

<b>LINCOLN COUNTY BOARD OF COMMISSIONERS</b>	<b>MINUTES MARCH 17, 1997</b>
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The Lincoln County Board of County Commissioners met in regular session on March 17, 1997 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:

Louis E. McConnell, Chairman  
James A. Hallman, Vice Chairman  
Terry L. Brotherton  
Larry S. Craig  
Beth H. Saine

Don Pendleton, County Attorney  
Jeffrey Taylor, Assistant County Attorney  
Richard French, County Manager

Also present was Rebecca B. Shoupe, Clerk to the Board of Commissioners.

### **CALL TO ORDER**

Chairman McConnell called the March 17, 1997 meeting to order.

### **INVOCATION**

Rev. John Duncan, pastor of Holy Cross Lutheran Church, was not present to give invocation.

Chairman McConnell gave the invocation.

### **ADOPTION OF THE AGENDA**

Chairman McConnell presented the Agenda for the March 17, 1997 Board of Commissioners meeting.

**AGENDA  
BOARD OF COUNTY COMMISSIONERS  
LINCOLN COUNTY, NORTH CAROLINA  
MARCH 17, 1997**

- |            |  |
|------------|--|
| 7:00 PM    | Call to Order  |
| 7:00 PM    | Invocation--Rev. John Duncan, Holy Cross Lutheran Church |
| 7:00 PM    | Adoption of the Agenda                                   |
| 1. 7:00 PM | Approval of Minutes                                      |

February 17, 1997 Regular Meeting  
March 3, 1997 Public Hearing

2. 7:00 PM Consent Agenda  
Request for Sponsored Group Status  
Carolina Cross Connection  
Tax Request for Releases  
Less Than \$100 -- Jan. 2 - 31, 1997  
More Than \$100 -- Jan. 2 - 31, 1997  
Tax Request for Refunds  
Less Than \$100 -- Feb. 1-28, 1997  
More Than \$100 -- Feb. 1-28, 1997  
Request for Utility Adjustments--Feb. 10, - March 10, 1997  
Budget Adjustment No. 57  
Budget Adjustment No. 62  
Budget Adjustment No. 63
3. 7:05 PM Recommendation from Planning Board  
Conditional Use Permit No. 99--Jack Garrison, Applicant
4. 7:10 PM Proclamation for Celebrate Literacy Week--April 13-18, 1997
5. 7:15 PM Public Comments  
Al Smith  
Edgar Wilhelm
6. 7:20 PM Water Interconnect for High Shoals--Mayor Tim Conner
7. 7:30 PM Annual Report--Chamber of Commerce--Patsy Black, Chair
8. 7:50 PM Annual Report--Community Advisory Committee--Debi Lee
9. 8:05 PM Annual Report--Building and Land Development--Jeff  
Vernon
10. 8:15 PM Presentation of Animal Shelter Plan
11. 8:20 PM Personal Watercraft Ordinance Amendments--Lake Norman  
Marine Commission--Anthony Roberts
12. 8:25 PM Resolution Establishing April 12 as Rev. Gaither Shrum Day  
in Lincoln County
13. 8:30 PM Resolution Providing for the Issuance of \$3,100,000  
General Obligation School Bonds, Series 1997

14. 8:35 PM Legislative Goals
15. 8:40 PM Establishing East Lincoln Sewer Capital Project Ordinance
16. 8:45 PM Vacancies  
Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)  
Centralina Workforce Development Board (1)  
321 Corridor Study Committee (9)
17. 8:50 PM Appointments
18. 8:50 PM Calendar
19. 8:55 PM County Commissioners' Report  
Governor Awards  
Resolution and Ordinance of the Craven County Board  
of Commissioners regarding a Moratorium on  
Intensive Livestock Operations  
Invitation to Health Department
20. 9:00 PM County Manager's Report
21. Closed Session-Contractual  
  
Adjourn

**NOTE: The 7:30 p.m. Public Hearing on Addressing and Road Naming Ordinance Amendments has been cancelled and will be scheduled at a later date.**

Please note the Board of Commissioners will meet with John House of David M. Griffith & Associates on March 24, 1997 at 6:30 p.m. The Board of Commissioners will also meet jointly with the Planning Board on April 7, 1997 at 6:30 p.m. The purpose of the meeting will be to hold zoning public hearings. The Board of Variances and Appeals will also meet on April 7, 1997 at 7:30 p.m.

Commissioner James Hallman motioned to adopt the agenda for the March 17, 1997 meeting.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

## **APPROVAL OF MINUTES**

Chairman McConnell presented the minutes of the February 17, 1997 Regular Meeting and March 3, 1997 public hearing for approval.

Commissioner Larry Craig motioned that the minutes of February 17, 1997 Regular Meeting and March 3, 1997 public hearing be approved.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

## **CONSENT AGENDA**

Chairman McConnell presented the Consent Agenda of March 17, 1997 for approval.

Consent Agenda

### **Request for Sponsored Group Status**

Carolina Cross Connection

Carolina Cross Connection request sponsored group status for the use of the Citizen Center.

### **Tax Request for Releases**

Less Than \$100 -- Jan. 2 - 31, 1997

#### **RELEASES LESS THAN \$100**

Brady, Skip	1996	0115806	77.55
Broome, Willie Jr.	1990-96	35913	243.61
Bynum, James Presley Jr.	1996	0110422	69.00
Caldwell, Veronica Haney	1996	0072860	82.18
Campbell, Helen Cline	1996	0079380	69.00
Canipe, Mrs. Alvin Z. Heirs	1996	01496	69.00
Carnefix, Yvonne Gail	1995	37792	77.56
Clary, Marshall	1996	0115643	57.77
Edmundson, Dorothy L.	1996	0110992	30.12
Eudy, Gary S.	1996	0115493	2.94
Foster, Virginia G.	1996	00854	4.00
Fox, Donna	1995	0096812	27.73
Gilbert, Judy	1996	0111116	46.45
Grigg, Ruby M.	1996	0111117	24.81
Hamilton National Leasing	1996	0117720	46.53
Hilton, Paul E.	1994/95	15536	38.63
Ingram, Daphne Anderson	1995/96	30722	4.26
Lawing, Patricia Ann	1996	15318	1.94
Lewis, Timothy Howard	1996	0072744	69.00
Lovelace, Ronald Dean	1996	0095260	19.89
Lukes, Dave	1996	0115766	65.83
Lund, Dennis	1996	0115782	73.67

Mackey, Ottis Wayne	1996	0115508	42.66
Mauney, Donald M.	1996	16219	69.00
Melius, Walter R.	1996	29631	82.52
Moretz, Thomas	1996	41474	69.00
Morris, Clarsie Jane M.	1996	0081086	69.00
Mosteller, Mrs. David (Heirs of)	1995	16890	25.74
Norman, Jerry & Dana	1993-96	10656	234.00
Osborne, Howard	1992	10871	41.14
Ray, Phillip Andrew	1996	38351	6.84
Rudisill, James Edward	1996	15799	69.00
Saine, George E. II	1996	0110876	15.22
Scronce, Clarence Glenn & Doris	1996	14891	1.96
Sherrill, Patsy	1996	09059	69.00
Story, Jerry Darrell & Janice	1996	38400	69.00
Thomas, John P.	1996	39159	45.57
Trout, Alice Irene	1996	21562	13.69
Walton, Starla	1996	0115882	95.69
Ward, Mark	1992	41312	15.71

#### RELEASES LESS THAN \$100 -- MOTOR VEHICLES

Adams, James Kevin	1995	0107584	\$	1.22
Adams, Paul Douglas	1996	30810		79.41
Agner, Terry Wayne	1996	05297		
11.17				
Alexander, Harvey John	1996	0068237		37.23
Anker, George Herbert	1995	0089956		7.60
Baxter, W. Gene	1996	00395		56.30
Begue, Justin Ian	1996	0112582		2.26
Bess, Leah Paige Rice	1996	0082178		50.44
Bridges, Kelly Marie	1994	0093561		14.77
Bryant, Ada B.	1996	07446		35.93
Burgess, Timmy	1993	0078071		24.25
Burris, Risdan F. & Leila K.	1996	07755		1.12
Byers, James Lee	1994	0089211		8.82
Caldwell, Ned	1996	0060196		4.51
Callahan, Teresa E.	1996	0118670		8.55
Carmona, Julian Daniel	1996	0119477		15.16
Carolina Cross Connection	1996	0074605		4.10
Childers, Robert N. & Margaret	1996	04814		4.90
Cobb, Paulette Alexander	1996	0076540		16.17
Craig, Larry Steve	1996	0092913		65.52
Crunes, Carlos C.	1996	31408		30.13
Dellinger, Dariel Gray Jr.	1996	0073193		24.83
Dellinger, Donna Howard	1996	0079363		58.97
Dellinger, Thomas Eugene	1996	0066679		51.78
Dodson, William E.	1996	01927		1.81
Drake, Herbert Miller	1996	0112076		11.33
Edwards, Mary Miller	1996	0071411		9.09
Folwell, Keith Andrew	1996	0107725		12.04
Fox, Chris Anthony	1996	0111499		33.74
Frye, Eric D. & Reba C.	1995	19079		36.18
Gantt, Eddie Harold	1995	0069184		11.91
Garlow, Christopher Moore	1996	0090986		55.41

Gilleland, Rodney Dwayne	1995	0067136	18.46
GMAC	1995	0118222	90.25
Grier, George W. III & Rebecca	1996	13861	76.08
Habashi, Maher Fahim	1996	010752	130.50
Hall, Sandra Dee	1996	0119453	60.38
Hallman, J. L.	1996	0080036	29.97
Hare Home Improvement	1996	0120034	12.05
Harris, Richard H. Jr. & Teresa C	1995	14193	12.62
Houser, Janice Whitener	1996	0079718	11.96
Houser, Penny Welch	1996	0081173	5.43
Hoyle, Bradley Dean	1996	0079883	10.31
Hoyle, Howard Wayne	1995	0089628	10.18
Hudson, Sandy Lee	1996	0078853	38.50
Jarrett, Larry Ted	1996	0076663	35.55
Jericho	1996	0095553	7.23
JMT Interprises Inc.	1994	0098292	75.00
Johnson, Kirkland L.	1996	36972	8.57
Johnson, Tina Houser Marie	1996	0109157	20.22
King, Tammy Ann	1996	0118677	28.19
Lankford, Eric William	1996	0098026	16.86
Leatherman, Steve	1995	04405	29.59
Legg, Scott Alan	1995	0093073	3.99
Lester, Jonathan Wayne	1996	0087644	54.09
Lewis, Joyce Lowe	1996	0072131	10.62
Little, Gloria Fair	1996	0113734	12.28
Martin, Tress Smith	1996	0118638	85.07
McClain, Michael Randy	1995	0070505	30.39
McCray, Gary Robert & Susan R.	1995	35348	59.85
McCumber, Philip Regan	1995	0074765	68.58
McMorris, James Michael	1995	0086835	33.68
McRee, Vivian Theresa	1996	0074072	72.95
Montero, Claudio	1995	0113710	12.56
Mosteller, Tracy Lynn	1996	31453	56.60
Murray, C. J.	1996	0119381	53.94
Newton, Avery Lee & Glenda	1996	10532	42.78
Nicholson, Melanie Apgar	1996	0109855	15.40
Owens, Mitzi T.	1995	0108918	65.08
Oxentine, Emma Janette	1996	0119492	12.66
Padgett, Gene Rae	1995	0118221	24.04
Petroleum Maintenance Service	1995	0078298	23.47
Poguette, Gereon E. & Barbara D.	1996	20268	58.80
Price, Sidney Ray	1996	0102375	8.53
Quesada, Jorge Luis	1994/95	0099098	19.53
Rathbone, Ronnie Delmar	1995	0069147	21.19
Reel, Leroy Neal	1996	0068323	34.58
Reid, Donald R.	1995	0110886	92.64
Reinhardt, Dorothy Ann	1995	0071167	33.45
Rhyne, Richard Dean	1996	0119551	60.37
Riffe, Jesse Junior	1996	0102347	20.73
Ringler, Clay B. & Barbara	1996	09442	52.18
Robinson, Mark Mitchell	1996	0093244	33.89
Ross, James Keith	1996	0104897	29.02
RS&M Appraisal Services Inc.	1996	0119577	68.54
Sanders, James A.	1996	19055	15.58

Schrum, James Alfred	1996	0080943	32.26
Sechrist, Kirby Dale	1996	0067943	43.23
Sherrill, Jay Franklin Sr.	1996	0081100	2.80
Smith, Rosa Mae	1995	0080562	36.58
Soto, Peggy Cline	1996	0114323	74.68
Stanley, Barry Gene	1996	0093286	30.22
Stephens, Gary Mack	1996	43717	11.84
Stroupe, Edward Ray	1996	0111121	9.00
Stroup, Lisa Baxter	1996	0098560	22.10
Tate, Jerry Keith Jr.	1995	0089238	74.28
Thompson, Johnsie Hamilton	1995	0100202	14.70
Thompson, Robin Michelle	1993	0089014	26.04
Timdon, Inc.	1996	0086240	36.33
Timmons, Jack Gilbert	1996	0069583	12.81
Tolbert, Timothy Lee	1995/96	0090703	65.13
Trapp, Mark Alan	1995	0090288	6.98
Uribe, Recardo Valera	1996	0117646	15.49
Ward, Mark Anthony	1995/96	0071471	43.70
Welch, Richard Lee	1996	0102395	52.78
Wells, Edwin Roger	1996	0119497	85.80
Werth, Leslie Allen Jr.	1996	0079906	35.79
White, Heman H. & Helen F.	1996	45983	17.37
Willis, Charity King	1995	0094282	10.79
Willis, J. C.	1996	0064826	14.97
Wilson, Walter Lee	1995	0090372	50.47
Wilson, Yolanda Mechell	1996	0089078	38.68
Woodard, Betty Sizemore	1994	0073016	2.40
Woodruff, Michael Junior	1996	0118358	3.62
Wyatt, Daniel Lee	1996	0119552	12.13
Yoder, Charles Alfred & Linda	1996	15903	11.60

More Than \$100 -- Jan. 2 - 31, 1997

#### RELEASES MORE THAN \$100 -- MOTOR VEHICLES

Bailey, Jeanne Weaver	1996	0119627	\$ 169.06
Beard, Ronald Wayne	1996	0117984	119.05
Boulany, Bay	1996	0094953	110.74
Bradley, Peggy Fowler	1995	0111553	113.68
Caughey, Donald Howard	1996	0119651	139.06
Cobb, Dana Canipe	1996	0119637	189.79
Congregation of our Lady Help	1996	0081840	113.94
Dellinger, David Holloway	1996	0066933	208.47
Dunn, Wayne Thomas	1996	0119648	150.03
Eagle, Jennifer Ann	1995	0118216	138.82
Epley, Misty Lese	1995	0118187	137.98
First Baptist Church	1996	0074499	166.78
Gails Food Factory	1996	0112030	129.35
Gilbert, Timothy Lloyd	1996	0117982	183.52
Grant, Randy Dale	1995	0076436	102.10
Hawkins, Robin Bost	1995	0118247	144.96
Heafner, Jeffery Leland	1996	0117544	105.16
Hester, Bobby Eugene	1996	0079213	171.83

Horne Land & Timber Co. C W	1995	0118198	656.85
Ingle, Kevin Wayne	1996	0086831	102.13
Isenhour, Lydia Kay	1995	0118185	153.04
Johnson, Judith Dellinger	1996	0119631	264.02
Keneda, Gorden T.	1996	0107662	137.82
Ledford, Charles Edward	1996	0065012	171.11
Ledford, Steven Lloyd	1996	0119589	133.27
Marshall, Sherry Walker	1996	0118872	125.08
Mauney, Phillip R.	1996	48632	148.09
McCormick, James Dennis	1996	0118657	123.75
McCoy, Etta Jennett	1995	0116467	131.24
Morrow, Keith Curtis	1996	0119664	165.21
North Brook Leather	1996	25700	179.22
O'Daniel, Richard Dean	1996	0118594	147.50
Plemmons, Danny Edward	1996	0098699	157.11
Pollock, Jimmy Van	1996	0101776	150.03
Rhodes, James Richard	1996	0100585	106.31
Rogers, Stacey Ray	1996	0116517	105.26
Schenck, Lillie Foster	1993	0101255	101.98
Setzer, Jason Warren	1996	0119662	139.29
Thompson, Randy Lee	1996	0113991	158.82
VT Inc. As Tstee World Omni LT	1996	0085238	617.22
Wall, Joey	1995	0108081	101.99
Williams, Frances Bell	1996	0118231	106.40

#### RELEASES MORE THAN \$100

Beaver, Mike L. & Vickie	1996	12396	207.00
Blair, James Otis & Kathleen G.	1995/96	39292	533.78
Denver Motor Mart Inc.	1989-95	37304	1669.08
Holter, Terry Dean	1996	0110965	141.94
Leal, Martha Beatriz	1995/96	0090082	306.06
Turbyfill, Helen Lawing & Darris	1996	39821	995.61
Wehunt, J. C. & Sons	1996	26313	129.27

#### Tax Request for Refunds

Less Than \$100 -- Feb. 1-28, 1997

#### Annals Under \$100.00

Barber, Nelta W.	1996	05728	\$32.91
Beam, Earl & Frances W.	1995	00460	11.73
Beaver, Larry D. & Michelle	1996	02285	8.84
Black, Charles C. Jr.	1993	18657	1.86
Black, Charles C. Jr.	1994	18657	2.05
Black, Charles C. Jr.	1995	18657	2.12
Black, Charles C. Jr.	1996	18657	2.12
Bowers, Larry W. & Rita	1996	12739	1.61
Bynum, George R.	1996	19968	2.17
Bynum, George R.	1995	19968	1.98
Cooke, Carroll & Barbara	1996	21888	3.56



Costner, Gregory Scott	1996	37816	2.23
Country Lane M/H Park	1996	0105821	475.51
Deloach, Victor & Deana	1996	31664	2.07
Helton, Olie James	1996	17837	45.31
Hubbard, James Robert	1996	0088008	8.27
Huskins, Michael	1996	0115676	6.55
Ingle, Bob H. & Linda	1996	07192	4.01
Kennedy, Dwight & Barbara	1996	14534	17.19
Lail, Jimmy & Doris	1996	09882	14.76
Padgett, Nancy Jo	1997	0120091	35.30
Reid, Charles	1996	0115420	9.42
Reinhardt, Jacob A. Heirs	1996	08582	2.76
Ross, James L. & Barnice	1996	15570	17.19
Seaman, Salie W.	1996	0067881	7.63
Tate, Steven G. - Trustee	1995	40301	44.82
Von Connor, Fred L.	1995	0116380	24.96
Walker, David C.	1996	03629	2.67
Walker, Rocky Earl & Linda	1992	21703	13.87
Walker, Rocky Earl & Linda	1993	21703	13.87
Walker, Rocky Earl & Linda	1994	21703	14.33
Walker, Rocky Earl & Linda	1995	21703	27.75

MOTOR VEHICLES Less Than \$100.00

Beal, Jr. Charles E.	1995	0062941	\$14.05
Beckham, Ted L.	1996	0075801	11.76
Ben's Tire Co.	1996	0118441	21.13
Black, Jr. John F. & Deborah	1996	0100273	19.29
Boyles, Barry Jan	1996	0077848	2.14
Bumgarner, Henry A. & Lou Ann	1996	07548	2.43
Cooke, Donna L.	1996	0093506	12.58
Elliott, David A.	1996	0109942	1.25
Engbarth, John L.	1996	0110394	4.52
Featherstone, Randy D. & Tana	1996	0077578	1.88
Fletcher, Daphne	1996	0085556	20.25
Ford Motor Credit Co.	1996	0109198	9.09
Franklin, Laura C.	1995	0081762	28.12
Friday, Jeffrey Lamar	1996	0091993	3.34
Gantt, Walter & Nancy	1996	03794	78.21
Gates, James Terry	1996	0080958	1.45
Geerken, Eric Charles	1996	0118226	13.26
Gunter, Donna V.	1996	0080475	7.36
Hager, Stephen & Tracy	1996	13955	1.33
Helton, Joey Lynn	1996	0086635	17.82
Holland, William M.	1996	0078331	3.35
Huffman, Alean Costner	1996	0082184	21.44

Huss, Randy K.	1996	0075922	6.10
Jordan, Raymond M.	1994	0105060	23.80
Lindsey, Janice Bennett	1995	0090052	9.67
Loebs, Eugene F.	1996	0112045	10.88
Long, Donald Trent	1996	0089730	16.96
Macleod, Bradley S.	1996	0108030	5.43
Matney, Patrick H.	1996	0104398	12.07
Matthews, Bruce Ryan	1996	0070406	3.25
McLean, Alfonzo Jr.	1996	0080976	7.27
Newton, Steve G. & Rita	1996	13305	1.33
Newton, Steve G. & Rita	1996	13305	2.85
Nicol, Ruby B.	1996	0095337	52.33
Nicol, Stephen L.	1996	0111997	12.88
Nielson, John S. & Deborah A.	1996	0113784	1.36
Nolan, Kara Lantrey	1995	0066872	7.42
Parsons, William V. & Jacque.	1996	19763	1.00
Pendleton, Benj Gene	1995	0081341	33.86
Powell, Mark Carl	1996	0075743	2.71
Reeder, Alton A. Jr.	1996	0117903	9.34
Reep, Betty B.	1996	31021	3.55
Reinhardt, Jennifer Nicole	1995	0114016	62.08
Rhyne, Billy D.	1996	0068769	18.40
Sain, Earl Loy	1996	0081821	1.00
Sanderson, Jerry L. & Rebecca	1995	0081151	18.84
Sanford, Carol Caldwell	1996	0080674	1.06
Saunders, Dwight G. & Betty S.	1996	13851	3.99
Sherrill, Teresa D.	1996	0073977	12.59
Shuford, Marshall B. Heirs of	1996	09273	8.13
Smith, Michael E. & Linda B.	1996	0070473	13.50
Talbot, Jerry W. & Brenda	1996	08290	21.41
Tate, Steven J.	1995	0075975	5.18
Wilson, Linda Kay	1995	0082028	56.83
Woods, Dana Elisa	1996	22038	1.02
Zientek, Diane B.	1996	0106070	8.42

More Than \$100 -- Feb. 1-28, 1997

Annuals More Than \$100.00

Baxter, Brodis C.	1996	05884	\$129.89
Gantt, Robert A. & Judith	1995	06842	192.03
Heafner, William L. & Debra	1996	42110	748.41
Hemenway, Geoffrey C.	1996	0064407	211.50
Towery, Charles & Barbara	1996	01475	168.51

#### MOTOR VEHICLES More Than \$100.00

Centura Bank	1995	0091680	\$258.11
Centura Bank	1996	0091680	231.72
Heafner, William L.	1995	0062486	187.38
First Union National Bank	1996	0117675	266.91
Hollifield, Yates W.	1995	0104731	105.98
Mazda American Credit	1996	0116791	318.00
Ward William E.	1996	0094059	109.54

#### Request for Utility Adjustments--Feb. 10, - March 10, 1997

<u>Name</u>	<u>Account No.</u>	<u>Amount</u>
Allen, Jim	6115521 00	\$ 196.02
Allran, Richard	1006041 00	1,411.77
Ballard, Betty	5085124 04	438.63
Benson, Warren	6118361 00	78.39
Birkens, Margherita	10230041 00	113.09
Childers, Paul D. Jr.	2036491 00	135.98
Denver Insurance	6100781 00	40.32
First Assembly of God	8161991 00	49.29
Harrison, Brian	6102301 00	170.26
Huffman, Dustin	6114285 04	68.07
Kimbrell, Perry	4041261 00	88.30
Simpson, Diane	6113801 00	193.63
Wilson, Wade	10221711 01	112.14

#### Budget Adjustment No. 57

Budget Adjustment No. 57 in the amount of \$3,100,000 is to allocate funds from March 1997 School Board sale and reallocate existing funds for various school projects, per schools request.

#### Budget Adjustment No. 62

Budget Adjustment No. 62 in the amount of \$193.00 is State Division of Aging grant for Senior Center Outreach more than projected.

#### Budget Adjustment No. 63

Budget Adjustment No. 63 in the amount of \$2,000.00 is to cover animal adoptions.

Commissioner James Hallman motioned that the Consent Agenda for March 17, 1997 be approved.

Seconded by Commissioner Larry Craig.  
Unanimously approved.

**RECOMMENDATION FROM PLANNING BOARD  
CONDITIONAL USE PERMIT NO. 99--JACK GARRISON, APPLICANT**

Julie Mosteller, Zoning Administrator, presented the Planning Board's March 3, 1997 recommendation on Conditional Use Permit No. 99--Jack Garrison, Applicant.

Recommendation from Planning Board is approval of Conditional Use Permit No. 99--Jack Garrison, Applicant with the following conditions:

1. The accessory building not be rented
2. Screening be placed along the rear property line behind the accessory building for a distance of 156' centered on the building. The screening should consist of evergreens and would meet the requirements of screening for a mobile home park.

Chairman McConnell present the findings of fact.

**RECOMMENDATION ON FINDINGS OF FACT  
FOR A CONDITIONAL USE PERMIT**

**LINCOLN COUNTY, NORTH CAROLINA**

Application Number: CUP-# 99                      Date: March 17, 1997

Applicant's Name: Jack R. Garrison  
Address: 3226 Philadelphia Church Road  
Lincolnton, NC 28092

Property Owner's Name: Same as above.  
Address:

Property Location: Jaclyn Lane off of Salem Church Road  
Map 3641 02 47 8442

Existing Zoning: R-S

Proposed Conditional Use: Apartment Complex

**FINDINGS OF FACT**

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.    Yes X No     
Motioned by Commissioner Larry Craig.  
Seconded by Commissioner James Hallman.

Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

Vote: Unanimous.

2. The use meets all required conditions and specifications. Yes X No

Motioned by Commissioner Larry Craig.

Seconded by Commissioner James Hallman.

Factual Reasons Cited: The use meets all required conditions and specifications.

Vote: Unanimous.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No

Motioned by Commissioner Larry Craig.

Seconded by Commissioner Beth Saine.

Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

Vote: Unanimous.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. Yes X No

Motioned by Commissioner Larry Craig.

Seconded by Commissioner Beth Saine.

Factual Reason Cited: The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Larry Craig motioned that the Conditional Use Permit be approved with the one "fair and reasonable conditions" attached. Seconded by Commissioner McConnell.

Vote: Unanimous.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1. The accessory building not be rented.
- 2.

March 17, 1997

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Chairman  
Lincoln County Board of Commissioners

March 17, 1997

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Clerk to Board of Commissioners

**PROCLAMATION FOR CELEBRATE LITERACY WEEK--APRIL 13-18, 1997**

Dr. Sandi Lee, Assistant Superintendent for Curriculum and Instruction, distributed information regarding Celebrate Literacy Week--April 13-18, 1997. Dr. Lee stated that on Sunday, April 13, the Lincoln Cultural Center will sponsor the Celebrate Literacy Week Kick-off from 3:00 p.m. to 6:00 p.m. This event will be a community celebration that will be open to the public.

Dr. Lee read the following Proclamation "Celebrate Literacy Week":

**CELEBRATE LITERACY WEEK**

**PROCLAMATION**

**WHEREAS**, the Board of County Commissioners of Lincoln County recognizes that one of the most basic skills children must have to succeed in school is the ability to read, and

**WHEREAS**, reading is the key to all other subjects in school and the most basic of life skills, and

**WHEREAS**, research shows that children who read more tend to score higher in their academic subjects, and

**WHEREAS**, the Board of County Commissioners of Lincoln County is committed to increasing reading achievement in the Lincoln County Schools, and

**WHEREAS**, the Board of County Commissioners wishes to promote reading through a community collaboration effort with Lincoln County Schools, Lincoln County Public Library, Lincoln County Literacy Council, and Gaston College.

**NOW THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Lincoln County does hereby proclaim April 13-18 as Celebrate Literacy Week and encourages all citizens to join together to promote reading in this community.

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Louis E. McConnell, Chair  
Board of County Commissioners

Attest:

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Rebecca B. Shoupe, Clerk  
Board of County Commissioners

Adopted by Board of County Commissioners, this the 17th day of March, 1997.

A motion by Commissioner James Hallman to approve the proclamation  
"Celebrate Literacy Week".

Seconded by Commissioner Larry Craig.  
Unanimously approved.

### **PUBLIC COMMENTS**

Chairman McConnell advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address with a five minute time limit.

Jack Garrison expressed his appreciation to the Commissioners for helping him solve the problem he had.

Edgar Wilhelm stated that he is employed with the County of Lincoln as a scale clerk requesting that the Board reconsider their action on the matter of medical insurance for retirees. Mr. Wilhelm stated that when he was hired in 1990 he was told once he became of retirement and became a retiree that his medical insurance would be covered by the County the two months before he would have turned 65 years of age the Commissioners decided not to provide the insurance unless employed by the county for 20 years. Mr. Wilhelm stated that this is unfair to him and others to make this retroactive because the provision which he was hired under was that the county pay the insurance. Mr. Wilhelm asked the Board to please reconsider their action.

Larry Hayes stated that he lived in the King Cove Subdivision on Lake Norman and thinks that it is only natural that people who live in this growing area would like to share in the planning of development. Mr. Hayes stated that the best way to do this is to form a new town in eastern Lincoln County. Mr. Hayes stated that he had circulated a petition regarding incorporating the new town (Village of Cowans Ford) which has been favorable. Mr. Hayes stated that he would like to work with Board of Commissioners on this issue.

Al Smith stated that in 1990 he suffered a manic depressive situation and went to the Lincoln County Hospital which four Lincoln County Sheriff Deputies, four City of Lincoln Officers and one State Highway Patrol gave him a good beating. Mr. Smith stated that he met with David Lowe, City Manager at the time and Harry Huss, Chairman of the Board of Commissioners at the time and

discussed the situation and the decision was to let this go this time. Mr. Smith stated that on May 22, 1996 he got a beating you would not believe and every time he turns around the City wants to take a slap at him. Mr. Smith stated that this needs to be investigated by an outside source.

Al Smith also asked the Board to reconsider their action on medical insurance for retirees.

Robert Sigmon stated that he lives in the Cowans Ford Neighborhood. Mr. Sigmon presented the Board with petitions in opposition of incorporating Cowans Ford.

Gary Martin stated that he was speaking on behalf of the residents of Alexis Acres. Mr. Martin stated if the road assessment program is legal in Gaston and Cleveland Counties why would it not be legal in Lincoln County? Don Pendleton, County Attorney, stated that County Attorney in Lincoln County has different opinion than County Attorney in Gaston County. Mr. Martin stated this program works well in Gaston County and the residents will be paying for this not the county.

Being no further speakers, Chairman McConnell declared the Public Comments closed.

#### **WATER INTERCONNECT FOR HIGH SHOALS--MAYOR TIM CONNER**

Mayor Tim Conner stated that in April 1996 he sent an engineer blueprint on interconnect with Lincoln County water and High Shoals. Mayor Conner stated that High Shoals' water need is pretty desperate and about \$8 - \$10 million away from getting water run from Gastonia. For interconnect the amount of money in Gaston County is only about \$40 thousand which is meter itself and vault and what we are asking for is Lincoln County to pay about \$90 thousand to bring water to the Gaston County line. Mayor Conner stated that a benefit to Lincoln County would be the fire hydrants that would be added to the far end of the county. Mayor Conner stated that there are industry that wants to build to the south of High Shoals, multiple 100 acre tracts of land, but High Shoals can not support them in water another benefit would be if High Shoals had interconnect with Lincoln County we could sell them plenty of Lincoln County water. Mayor Conner requested that the Board think about the request and let him know within 60 days the Board's decision to grant or deny this request.

Chairman McConnell called for a brief recess.

Chairman McConnell called the meeting back to order.

#### **ANNUAL REPORT--CHAMBER OF COMMERCE--PATSY BLACK, CHAIR**



Ms. Patsy Black, Chair Chamber of Commerce, distributed copies of the annual report from the Chamber of Commerce. Ms. Black presented the annual report of the Chamber of Commerce.

#### **ANNUAL REPORT--COMMUNITY ADVISORY COMMITTEE--DEBI LEE**

Debi Lee, with Centralina Council of Governments at the Area Agent on Aging presented annual report of the Community Advisory Committee.

#### **PRESENTATION OF ANIMAL SHELTER PLANS**

Tony Davis, Senior Animal Control Officer, stated on behalf of Animal Control of Lincoln County, Support of Lincoln County Humane Society, and the Animal Shelter Committee he was asking for the Board's approval on the new animal shelter plans.

A motion by Commissioner Larry Craig to approve plans for the new Animal Shelter.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

#### **ANNUAL REPORT--BUILDING AND LAND DEVELOPMENT--JEFF VERNON**

Jeff Vernon, Director of Building and Land Development, presented annual report on Building and Land Development.

#### **PERSONAL WATERCRAFT ORDINANCE AMENDMENTS--LAKE NORMAN MARINE COMMISSION--ANTHONY ROBERTS**

Todd Wulforth presented amendments to the Personal Watercraft Ordinance on behalf of the Lake Norman Marine Commission.

The first amendment Section 4 (c) would bring the ordinance to comply with State Law. The amendment is as follows:

(c) A person shall not operate a Personal Watercraft during the period beginning one-half hour after sunset and ending one-half hour before sunrise. ~~without carrying and exhibiting an all around white light visible at a minimum range of two miles and side lights visible at a minimum range of one mile.~~

Second amendment Section 4 (f) would make any course that is approved by the National Association of State Boating Law Administrators acceptable. The amendment is as follows:

(f) Except as otherwise provided herein, no person under the age of 16 years of age shall operate a Personal Watercraft on the waters of Lake Norman. Provided, persons at least 13 years of age but under 16 years of age may operate a Personal Watercraft on waters of Lake Norman if (1) such person is accompanied by a person 16 years of age or older, or (2) such person is in possession of a boating safety certificate certifying such person has completed a ~~Coast Guard approved educational safety program for the operation of a Personal Watercraft.~~ **NASBLA approved safe boating course and a minimum of 45 minutes of instruction on safe operation of a Personal Watercraft.**

Third amendment Section 9 would give the ordinance more teeth by increasing the fine for violation to not less than \$100 but not to exceed \$500. The amendment is as follows:

#### Section 9. Violations

Any person found to be in violation of this Ordinance shall be guilty of a misdemeanor and subject to a **fine no less than one hundred dollars (\$100) but not to exceed fifty dollars (\$50) five hundred dollars (\$500.00).**

A motion by Commissioner Larry Craig to defer action until Sheriff Barbara Pickens reviews the amendments.

Seconded by Commissioner James Hallman.  
Unanimously approved.

### **RESOLUTION ESTABLISHING APRIL 12 AS REV. GAITHER SHRUM DAY IN LINCOLN COUNTY**

Commissioner Larry Craig presented the Resolution Establishing April 12 as Rev. Gaither Shrum Day in Lincoln County and asked the Board if they would be in favor of having a small plaque made to present to Mr. Shrum's family for his contribution to Lincoln County.

### **RESOLUTION ESTABLISHING APRIL 12, 1997 AS REV. GAITHER E. SHRUM DAY IN LINCOLN COUNTY**

**WHEREAS**, Gaither Shrum was born in Ironton Township, Lincoln County, on May 15, 1929, and

**WHEREAS**, Gaither Shrum was the son of H. Albert and Dora Drum Shrum, and

**WHEREAS**, Gaither Shrum attended Lincoln County Schools and grew to manhood in Lincoln County, and

**WHEREAS,** Gaither Shrum volunteered to serve his country by joining the United States Marine Corps in the last days of World War II and again during the Korean War, and

**WHEREAS,** Gaither Shrum returned home after the war and began his life of service to Lincoln County that would span five decades, and

**WHEREAS,** Gaither Shrum became an ordained Baptist Minister and served Leonard's Fork, Coral Park Baptist Church, and other area churches as supply pastor, and

**WHEREAS,** Gaither Shrum was a man of many talents and had a profound impact on many lives through his service as a Minister, construction superintendent, school teacher, soldier, and statesman of Lincoln County History, and

**WHEREAS,** Gaither Shrum was a charter member of the Sons of Confederate Veterans, American Legion, Lion's Club, Ministerial Association, Past-President of the Lincoln County Historical Association, Past-Chairman of the Lincoln County Historic Properties Commission and the driving force behind the publication "Our Enduring Past", and

**WHEREAS,** Gaither Shrum was a frequent visitor to our county's nursing homes and to Lincoln County Schools where he lectured to teachers as well as to students about the importance of preserving our local history and our most important landmark, RAMSOUR'S MILL BATTLEGROUND, and

**WHEREAS,** Gaither Shrum received the Governor's Award for Historic Preservation, and

**WHEREAS,** Gaither Shrum was the person most responsible for this area being preserved and protected,

**NOW, THEREFORE,** the City of Lincoln and the County of Lincoln declares that April 12, 1997 will be known as Rev. Gaither Eugene Shrum day for now and evermore.

Adopted this the 17th day of March, 1997.

LINCOLN COUNTY

By: \_\_\_\_\_  
Louis E. McConnell, Chairman

ATTEST:

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Rebecca B. Shoupe, Clerk to the Board

A motion by Commissioner Larry Craig to adopt the resolution establishing April 12, 1997 as Rev. Gaither E. Shrum Day in Lincoln County.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**RESOLUTION PROVIDING FOR THE ISSUANCE OF \$3,100,000 GENERAL OBLIGATION SCHOOL BONDS, SERIES 1997**

Rick French, County Manager, explained the purpose of the resolution as it applies to financing school construction.

Commissioner James Hallman introduced the following Resolution:

**RESOLUTION PROVIDING FOR THE ISSUANCE OF  
\$3,100,000 GENERAL OBLIGATION SCHOOL BONDS, SERIES 1997**

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

Section 1. The Board of Commissioners has determined and does hereby find and declare:

(a) That an order authorizing not exceeding \$20,100,000 School Bonds was adopted by the Board of Commissioners for the County of Lincoln on January 19, 1994, which order was approved by the vote of a majority of the qualified voters of said County at a referendum duly called and held on March 29, 1994.

(b) That \$14,000,000 of said bonds have heretofore been issued, \$10,000,000 of which are designated "General Obligation School Bonds, Series 1994", are dated November 1, 1994, and mature in annual installments on June 1 in the years 1996 to 2013, inclusive, and \$4,000,000 of which are designated "General Obligation School Bonds, Series 1996", are dated May 1, 1996, and mature in annual installments on June 1 in the years 1997 to 2014, inclusive, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of said bonds, and that it is necessary to issue an additional \$3,100,000 of said bonds at this time.

(c) That the maximum period of usefulness of the improvements to be undertaken with the proceeds of said bonds to be issued is estimated as a period of not less than 30 years from April 1, 1997, the date of said bonds to be issued as hereinafter provided, and that such period expires on April 1, 2027.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Lincoln, North Carolina (the "Issuer") in the aggregate principal amount of \$3,100,000, designated "General Obligation School Bonds, Series 1997" and dated April 1, 1997 (the "Bonds"). The Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, June 1, \$125,000 1998 to 2008, inclusive, \$175,000 2009, \$225,000 2010 and 2011, \$500,000 2012 and 2013, and \$100,000 2014, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on December 1, 1997 and semiannually thereafter on June 1 and December 1 of each year until payment of such principal sum.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate for each stated maturity of the Bonds, registered in the name of Cede & Co., the nominee of The Depository Trust Company, New York, New York ("DTC"), will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of and any redemption premium on each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at such office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such

interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal, interest and any redemption premium payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Issuer determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to replace DTC, the Issuer will make arrangements with DTC and such other depository to effect such replacement and delivery replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the reference to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners for the Issuer and the Clerk to said Board and the official seal or a facsimile of the official seal of the Issuer shall be impressed or printed, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or

facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following forms:

No. R-.....

\$.....

United States of American  
State of North Carolina

COUNTY OF LINCOLN

GENERAL OBLIGATION SCHOOL BOND, SERIES 1997

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Cusip</u>
June 1, ....	...%	.....

The County of Lincoln, North Carolina (the "Issuer"), is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of the Issuer (the "Bond Registrar"), the principal sum of

.....THOUSAND DOLLARS

and to pay interest on such principal sum from the date hereof or from the June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on December 1, 1997 and semiannually thereafter on June 1 and December 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed

to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the Issuer are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation School Bonds, Series 1997" (the "Bonds") and issued by the Issuer for the purpose of providing funds, together with any other available funds, for financing school improvements, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the Board of Commissioners for said County, which order was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held, and a resolution duly passed by said Board (the "Resolution").

The Bonds maturing prior to June 1, 2008 are not subject to redemption prior to maturity. The Bonds maturing on June 1, 2008 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than June 1, 2007, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000; provided further, however, that, so long as a book-entry system with The Depository Trust Company, New York, New York ("DTC"), is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each DTC direct participant in the Bonds to be redeemed. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions of Bonds to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and given by certified or registered mail to Cede & Co. at its address appearing upon the registration books of the Issuer. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof



on such date plus accrued interest to such date and, if moneys for payment of such redemption price and the accrued interest have been deposited by the Issuer as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Ced & Co. or its legal representative upon the surrender hereof.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal, interest and any redemption premium payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, the Issuer will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Issuer, by resolution duly passed by its Board of Commissioners, has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of said Board and the Clerk to said Board and [a facsimile of] its corporate seal to be [printed] [impressed] hereon, all as of the 1st day of April, 1997.

\_\_\_\_\_  
Chairman of the Board of  
Commissioners

\_\_\_\_\_  
Clerk to the  
Board of Commissioners

#### CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

\_\_\_\_\_  
Secretary, Local Government Commission

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the County of  
Lincoln, North Carolina  
as Bond Registrar

By \_\_\_\_\_  
Authorized Signatory

Date of authentication: \_\_\_\_\_

### ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto \_\_\_\_\_

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed: \_\_\_\_\_

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing prior to June 1, 2008 will not be subject to redemption prior to maturity. The Bonds maturing on June 1, 2008 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than June 1, 2007, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each period of 12 months or part thereof between the redemption date and the maturity date of such Bond, such premium not to exceed 2% of such principal amount.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such

Bond by \$5,000; provided further, however, that, so long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each DTC direct participant in the Bonds to be redeemed. If less than all of the Bonds sated to mature on different dates shall be called for redemption, the particular Bonds or portions of Bonds to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer, provided that such notice to Cede & Co. shall be given by certified or registered mail. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, have been deposited by the Issuer to be held in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the bond Registrar shall authenticate and deliver to or upon the

order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 4 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and

exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at this office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby represents that it reasonably expects that it and all subordinate entities thereof will not issue more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 1996. In addition, the Issuer hereby designates each of the Bonds as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Code.

Section 8. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading "The County - Debt Information and - Tax Information" (excluding information on overlapping or underlying units) in the Official Statement relating to the Bonds and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (4) substitution of any credit or liquidity providers, or their failure to perform;
- (5) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (6) modification to the rights of the beneficial owners of the Bonds;
- (7) call of any of the Bonds for redemption;
- (8) defeasance of any of the Bonds;
- (9) unscheduled draws on debt service reserves reflecting financial difficulties;
- (10) release, substitution or sale of property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arise from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by approving vote of the registered owners of not less than a majority in principal amount of the Bonds then outstanding pursuant to the terms of this bond resolution, as it may be amended from time to time.

The Issuer agrees that the annual financial information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendments and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section 8 shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 9. The action of the Finance Director of the Issuer in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds is hereby ratified and confirmed, and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing an Official Statement and a Supplement to such Official Statement relating to the sale of Bonds. Such Official Statement, dated March 7, 1997 and substantially in the form presented at this meeting, is hereby approved and the Chairman of the Board of Commissioners, the County Manager and the Finance Director for the Issuer are each hereby authorized to approve changes in such Official Statement, to approve such Supplement and to execute such Official Statement and such Supplement for and on behalf of the Issuer.

Section 10. The Letter of Representations, as required by DTC in connection with the issuance of the Bonds and substantially in the form presented at this meeting, is hereby approved, and the Finance Director of the Issuer is hereby authorized to complete and execute such Letter of Representations and to deliver the same to DTC for and on behalf of the Issuer.

Section 11. This resolution shall take effect upon its passage.



Upon motion of Commissioner Craig, seconded by Commissioner Brotherton, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$3,100,000 GENERAL OBLIGATION SCHOOL IMPROVEMENT BONDS, SERIES 1997" was passed by the following vote:

AYES: Commissioners McConnell, Hallman, Brotherton, Craig, and Saine.

NOES: None \* \* \* \*

I, Rebecca B. Shoupe, Clerk to the Board of Commissioners for the County of Lincoln, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on March 17, 1997 as relates in any way to the passage of a resolution authorizing the issuance of \$3,100,000 General Obligation School Bonds, Series 1997 of said County and that such proceedings are recorded in Minute Book No. 28 of the minutes of said Board, beginning at page 307 and ending at page 321.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina, on the first Monday of each month at 6:30 P.M., and on the third Monday of each month at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. 143-318.12.

WITNESS my hand and the corporate seal of said County, this 20th day of March, 1997.

\_\_\_\_\_  
Clerk to the Board of Commissioners

[SEAL]

## LEGISLATIVE GOALS

Rick French, County Manager, stated that the following resolutions and TIP priority list need to be voted on, so they can be forwarded to the legislative delegation:

### **RESOLUTION SUPPORTING LEGISLATION TO ESTABLISH ADDITIONAL ONE PERCENT LOCAL OPTION SALES TAX**

WHEREAS, Lincoln County is under a mandate of the United States District Court to construct a new jail facility; and

WHEREAS, the jail facility has been in the planning stages since 1992 as site selection and acquisition and architectural planning have proceeded; and

WHEREAS, the anticipated costs of the jail facility have risen and continue to rise as the beginning of construction becomes imminent; and

WHEREAS, the construction of the jail facility involves a significant capital expenditure on behalf of Lincoln County and consequently involves the commitment of substantial financial resources of the County to pay for it; and

WHEREAS, the Lincoln County Board of Commissioners is interested in seeking ways to fund the construction of the jail facility without unduly increasing the tax rate levied on property owners in the County; and

WHEREAS, other counties in the State of North Carolina are facing similar financial constraints with capital projects; and

WHEREAS, the Lincoln County Board of Commissioners is aware that other counties plan to propose or have proposed legislation to the North Carolina General Assembly to authorize counties to hold elections to allow the citizens of each county to decide whether to impose a sales and use tax of up to one percent for a period of up to ten years in order to raise funds for capital projects;

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

1. That the Lincoln County Board of Commissioners expresses its interest in and support for the proposed legislation to authorize counties to hold elections to allow the citizens of each county to decide whether to impose a sales and use tax of up to one percent for a period of up to ten years in order to raise funds for capital projects.

2. That the Lincoln County Board of Commissioners requests the members of the legislative delegation representing all or any part of Lincoln County to support such legislation in the General Assembly.

3. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County.

This 17th day of March, 1997.

LINCOLN COUNTY

By: \_\_\_\_\_  
Louis E. McConnell, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Rebecca B. Shoupe, Clerk to the

Board of Commissioners

A motion by Commissioner Larry Craig to adopt and forward the Resolution Supporting Legislation to Establish Additional One Percent Local Option Sales Tax to the legislative delegation.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY  
TO CLARIFY THE AUTHORITY OF COUNTIES TO UNDERTAKE  
IMPROVEMENTS TO SUBSTANDARD SUBDIVISION ROADS AND TO MAKE  
ASSESSMENTS TO PAY FOR SUCH IMPROVEMENTS**

WHEREAS, the North Carolina General Assembly has enacted criteria for roads to be eligible for addition to the State road system maintained by the North Carolina Department of Transportation; and

WHEREAS, the criteria established by the General Assembly classify subdivision roads based upon whether the subdivisions were created before or after 1975, with post-1975 subdivisions held to a higher set of standards than previously existed; and

WHEREAS, Lincoln County now has in place a subdivision ordinance placing requirements on roads in subdivisions recorded after August 31, 1989, to make such roads be constructed to such standards as to be eligible for addition to the State road system; and

WHEREAS, between 1975 and 1989 subdivisions were created in Lincoln County in which the roads were not up to existing State standards and are therefore not eligible for addition to the State system; and

WHEREAS, the Lincoln County Board of Commissioners verily believe that it would be in the best interests of the citizens of Lincoln County to make improvements to such roads in such subdivisions created during the period from 1975 to 1989; and

WHEREAS, existing legislation does not explicitly authorize counties to undertake such improvements and to assess property owners along such roads in order to pay for such improvements;

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

1. That the Lincoln County Board of Commissioners requests the legislative delegation representing Lincoln County in the North Carolina General Assembly to introduce and support a local bill which would clarify that Lincoln County has the authority to make improvements to such substandard subdivision roads and to assess property owners along such roads in order to pay for such improvements.

2. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County and to the Secretary of the North Carolina Department of Transportation.

This 17th day of March, 1997.

LINCOLN COUNTY

By: \_\_\_\_\_  
Louis E. McConnell, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Rebecca B. Shoupe, Clerk to the  
Board of Commissioners

A motion by Commissioner Larry Craig to adopt and forward the Resolution Requesting the North Carolina General Assembly to Clarify the Authority of Counties to Undertake Improvements to Substandard Subdivision Roads and to Make Assessments to Pay for Such Improvements to legislative delegation.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION TO REINSTATE THE STATE MAINTENANCE PROGRAM  
FOR SUBSTANDARD UNPAVED ROADS**

WHEREAS, Lincoln County contains many miles of substandard unpaved roads upon which the State of North Carolina in years past performed maintenance; and

WHEREAS, the Lincoln County Board of Commissioners frequently receives requests from citizens for maintenance work to be performed on such roads within Lincoln County; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it would be in the best interests of the citizens of Lincoln County and the entire State of North Carolina for the State to reinstate its maintenance program for such roads;

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

1. That the Lincoln County Board of Commissioners requests the North Carolina Department of Transportation to reinstate the previously existing maintenance program for substandard unpaved roads.

2. That the Lincoln County Board of Commissioners requests the legislative delegation representing Lincoln County in the North Carolina General Assembly to undertake appropriate action to provide funding for and reinstate the said maintenance program.

3. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County and to the Secretary of the North Carolina Department of Transportation.

This 17th day of March, 1997.

LINCOLN COUNTY

By: \_\_\_\_\_  
Louis E. McConnell, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Rebecca B. Shoupe, Clerk to the  
Board of Commissioners

A motion by Commissioner Larry Craig to adopt and forward the Resolution Requesting the North Carolina Department of Transportation to Reinstate the State Maintenance Program for Substandard Unpaved Roads to the legislative delegation.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**RESOLUTION SUPPORTING LEGISLATION TO DELETE POPULATION  
FLOOR IN N.C.G.S. 153A-77 AND ALLOW COUNTY BOARDS OF  
COMMISSIONERS TO HAVE OPTION TO APPOINT HUMAN SERVICES  
BOARDS**

WHEREAS, Lincoln County, like other counties in the State of North Carolina, is required to meet certain mandates of the State and Federal governments in providing for human services; and

WHEREAS, the Lincoln County Board of Commissioners is responsible for providing substantial funding for the provision of human services; and

WHEREAS, the Board of Commissioners is the body most directly responsible to the citizens of the County for activities undertaken by the various departments and boards of the County that provide human services; and

WHEREAS, the existing procedures for appointing members to the various boards that oversee human services in Lincoln County do not permit the Board of Commissioners to appoint a majority of members of such boards; and

WHEREAS, the provisions of N. C. G. S. 153A-77 create a framework for county boards of commissioners to have the option of appointing boards to oversee human services, subject to a requirement that such counties have a population in excess of 425,000; and

WHEREAS, at the present time this population figure makes this framework for board appointments only applicable to Mecklenburg and Wake Counties; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that it would be in the best interests of the citizens of Lincoln County to have the provisions of N. C. G. S. 153A-77 made applicable to Lincoln County;

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

1. That the Lincoln County Board of Commissioners requests that the legislative delegation representing all or part of Lincoln County in the North Carolina General Assembly introduce and support legislation to delete the population floor found in N. C. G. S. 153A-77(f) and make N. C. G. S. 153A-77 applicable statewide.

2. That the County Manager shall send a copy of this resolution to each legislator who represents all or any part of Lincoln County.

This 17th day of March, 1997.

LINCOLN COUNTY

By: \_\_\_\_\_  
Louis E. McConnell, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Rebecca B. Shoupe, Clerk to the  
Board of Commissioners

A motion by Commissioner Larry Craig to adopt and forward Resolution Supporting Legislation to Delete Population Floor in N.C.G.S. 153A-77 and Allow County Boards of Commissioners to Have Option to Appoint Human Services Boards to the legislative delegation.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

**LINCOLN COUNTY TRANSPORTATION IMPROVEMENT PLAN  
PRIORITY LIST**

1. Accelerate the Highway 16 Construction Project.
2. Four lane Highway 73 to be used as a connector highway.
3. Support a connector at Highway 73 and 27 that would connect to the new Highway 321.
4. Build a connector from Highway 73 to Highway 150 and from Highway 150 to the new Highway 321.
5. Build a connector from 321 to 27 West and then on to 150 would create a loop around Lincolnton.
6. Turn lanes-East Lincoln High School, Catawba Springs Elementary School and East Lincoln Middle School.
7. Study Highway 150 to King Wilkinson Road (SR 1349) as it relates to the proposed new school.

A motion by Commissioner Larry Craig to adopt and forward the Lincoln County Transportation Improvement Plan Priority List to the legislative delegation.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

## **ESTABLISHING EAST LINCOLN SEWER CAPITAL PROJECT ORDINANCE**

Rick French, County Manager, stated that a East Lincoln Sewer Capital Project Ordinance needs to be adopted for the county project. The ordinance is as follows:

### **EAST LINCOLN COUNTY WATER AND SEWER DISTRICT CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of the East Lincoln County Water and Sewer District of Lincoln County, North Carolina:

Section 1. The project authorized is the construction of a wastewater treatment plant and wastewater collection lines to be financed by the sale of general obligation bonds, and state bond loan funds.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution, grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 1,600,000
Land	120,000
Construction	12,480,000
Total	14,200,000

Section 4. The following revenues are anticipated to be available to complete this project:

Proceeds from general obligation bonds	\$ 9,000,000
State bond loan funds	5,000,000
Investment earnings	200,000
Total	14,200,000

Section 5. The Finance officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the loan agreement, and federal regulations. The terms of the bond resolution also shall be met.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total loan revenues received or claimed.



Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

A motion by Commissioner Larry Craig to adopt the East Lincoln County Water and Sewer District Capital Project Ordinance for the East Lincoln Water and Sewer District.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

### **NOTIFICATION OF VACANCIES**

Council on Aging (2)  
Board of Variances and Appeals, Alternates (2)  
Centralina Workforce Development Board (1)  
321 Corridor Study Committee (9)

Commissioner Hallman advised that there are a number of vacancies that he will continue to working on.

### **APPOINTMENTS**

A motion by Commissioner Hallman to recommend appointment of Allan W. Mackie to represent the Employment Security Commission on the Centralina Workforce Development Board.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

### **CALENDAR**

Chairman McConnell presented the calendar for the month of April.

### **COUNTY COMMISSIONERS' REPORT**

Commissioner Larry Craig stated that the Library Board voted in favor of naming the Library in honor of Charles Raper Jonas, Congressman.

A motion by Commissioner Larry Craig to rename the Lincolnton Main Office Building of the Library to Charles Raper Jonas and to establish a sign.

Seconded by Commissioner McConnell.  
Unanimously approved.

### **Governor's Wards**

Rick French, County Manager, reported to the Board that we now have the Governor's Awards applications. It was a consensus of the Board that in the future Governor's Awards applications will be reviewed by the Board of Commissioners.

**Resolution and Ordinance of the Craven County Board of Commissioners regarding a Moratorium on Intensive Livestock Operations**

Mr. French stated the Resolution and Ordinance of the Craven County Board of Commissioners regarding a Moratorium on Intensive Livestock Operations is for the Board's information.

Mr. French advised the Board of the invitation to an open house/orientation to the Health Department.

**COUNTY MANAGER'S REPORT**

Rick French, County Manager, presented the County Manager's Report.

**MEMORANDUM**

**TO:** Louis E. McConnell, Chairman  
Board of Commissioners

**FROM:** Rick French, County Manager

**SUBJECT:** County Manager's Report

**DATE:** March 12, 1997

1. I have received a letter from Assistant Catawba County Manager, Steve Wyatt, concerning the out-of-county water rates and the CDBG Grant. Catawba County will receive \$246,000 in CDBG funds to construct water lines on Lineberger Road. Lincoln County will provide water and receive revenues from 54 potential new water customers. Catawba County is requesting an exemption for these customers. I would recommend charging in the county a minimum of \$16.70 (instead of \$33.40 out-of-county) along with current county water rates - \$4.35 per thousand gallons. The reason for this recommendation is because no Lincoln County funds will or have been expended for this extension and we do need water customers.

A motion by Commissioner Larry Craig to grant Catawba County residents on Lineberger Road water rate of a minimum of \$16.70 along with current county water rates of \$4.35 per thousand gallons.

Seconded by Commissioner James Hallman.  
Unanimously approved.

2. I talked with Donald Wallace (736-1900) concerning private road problems. Mr. Wallace stated that homes range in cost in the area from \$80,000 to \$300,000. The road is in such bad shape that the post office has refused to deliver the mail. Mr. Wallace lives on Crystal Court off Hill Road (off 27 East). I explained to Mr. Wallace that the County Commissioners were working on this matter and he seemed satisfied.
3. John House, David Griffith and Associates, will present a brief summary (Executive Summary) of the operations review study on March 24, 1997. Each department head has requested an opportunity to respond at the meeting. My recommendation would be to accept the report and department responses as information (and take no action). Each departmental budget will be reviewed during the budget process. Please note, I expect to see some county employees at this meeting.
4. We will need a closed session at the March 24, 1997 meeting to discuss the jail situation with our consultants.
5. John Avery, Solid Waste Director, has requested approval of a project at the landfill. Howard Construction has submitted a \$45,800 proposal as stated in the enclosed letter. This project would assist recycling efforts at the landfill. Part of the project cost could be included in the 97-98 budget. I would recommend approval of this project.

A motion by Commissioner James Hallman to approve the Howard Construction \$45,800 proposal to improve recycling at the landfill.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

6. Erma Deen Hoyle, Recreation Director, reported that the timber cutting at East Lincoln Park will add \$8,000 to \$10,000 to the capital budget. These funds combined with the existing budgeted funds will allow the next stage of development to start. A second T-ball field and multipurpose field will be developed for this facility. This is also in keeping with the long range plan for the East Lincoln Park. Timber cutting should be underway this past week.

7. Enclosed is a copy of a memorandum from the North Carolina Department of the Treasurer concerning administering state bond proceeds (Public School Bond Act of 1996).
8. I will be out-of-town April 3-4, 1997. I will also be attending a meeting in Charlotte on April 17, 1997 concerning the Outer Beltway (around Charlotte).

/lh

#### Enclosures

Mr. French reported on the Welcome to Lincoln County signs. Mr. French stated that the proposal is a 72" x 48" on Highway 321 and smaller signs on Highway 73 East and Highway 27 West. Larger signs would require more installation cost per Department of Transportation. The proposed signs can be installed by county employees.

Commissioner Larry Craig stated that he would like to have "Home of the Battle of Ramsour's Mill" in script added to the signs.

It was a consensus of the Board to approve the Welcome to Lincoln County signs with "Home of the Battle of Ramsour's Mill" added to the signs in script.

Mr. French stated that \$48,000 was included in the 1996-1997 budget for cleaning of the courthouse. Holbrook Waterproofing was the lowest bid received.

The bids were as follows:

Bidder	Amount
Chamberlin Co.	\$77,217.00
Holbrook Waterproofing	50,253.00
Lesco Restorations	54,205.00
Southeastern Wtrprfg.	83,492.00
Western Waterproofing	56,652.00

A motion by Commissioner Larry Craig to accept the Holbrook Waterproofing bid for cleaning of the courthouse.

Seconded by Commissioner James Hallman.  
Unanimously approved.

#### **CLOSED SESSION**

Chairman McConnell advised that there was a need for a Closed Session for the purpose of discussing a contractual matter.

Commissioner Beth Saine motioned that the Board go in to Closed Session.

Seconded by Commissioner James Hallman.  
Unanimously approved.

Commissioner James Hallman motioned for the Board to come out of Closed Session.

Seconded by Commissioner Beth Saine.  
Unanimously approved.

Chairman McConnell advised that no action was taken in closed session.

## **ADJOURNMENT**

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the March 17, 1997 meeting.

Commissioner James Hallman motioned that the Board adjourn the meeting of March 17, 1997.

Seconded by Commissioner Terry Brotherton.  
Unanimously approved.

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