

**LINCOLN COUNTY  
BOARD OF COMMISSIONERS****MINUTES  
JULY 19, 1999**

The Lincoln County Board of County Commissioners met in regular session on July 19, 1999 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:00 PM. The following were present:

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

Jeffrey Taylor, County Attorney  
Stan Kiser, County Manager

Also present was Amy S. Long, Clerk to the Board of Commissioners.

**CALL TO ORDER**

Chairman Hallman called the July 19, 1999 meeting to order.

**INVOCATION**

Rev. Mary McKee of First Presbyterian Church gave the Invocation.

**PLEDGE OF ALLEGIANCE****ADOPTION OF THE AGENDA**

Chairman Hallman presented the July 19, 1999 Board of Commissioners agenda for adoption.

**AGENDA****LINCOLN COUNTY BOARD OF COMMISSIONERS****JULY 19, 1999**

6:30 PM      Call to Order  
6:30 PM      Invocation  
6:30 PM      Pledge of Allegiance

1. 6:30 PM Adoption of Agenda
2. 6:35 PM Approval of Minutes
  - June 15, 1999
  - June 21, 1999
  - June 23, 1999
  - July 12, 1999
3. 6:40 PM Consent Agenda
  - Requests for Water Adjustments
  - Water Customers Requesting Late Pay Penalty Removal
  - Citizens Center Fees Waived
    - New Vision Ministries
4. 6:45 PM Public Comments
5. 7:00 PM Oath of Office for Madgalene H. Huffman
6. 7:05 PM Local Area Network Connection to Academy Street – Year 2000 Status – Dante' Patterson
7. 7:30 PM Alexis Acres Public Hearing
8. 7:45 PM Water Projects & Status of Grants – Jack Chandler
9. 8:00 PM Reimbursement of Utility Cost to Denver Volunteer Fire Department
10. 8:05 PM Vacancies
11. 8:10 PM Appointments
12. 8:15 PM Calendar
13. 8:20 PM County Commissioners' Report
14. 8:25 PM County Manager's Report
15. 8:30 PM Other Business
16. 8:35 PM Closed Session – Contractual and Personnel

Recess

Chairman Hallman advised that the following changes needed to be made to the agenda:

Commissioner Brotherton requested that Item 9a – East Lincoln Recreation Center be added to the agenda.

A motion by Commissioner Waters to adopt the agenda as amended.

Unanimously approved.

### **APPROVAL OF MINUTES – JUNE 15, 1999, JUNE 21, 1999, JUNE 23, 1999, JULY 12, 1999**

Chairman Hallman presented the minutes of the June 15, 1999, June 21, 1999, June 23, 1999 and July 12, 1999 Board of Commissioners meetings.

A motion by Commissioner Brotherton to approve the minutes for June 15, 1999, June 21, 1999, June 23, 1999, and July 12, 1999 Board of Commissioners meetings.

Unanimously approved.

### **CONSENT AGENDA**

Chairman Hallman presented the July 19, 1999 Consent Agenda for approval.

#### **Water Adjustments**

#### **Accounts Requesting Adjustment – June 10 – July 9, 1999**

NAME	ACCOUNT #	ADJUSTMENT	NEW TOTAL
Richard Curtis	10227662-00	\$58.59	\$20.00
Joan Finger	9184321-00	\$76.60	\$53.89
Michael Loftin	6160211-01	\$81.34	\$106.74
Steve Maggs	6237051-00	\$80.96	\$72.66
Dr. Kurt Peterson	12241271-01	\$109.28	\$40.00
Kevin Skeen	10232111-00	\$23.24	\$53.82
William Triplett	6144283-00	\$83.92	\$69.41

#### **Water Customers Requesting Late Pay Penalty Removal For the period of July 10 – July 9, 1999**

NAME	ACCOUNT #	ADJUSTMENT	REASON
William Coffey	3017511-00	\$5.00	Late Pay Penalty
David Plunkett	6160281-01	\$5.00	Late Pay Penalty
Jonathan Ray	6148481-00	\$5.00	Late Pay Penalty

#### **Citizens Center Fees Waived - New Vision Ministries**

Commissioner Saine stated that it is her understanding that the Board only does Sponsored Group Status, and does not waive any fees.

Chairman Hallman stated that the Rotary Club gets waived fees, but no other groups receive this. He stated that other groups get Sponsored Group Status. He stated that this would set a precedence.

Commissioner Saine asked about customers requesting late pay penalty removal.

Jack Chandler, Director of Public Service, stated that from time to time there are people who send in a written request, asking that the late payment fee penalty be removed from their bill.

A motion by Commissioner Gamble to deny the adjustments.

Commissioner Gamble motioned that his motion be deferred until the next Regular Meeting.

Unanimously approved.

A motion by Commissioner Saine to deny the requests for late pay penalty removal for the period of June 10, 1999 to July 9, 1999.

Commissioner Brotherton asked for additional documentation in the future.

Unanimously approved.

A motion by Commissioner Waters to give New Vision Ministries Sponsored Group Status only.

Commissioner Brotherton stated that he would like a letter of explanation to go to them, stating that this is not something that is done

Commissioner Saine stated that the dates should also be approved through the appointment coordinator.

Unanimously approved.

## **PUBLIC COMMENTS**

Chairman Hallman advised that this was the time that the Board would receive comments from the public concerning any matter they would like to address.

Sylvia Holmes stated that she is the President of the East Lincoln Betterment Association. She stated that the members of ELBA have asked that she request that the County reinstate the services at the East Lincoln office on Tree Farm Road, whenever that becomes financially feasible or whenever there is sufficient staff. The group felt that it is great that they can still pay utility bills there, and that there is still GIS access there. Ms. Holmes stated that it is putting an undue hardship on the builders in the area. Ms. Holmes stated that she was at last weeks Board of Variances and Appeals meeting, and there was discussion about catching some things before it was too late. She stated that she remembers former Commissioner Wilson made a motion that the County Attorney draw up some kind of a document that the Planning Department would use so that when somebody asks for permission to do an addition, that the people sign off on what they want to do, and maybe be penalized. She stated that she would like to see this revisited.

Chairman Hallman stated that there were a lot of cases at the last meeting where people either didn't understand everything, or their measurements were wrong. There were a lot of variances granted on construction that was underway. He stated that staff is taking precautions to make sure that all future measurements are properly made.

Kelly Atkins stated that he talked to Wayne Godfrey and Richard Smith today about the inspections. They talked about making the applicant sign something and also to give the inspectors an understanding of setbacks are and at what point they are to be measured from. He stated that they may have to do something like Environmental Health did, putting lines up. He stated that they are working on the problem.

Jeff Taylor, County Attorney, stated that Commissioner Wilson mentioned this in context of a penalty or fine for misrepresenting the status of a project or what the intentions were. The ultimate teeth is to make the applicant tear the project down. The General Statutes limits a financial penalty to \$50 per violation of a county ordinance. He stated that this might encourage violations if the maximum penalty was \$50. He stated that it could be stated in bold on the application that the project could be torn down if the rules weren't followed.

Commissioner Waters stated that if the fees were increased, it would be beneficial also.

Linda Johnson asked how many structures had actually been torn down. She stated that this tells you that the County will smack you on the hand and you'll get away with it anyway. She stated that the county is growing by leaps and bounds and it's time that the County take a good, firm hand to some of this.

## **OATH OF OFFICE FOR MADGE HUFFMAN**

Madge Huffman was sworn in by Clerk, Amy S. Long.

I, Madge H. Huffman, do solemnly swear that I will support the Constitution of the United States.

I Madge H. Huffman, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Madge H. Huffman, do solemnly swear that I will well and truly execute the duties of my office as assessor for Lincoln County according to the best of my skill and ability, according to the law; and that I will not allow my actions as assessor to be influenced by personal or political friendships or obligations, so help me God.

A motion by Commissioner Gamble to increase the Tax Administrator's term from a two year term to a four term, starting July 1, 1999.

Unanimously approved.

Chairman Hallman called for a five minute recess.

Chairman Hallman called the meeting back to order.

## **LOCAL AREA NETWORK CONNECTION TO ACADEMY STREET – YEAR 2000 STATUS – DANTE' PATTERSON**

Dante' Patterson presented the following information to the Board.

### **MIS LAN/WAN Connection to Academy Street Year 2000 Status Report – Monday, July 19, 1999**

#### **Purpose:**

- Inform about the potential Y2K router problem
- Discuss testing
- Suggest correction plan and alternative plan for approval
- Establish a contingency plan.

#### **The Problem:**

The Academy Street facility is connected to the County via Wide Area Network (WAN.) The Academy Street to Court House WAN is controlled by series routers which connect the two end networks. Traffic is routed by determining the best path to send data and filter broadcast traffic to the local devices. The network routers between Academy Street and the Court House only accept 2 digit year values. Since many routing functions may have dependency on time/date values, this could potentially affect network operations when the year 2000 rollover occurs.

### **Testing that has been accomplished:**

Preliminary tests identified that the date can be manually changed on one router without affecting network performance. The date change test worked both forward and backward. This test was conducted with limited network traffic and again with regular operation traffic. However the most critical test occurs during a router boot sequence. This is where hardware is most prone to failure.

### **Correction Plan Summary:**

Primary Plan to be performed on Friday, September 3<sup>rd</sup>:

- Backup licensed internal code (two copies per router).
- Down one router and re-initialize with backup code.
- Check for full functionality.
- Manually change date on one router & monitor.
- Perform boot on same router and check.
- Repeat operation with second router.

Should failure occur:

- Down the failing router
- Insert primary internal code diskette & boot
- Check for full functionality.
- Schedule for alternative operation plan for network (i.e. fiber, replacement routers...)

### **Contingency Plan**

Emergency Fiber Optic Solution –

- Advantages – faster network access & permanent connection with no on-going cost.
- Disadvantages – purchase cost regardless of need (\$23,916) & higher overall cost (\$40,000+) vs. planned install (\$35,916).

Replacement Router Solution –

- Advantage – Low start up cost (\$15,000+)
- Disadvantage – on-going line charges (\$191.00 a month per end) & no additional performance for cost.

**Emergency Temporary Router Solution –**

- Advantage – Lowest immediate start up cost (less than \$5,000+) & planned problem resolution
- Disadvantage – East Lincoln Office WAN disabled until problem at Academy is resolved.

Chairman Hallman stated that his personal opinion is to install the fiber optics, and not do it on an emergency basis.

Commissioner Gamble stated that this anticipates the future too.

A motion by Commissioner Gamble to proceed with the contingency plan for \$35,916 to put in fiber optics.

Unanimously approved.

Dante' Patterson stated that the fiber is hung aerial. If someone hits a telephone poll, it will sever cable. He stated that it has been hung to that building since 1989, through Hurricane Hugo, and there haven't been any problems.

**ALEXIS ACRES PUBLIC HEARING**

Stan Kiser, County Manager, stated that staff has figured this two different ways, one using a nominal fee of \$500 for Lawyer fees, totaling \$157,500, which was divided by 46 property owners, coming to the assessment of \$3,423.91 per person. The second way was done adding the two additional lots, which were brought up at the last meeting. He stated that the Board could use either of these, or come up with a different assessment.

Gary Martin stated that both of the two additional lots are benefited by the road. He stated that this road is the only way they can access the property.

Mike Bosworth stated that those two residents have access to the road.

Linda Johnson stated that she and Mr. Hallman had a conversation today about this. She stated that the majority of the legal fees should be absorbed by the county.

Chairman Hallman declared the Public Hearing on Alexis Acres closed.

A motion by Commissioner Waters to accept Exhibit B with the \$3,281.25 per lot assessment with 48 lots.

Unanimously approved.

## **WATER PROJECTS & STATUS OF GRANTS – JACK CHANDLER**

Jack Chandler, Director of Public Service, gave a brief overview of the status of the grant applications that Lincoln County and the East Lincoln Sewer District made. He stated that 3 separate grant applications were submitted, one was for improvements to the water system, one was for improvements to the Hoyle's Creek Sewer Plant, and the third was for the East Lincoln Sewer District. The one for improvements to the Hoyle's Creek Sewer Plant was not approved, the application for the East Lincoln Sewer District to provide standby generators at the 13 wastewater pump stations and at the Forney Creek Wastewater Treatment Plant was not approved. The grant for the County operated water system had four components, only one of which was approved – the relocation of the West Lincoln Booster Pump Station. He stated that there is a second round of grant applications, all applications in the first round that were not awarded grants, will be rolled over into round two. He stated that the application deadline for the second round is September 30, 1999. He stated that there was about \$100 million available for these grants in round one, and there was over \$400 million worth of applications. There was a tremendous response.

Commissioner Brotherton stated that most of the grants were given to the eastern North Carolina.

Commissioner Gamble stated that he feels the Board should write Joe Kiser and other elected representatives a letter and ask him why Lincoln County fared so badly, asking them for a response.

Chairman Hallman asked Jack Chandler to get with Clerk, Amy Long and write this letter to the Representatives.

## **REIMBURSEMENT OF UTILITY COST TO DENVER VOLUNTEER FIRE DEPARTMENT**

Stan Kiser, County Manager, stated that the Denver Volunteer Fire Department is requesting the county absorb the cost of the water availability fees. The Board of Commissioners approved the absorption of this cost for the South Fork Volunteer Fire Department at the April 5, 1999 meeting.

A motion by Commissioner Saine to absorb the \$375.00 availability fee for Denver Volunteer Fire Department.

Unanimously approved.

## **RECREATION CENTER**

Commissioner Brotherton stated that it has been an on-going project of his for about 2 years with the building of a multi-purpose recreation center in East Lincoln County. Presently there is \$150,000 in this year's budget and \$50,000 from a State grant last year, a \$100,000 commitment from the East Lincoln Optimist Club, \$50,000 from previous budgets, and \$10,000 from timber sales. This leaves about \$360,000 on hand. This has kind of been dead for a few months, because they have been waiting on hearing from the State on a matching grant. The State awarded those grants, which were not favorable to Lincoln County. Commissioner Brotherton stated that last Friday, he had a conversation with Leon about borrowing \$300,000 for a short term 5 or 6 years, with a payback of \$35,000 to \$45,000 per year. He stated that Leon Harmon feels like this is a sound, feasible move. He asked the Board for support for securing a loan in the amount of \$300,000 and secondly securing an architect to draw the plans.

Commissioner Brotherton stated that there is some money in the budget for an option on some property in West Lincoln. He stated that the Board would discuss this in Closed Session since the property owners name has not been released.

Commissioner Brotherton asked for the Board's approval to allow he and Commissioner Waters to choose an Architectural Firm and support securing a loan for \$300,000.

A motion by Commissioner Brotherton to proceed with securing an architect and exploring financing.

Unanimously approved.

Commissioner Saine presented the following vacancies, appointments and reappointments.

## **VACANCIES**

Lincoln County Council on Aging	2
Alternate Board of Appeals	2
Lincoln County Child Protection Team	1
Nursing and Adult Care Home Community Advisory Committee	5
Library Board – Howard's Creek Township	1

## **APPOINTMENTS**

Gaston-Lincoln-Cleveland Mental Health

- John McKey
- W. J. Waters, Jr.

**REAPPOINTMENTS**

Gaston-Lincoln-Cleveland Mental Health

- Liz Dreesen
- Wayne Lowe
- Rebecca Pomeroy

A motion by Commissioner Saine to approve the above appointments and reappointments.

Unanimously approved.

**CALENDAR**

Chairman Hallman presented the calendar for August 1999.

**COUNTY COMMISSIONERS' REPORT**

Commissioner Gamble stated that he and Commissioner Waters attended the Centralina meeting last week in Gastonia.

Commissioner Waters stated that Centralina's main project is a joint effort to take care of the planned development of the 5 main corridors leading into Charlotte.

**COUNTY MANAGER'S REPORT**

Stan Kiser, County Manager, presented pictures to the Board of the parking lot. He stated that someone who was renting the Citizens Center drilled holes in the parking lot to put up a tent. He stated that he stopped this, but believes that the Board should start making people post a security bond in order to use the facility.

He stated that he met with the Register of Deeds today to talk about her concerns for space in the Register of Deeds office. She is currently at her limit for places to store items. There are two places in the county right within the downtown area. One is in the Bank of America building which is roughly 2500 square feet. The cost will be between \$1100 and \$2200 per month. There is a store open on Main Street that is 3000 square feet that is \$1500 per month. With this building, fiber optic cable would have to be run down the street.

Chairman Hallman stated that there is a congestion of people trying to do work, and citizens trying to get their work done. He stated that there are a lot of disadvantages to the situation.

Elaine Harmon stated that when she first approached NationsBank about leasing the fee for renting the suite of offices, which has a vault and four offices, with a large open area, was \$1100. The fee went up close to \$2200 per month after there were the discussions of buying the building.

## **OTHER BUSINESS**

Stan Kiser, County Manager, presented the following Proclamation for the Boards approval.

### **PROCLAMATION**

#### **EIGHTY-FIFTH ANNIVERSARY of the NORTH CAROLINA COOPERATIVE EXTENSION SERVICE 1999**

**WHEREAS**, eighty five years ago, the North Carolina Cooperative Extension Service was established as a partnership of county, state and federal governments; and

**WHEREAS**, the essence of the North Carolina Cooperative Extension Service has long been to help people put knowledge to work so that they can improve their lives, and

**WHEREAS**, Extension has been a supportive partner of other county programs, including but not limited to social services and natural resources, and

**WHEREAS**, throughout its history, Extension has focused on providing people with educational programs that meet their needs, providing decision-makers with objective information and providing the framework for successful individuals, families and communities, and

**WHEREAS**, Extension takes the research of North Carolina's two land-grant institutions – North Carolina State University and North Carolina A&T State University - and develops educational resources based upon the needs of North Carolinians; and

**WHEREAS**, Extension centers are located in all 100 counties and on the Cherokee Reservation.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS** of the county of Lincoln, North Carolina do hereby proclaim August 27, 1999 as "EXTENSION HERITAGE DAY" in Lincoln County, and urges all county citizens to use, visit and support their local Extension Service, and encourages all North Carolinians to join us in celebration of this anniversary. Let us honor with appropriate activities and ceremonies those who have served us and let us remember this great heritage.

Adopted this 19<sup>th</sup> day of July, 1999 in Lincoln County, North Carolina.

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James A. Hallman, Chairman

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Terry L. Brotherton, Vice Chairman

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Beth H. Saine, Commissioner

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Dr. John Gamble, Jr., Commissioner

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W.J. Waters, Jr., Commissioner

A motion by Commissioner Brotherton to approve the Proclamation for the Eighty-fifth Anniversary of the North Carolina Cooperative Extension Service.

Unanimously approved.

#### **CLOSED SESSION – CONTRACTUAL AND PERSONNEL**

A motion by Commissioner Gamble to go into Closed Session for the following purposes pursuant to N. C. G. S. 143-318.11:

(5) To establish, or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Unanimously approved.

#### **OTHER BUSINESS**

Commissioner Gamble stated that the Commissioners' Room needs another speaker.

Chairman Hallman asked the County Manager to see about getting another speaker for the Commissioners' Room.

**RECESS**

A motion by Commissioner Brotherton to recess the meeting until July 20, 1999 at 6:30 PM.

Commissioner Gamble advised that he would not be at the meeting on July 20, 1999.

Unanimously approved.