taylor, County Attorney
Stan Kiser, County Manager

Also present were Jack Chandler, Director of Public Service, and Amy S. Long, Clerk to the Board.

CALL TO ORDER

Chairman Hallman called the June 21, 1999 meeting of the East Lincoln County Water and Sewer District Board to order.

ADOPTION OF AGENDA

Chairman Hallman presented the June 21, 1999 agenda of the East Lincoln County Water and Sewer District Board for adoption.

AGENDA

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

JUNE 21, 1999

6:30 PM Call to Order

- 6:30 PM Adoption of Agenda
1. 6:30 PM Approval of Minutes
 - March 15, 1999
 - April 22, 1999
 - May 27, 1999
 2. 6:35 PM Sewer Use Ordinance Amendment #2
 3. 6:40 PM Waterside Crossing Annexation Resolution
 4. 6:50 PM Prospect Hills Phase II
 5. 6:55 PM Sewerline Extension Requests:
 - East Lincoln Industrial Park
 - Orion Builders
 -Adjourn

Chairman Hallman advised that Lucia Baptist Church needed to be added to the agenda.

A motion by Commissioner Waters to approve the agenda with the addition of Lucia Baptist Church.

Unanimously approved.

APPROVAL OF MINUTES – MARCH 15, 1999; APRIL 22, 1999; MAY 27, 1999

Chairman Hallman presented the minutes of the March 15, 1999, April 22, 1999, and May 27, 1999 East Lincoln County Water and Sewer District meetings for approval.

A motion by Commissioner Brotherton to approve the minutes of the March 15, 1999, April 22, 1999, and May 27, 1999 East Lincoln County Water and Sewer District meetings.

Unanimously approved.

SEWER USE ORDINANCE AMENDMENT #2

Jack Chandler, Director of Public Services, presented the following information:

The following is the amendment to the Sewer Use Ordinance that we talked about several weeks ago. It is the intent of this amendment to allow a structure (e.g. press box, field house, or similar structure) associated with a publicly owned outdoor recreation facility, that is not used for more

than 180 days out of the year, to install a septic tank although public sewer may be available as defined herein.

Make the following addition to the first paragraph of section 2.10 (additions shown in **underlined bold italics**).

CONNECTIONS REQUIRED

Except as otherwise provided in this section, from and after March 18, 1997, a direct connection to the public sewer system shall be made pursuant to this Ordinance for (1) all new construction within the boundaries of Lincoln County where public sewer service is available and (2) each malfunction for which a repair permit becomes necessary to repair a private system within the area described in (1). No further permits shall be issued for private sewage systems in the area described in (1) after March 18, 1997. Notwithstanding the foregoing provisions, however, repair permits may be issued and direct connections not required for malfunctions described in (2) if such situations meet the criteria of the Lincoln County Health Sanitarian for the issuance of repair permits. **Direct connections shall not be required for publicly owned and operated outdoor recreation facilities, which are not used more than 180 days per year.**

- (b) The **POTW Director** shall require haulers of industrial waste to obtain wastewater discharge permits. The **POTW Director** may require generators of hauled industrial waste to obtain wastewater discharge permits. The **POTW Director** also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the **POTW Director**. No load may be discharged without prior consent of the **POTW Director**. The **POTW Director** may collect samples of each hauled load to ensure compliance with applicable standards. The **POTW Director** may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. The form shall identify the type of industry, know or suspected waste constituents, and whether any wastes are **RCRA** hazardous wastes.

2.10 Private Sewage Systems

CONNECTIONS REQUIRED

Except as otherwise provided in this section, from and after March 18, 1997, a direct connection to the public sewer system shall be made pursuant to this Ordinance for (1) all new construction within the boundaries of Lincoln County where public sewer service is available and (2) each malfunction for which a repair permit becomes necessary to repair a private system within the area described in (1). No further permits shall be issued for private sewage systems in the area described in (1) after March 18, 1997. Notwithstanding the foregoing provisions, however, repair permits may be issued and direct connections not required for malfunctions described in (2) if

such situations meet the criteria of the Lincoln County Health Sanitarian for the issuance of repair permits.

For purposes of this section, public sewer is “available” where a public sewer line (1) passes within 400 feet of the existing or proposed structure, as the case may be, and (2) either touches the lot on which the existing or proposed structure is located or lies within a right-of-way adjacent to the lot where the structure is located.

Upon connection to a public sewer system, any septic tank, cesspool, or similar private disposal facility, not used for back-up, shall be abandoned and filled with suitable materials.

This Ordinance shall be subject to enforcement by mandatory or prohibitory injunctions and orders of abatement, and violations of this Ordinance shall subject the offender to criminal and/or civil liability as provided in Chapter 153A of the North Carolina General Statutes.

Where a public sanitary sewer is not available under the provisions of section 2.10, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Lincoln County Health Sanitarian. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the County Sanitarian.

A permit for Private sewage disposal system shall not become effective until the instillation is completed to the satisfaction of the Sanitarian. The Sanitarian shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Sanitarian when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Sanitarian.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is not large enough to accommodate both a septic tank, its drainage field, plus a reserve drainage field. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Commissioner Brotherton stated that this refers to publicly owned outdoor recreational facilities. He asked if it would apply to churches. He stated that the Rock Springs Campground is going to build a new concession stand. He stated that there are also churches that have ballfields. He asked if the language could possibly be changed.

Jack Chandler stated that the number of days used could be changed. He stated that he used 180 days because school is usually in session 180 days out of the year.

Jeff Taylor, County Attorney, stated that the Board needs to be careful not to open the door too much.

Chairman Hallman suggested using the term publicly owned or nonprofit outdoor facility.

A motion by Commissioner Brotherton to defer until the September 20, 1999 meeting.

Unanimously approved.

WATERSIDE CROSSING ANNEXATION RESOLUTION

Jack Chandler, Director of Public Services, presented the Board a copy of a revised resolution for the annexation of the Waterside Crossing Development. He stated that one of the deed references was inadvertently left out of the first resolution that was adopted on March 15, 1999.

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

WHEREAS, Waterside Landing Properties, LLC, is the owner of certain real property that is contiguous to the East Lincoln County Water and Sewer District and has petitioned the Lincoln County Board of Commissioners, pursuant to North Carolina General Statute 162A-87.1, for annexation of said real property into the District; and

WHEREAS, Waterside Landing Properties, LLC, is the owner of 100 percent of the real property to be annexed; and

WHEREAS, after notice was duly given in accordance with the pertinent sections of Article 6 of Chapter 162A of the North Carolina General Statutes, the Lincoln County Board of Commissioners held a public hearing on March 15, 1999, to consider the annexation of said real property; and

WHEREAS, a public informational meeting was held prior to said public hearing on January 18, 1999; and

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

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

WHEREAS, the Lincoln County Board of Commissioners finds that the proposed annexation meets the requirements of North Carolina General Statute 162A-87.1; and

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

WHEREAS, the purpose of this resolution is to correct the annexation resolution adopted on the 15th day of March, 1999 which had an incomplete description of the property being annexed into the East Lincoln County Water and Sewer District. This annexation resolution shall supersede the annexation resolution adopted on the 15th day of March 1999;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Lincoln County Board of Commissioners that the real property described in those certain deeds recorded in Deed Book 1018 Page 334, Deed Book 978 Page 192, and Deed Book 1073 Page 0072 in the Lincoln County Public Registry and as shown on the map attached hereto, be and the same is hereby annexed into the East Lincoln County Water and Sewer District, effective at the beginning of the fiscal year on July 1, 1999.

Adopted this _____ day of _____, 1999.

James A. Hallman, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board

A motion by Commissioner Waters to approve the Waterside Crossing Annexation Resolution.

Unanimously approved.

PROSPECT HILLS SUBDIVISION PHASE II

Jack Chandler, Director of Public Services, stated that at the March sewer district meeting, there was a proposal brought before the Board to allow Prospect Hills Subdivision Phase II to extend the sewer lines outside the boundaries of the sewer district and be annexed into the district. He stated that at that time there was some question as to whether the existing sewer lines had enough capacity for the additional lots to be added at the location where the developer wanted to tie into the sewer line. He stated that since that time, the consulting engineers have reviewed the project and have determined that there is enough capacity in that 8 inch line.

A motion by Commissioner Brotherton to approve sewer services to Prospect Hills Subdivision Phase II, as an outside customer, until July 1, 2000, when they will be annexed into the district.

Unanimously approved.

SEWERLINE EXTENSION REQUESTS

Jack Chandler stated that several months ago, East Lincoln Industrial Park came before the Board with a request for water line extension. The action of the Board at that time was to approve the water line extension contingent upon the engineering requirements being met. The consulting engineers have found that the County does not have an adequate water supply at that point on Old Plank Road for this development. He stated that he has talked with the agent for the project concerning improving the system to get adequate flow. He stated that they are also requesting that they be allowed to hook into the gravity sewer line on Old Plank Road. They are proposing approximately 650 feet of gravity sewer line into their development. The sewer line that they are connecting into was constructed using funds for a Community Development Block Grant that was done for Economic Development for Julius Blum. As a condition of the CDBG-ED grant, there is an additional connection fee, which is \$300, fifty percent of which goes back to the Commerce Department. He stated that the developer is requesting permission from the Sewer District to be allowed to connect to the sewer lines. These lines are outside the district, and there has not been any request from the developer for annexation. Mr. Chandler stated that once the sewer lines have been installed, they can be annexed by the Board. He requested that if the Board approves this request, they make it contingent upon consulting engineers approval. Mr. Chandler stated that the Board could approve the request and make the fact that they submit a letter requesting annexation a condition of approval.

Chairman Hallman requested that Jack Chandler go back to the agent and tell him that the Board would probably approve this if they agreed for a voluntary annexation.

A motion by Commissioner Saine to defer until the September meeting.

Jack Chandler stated that Mr. Steve Lappin, of Orion Builders, is requesting that he be allowed to extend, at his cost, the existing low-pressure sewer line on Katherine Drive in the Lake Haven Estates Subdivision, off of NC Highway 16. The East Lincoln County Water and Sewer District currently has low pressure sewer on a portion of Katherine Drive and the existing lines do extend outside the District boundaries for a short distance. Mr. Lappin is also requesting that his twelve lots be annexed into the Sewer District.

If the Sewer District Board allows Mr. Lappin to extend the sewer line to serve his property the permission should be granted with the condition that the extension be approved from an engineering perspective. If the project is approved, then the annexation public hearing can be set at a future date. We need to make sure that the annexation is timed so that it can be effective on July 1, 2000.

A motion by Commissioner Brotherton to approve the sewer line extension for Orion Builders, as shown on the plat, contingent on consulting engineers approval.

Unanimously approved.

Jack Chandler stated that Lucia Baptist Church, which is located on Highway 16 in Gaston County is requesting to connect into the gravity sewer line on Old Plank Road. They are submitting this request with the understanding that they will occur all costs of putting in the sewer lines. This would set a precedence, as we do not have any sewer lines that extend outside the boundaries of Lincoln County.

Commissioner Waters stated that he has a problem providing out of county sewer cheaper than in county.

Chairman Hallman stated that it also uses up the capacity.

A motion by Commissioner Waters to deny the request.

Unanimously approved.

ADJOURN

Commissioner Saine made a motion to adjourn the East Lincoln County Water and Sewer meeting.

Unanimously approved.