

The Lincoln County Board of County Commissioners met for a work session on August 11, 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

Richard French, County Manager
Jeffrey Taylor, Assistant County Manager

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

CALL TO ORDER

Chairman McConnell called the August 11, 1997 meeting to order.

ESTABLISHMENT OF GUIDELINES FOR IMPROVEMENT TO SUBSTANDARD ROADS

Chairman McConnell stated that the purpose of the meeting is to establish guidelines for improvements to substandard roads. He asked Jeff Taylor, Assistant County Attorney to review the proposed policy.

Jeff Taylor referred to the three sets of documents which had been given out: the draft of the Resolution Adopting Policy for Selection of Substandard Roads to be Improved and Making Assessments to Pay for Such Improvements, Article 9 Special Assessments, the section of the North Carolina General Statute that counties are authorized to go by, and a copy of House Bill 804.

Mr. Taylor reviewed which parts of the proposed policy are things counties are required to follow and which parts can be changed. He commented that the County has no authority to make improvements to State-maintained roads. He mentioned that at least 75 percent of the owners must sign a petition for the improvements, and they must represent at least 75 percent of all lineal feet of frontage of the land abutting the street. The property owners must consult with the County Engineer about the necessary plans and specifications and the North Carolina Department of Transportation must approve these.

**RESOLUTION ADOPTING POLICY FOR SELECTION OF
SUBSTANDARD ROADS TO BE IMPROVED AND
MAKING ASSESSMENTS TO PAY FOR SUCH IMPROVEMENTS**

WHEREAS, the Lincoln County Board of Commissioners has recognized a need for improvements to be made to substandard roads in Lincoln County; and

WHEREAS, the North Carolina General Assembly granted authority to Lincoln County in House Bill 804, adopted June 10, 1997, to make such improvements and to make assessments against benefited properties in order to recoup the costs of such improvements; and

WHEREAS, House Bill 804 requires that the Board of Commissioners adopt guidelines for making improvements and assessments and provides a number of choices of methods to use in selecting roads for improvements and for making assessments in connection with such improvements; and

WHEREAS, the Lincoln County Board of Commissioners recognizes that County funds for such improvements are severely limited and that such limitations must be taken into account in making plans for improvements; and

WHEREAS, it is the intent of the Lincoln County Board of Commissioners to adopt and follow a consistent policy for selecting roads to be improved and for making assessments to pay for the improvements in order to provide a fair means of selection and payment for such improvements;

NOW, THEREFORE, be it hereby resolved that the Lincoln County Board of Commissioners adopts the following policy for selection of substandard roads to be improved and making assessments to pay for such improvements:

Section 1. *Title.* This policy may be cited as the “Lincoln County Substandard Roads Selection and Assessment Policy.”

Section 2. *Requirements for Consideration of Roads.* No road(s) shall be considered for improvements to be made by Lincoln County under this policy until the following requirements are met:

A. The road(s) must be eligible for improvements as authorized by House Bill 804 and this policy. Lincoln County has no authority hereunder to make improvements to any road that is already a part of the State-maintained road system, and no such road is eligible for consideration for improvements under this policy.

B. The property owners along the road(s) to be improved shall submit to Lincoln County a petition for the improvements signed by at least 75 percent of the owners of property to be assessed, who must represent at least 75 percent of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state the portion of the cost of the improvement to be assessed. The petition shall be submitted to the Lincoln County Finance Officer for verification and shall be in a format approved by the Finance Officer and the County Attorney.

C. The property owners seeking the improvements shall consult with the County Engineer about the necessary plans and specifications needed and shall have such plans and specifications, including cost estimates, prepared and submitted to the North Carolina Department of Transportation for approval. Upon receiving NCDOT approval, the property owners seeking the improvements shall provide all such information to the Lincoln County Finance Officer and County Engineer for verification.

D. The property owners seeking the improvements shall deposit with the Lincoln County Finance Officer a certified check, payable to Lincoln County, in an amount equal to at least 75 percent of the estimated cost of the improvements to be made. This amount shall be based on the cost figures determined under Subsection C above. (This requirement may be met by submitting such check within 60 days after notification that a particular road has received preliminary approval for improvements from the Lincoln County Board of Commissioners.)

This paragraph shall not prohibit a group of property owners from submitting funds equal to more than 75 percent of the estimated cost.

Section 3. *Deadline for Consideration.* The County Manager shall report to the Board of Commissioners annually on or before March 1 about the status of applications for road improvements under this policy and shall notify the Board about completed applications. No road(s) shall be considered for improvements during the fiscal year beginning July 1 unless the requirements of Section 2 have been met on or before March 1 of the previous fiscal year. The Board of Commissioners shall review completed applications for improvements during the budget process and shall select road(s) for improvements, as provided in this policy, to be made during the next fiscal year. This requirement shall take effect on March 1, 1998, for improvements to be made in fiscal year 1998-99, and nothing in this section shall prevent the Board of Commissioners from considering completed applications received prior to said date subject to funds available in the fiscal year 1997-98 budget. Such applications shall be subject to all other requirements of this policy.

Section 4. *Selection of Roads for Improvements.* The Board of Commissioners shall review completed applications and shall select roads to be improved based upon the chronological order of completion of the applications. Completed

applications received during a budget cycle that cannot be acted upon due to limited funds available shall be carried forward to the following fiscal year and shall receive priority.

If finances permit and particular circumstances should warrant consideration of other factors, the Board of Commissioners may consider, in addition to chronological order, the following:

- (1) the number of citizens to be served per mile of the proposed improvements;
- (2) the severity of the need to be alleviated by the proposed improvements relative to other similar situations in the county;
- (3) the amount of funds advanced, if any, by the citizens to be served by the improvements; or
- (4) other reasonable factors as the Board may from time to time determine.

Section 5. *Assessments.* The Board of Commissioners may make assessments against benefited property to recoup all or part of the costs of the improvements on the basis of:

- (1) the frontage abutting on the project, at an equal rate per foot of frontage; or
- (2) the street or road frontage of the lots served, or subject to being served by the project, at an equal rate per foot of frontage; or
- (3) the area of land served, or subject to being served, by the project, at an equal rate per unit of area; or
- (4) the valuation of land served, or subject to being served, by the project, being the value of the land without improvements as shown on the tax records of the county, at an equal rate per dollar of valuation; or
- (5) a combination of two or more of these methods.

For each project the board of commissioners shall endeavor to establish an assessment method from among the bases set out in this section that will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. The board's decision as to the method of assessment is final and not subject to further review or challenge.

In making and collecting assessments, the Board of Commissioners shall follow the procedures set forth in Article 9 of Chapter 153A of the North Carolina General Statutes.

Section 6. *Waivers of Requirements; Changes in Policy.* The Board of Commissioners reserves the right, subject to the requirements of House Bill 804 and the North Carolina General Statutes, to waive particular requirements of this policy from time to time as it may deem appropriate and to amend this policy at any time upon a majority vote of the Board.

Jeff Taylor reviewed Article 9 of Chapter 153A of the North Carolina General Statutes.

**ARTICLE 9, CHAPTER 153A
NORTH CAROLINA GENERAL STATUTES**

Special Assessments.

Sec.

- 153A-185. Authority to make special assessments.**
- 153A-186. Bases for making assessments.**
- 153A-187. Corner lot exemptions.**
- 153A-188. Lands exempt from assessment.**
- 153A-189. State participation in improvement projects.**
- 153A-190. Preliminary resolution; contents.**
- 153A-191. Notice of preliminary resolution.**
- 153A-192. Hearing on preliminary resolution; assessment resolution.**
- 153A-193. Determination of costs.**
- 153A-193.1. Discounts authorized.**
- 153A-194. Preliminary assessment roll; publication.**
- 153A-195. Hearing on preliminary assessment roll; revision; confirmation; lien.**
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- 153A-197. Appeal to the General Court of Justice.**
- 153A-198. Reassessment.**
- 153A-199. Payment of assessments in full or by installments.**
- 153A-200. Enforcement of assessments; interest; foreclosure; limitations.**
- 153A-201. Authority to hold assessments in abeyance.**
- 153A-202. Assessments on property held by tenancy for life or years; contribution.**
- 153A-203. Lien in favor of a cotenant or joint owner paying special assessments.**
- 153A-204. Apportionment of assessments.**
- 153A-204.1. Maintenance assessments.**
- 153A-205. Improvements to subdivision and residential streets.**
- 153A-206. Street light assessments.**
- 153A-207 through 153A-210. [Reserved.]**

§ 153A-185. Authority to make special assessments.

A county may make special assessments against benefited property within the county for all or part of the costs of:

- (1) Constructing, reconstructing, extending, or otherwise building or improving water systems;
- (2) Constructing, reconstructing, extending, or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;

- (3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving
 - a. Beach erosion control or flood and hurricane protection works; and
 - b. Watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in G.S. 153A-301).
- (4) Constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, as provided in G.S. 153A-205.
- (5) Providing street lights and street lighting in a residential subdivision, as provided in G.S. 153A-206.

A county may not assess property within a city pursuant to subdivision (1) or (2) of this section unless the governing board of the city has by resolution approved the project.

(1963, c. 985, s. 1; 1965, c. 714; 1969, c. 474, s. 1; 1973, c. 822, s. 1; 1975, c. 487, s. 1; 1979, c. 619, s. 11; 1983, c. 321, s. 1; 1989 (Reg. Sess., 1990), c. 923, s. 1.)

Annotations

Local Modification. - (As to Article 9) Avery and Brunswick: 1987 (Reg. Sess., 1988), c. 1046; Mecklenburg: 1983, c. 189.

Cross References. - As to applicability to assessments levied by water and sewer authorities established pursuant to Chapter 162A, Article 1, see G.S. § 162A-6.

§ 153A-186. Bases for making assessments.

- (a) For water or sewer projects, assessments may be made on the basis of:
 - (1) The frontage abutting on the project, at an equal rate per foot of frontage; or
 - (2) The street frontage of the lots served, or subject to being served, by the project, at an equal rate per foot of frontage; or
 - (3) The area of land served, or subject to being served, by the project, at an equal rate per unit of area; or
 - (4) The valuation of land served, or subject to being served, by the project, being the value of the land without improvements as shown on the tax records of the county, at an equal rate per dollar of valuation; or
 - (5) The number of lots served, or subject to being served, by the project when the project involves extension of an existing system to a residential or commercial subdivision, at an equal rate per lot; or
 - (6) A combination of two or more of these bases.
- (b) For beach erosion control or flood and hurricane protection works, watershed improvement projects, drainage projects and water resources development projects, assessments may be made on the basis of:
 - (1) The frontage abutting on the project, at an equal rate per foot of frontage; or
 - (2) The frontage abutting on a beach or shoreline or watercourse protected or benefited by the project, at an equal rate per foot of frontage; or
 - (3) The area of land benefited by the project, at an equal rate per unit of area; or

(4) The valuation of land benefited by the project, being the value of the land without improvements as shown on the tax records of the county, at an equal rate per dollar of valuation; or

(5) A combination of two or more of these bases.

(c) Whenever the basis selected for assessment is either area or valuation, the board of commissioners shall provide for the laying out of one or more benefit zones according (i), in water or sewer projects, to the distance of benefited property from the project being undertaken and (ii), in beach erosion control or flood and hurricane protection works, watershed improvement projects, drainage projects and water resources development projects, to the distance from the shoreline or watercourse, the distance from the project, the elevation of the land, or other relevant factors. If more than one benefit zone is established, the board shall establish differing rates of assessment to apply uniformly throughout each benefit zone.

(d) For each project, the board of commissioners shall endeavor to establish an assessment method from among the bases set out in this section that will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. The board's decision as to the method of assessment is final and not subject to further review or challenge.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1; 1983, c. 321, ss. 2, 3.)

§ 153A-187. Corner lot exemptions.

The board of commissioners may establish schedules of exemptions from assessments for water or sewer projects for corner lots when water or sewer lines are installed along both sides of the lots. A schedule of exemptions shall be based on categories of land use (residential, commercial, industrial, and agricultural) and shall be uniform for each category. A schedule may not allow exemption of more than seventy-five percent (75%) of the frontage of any side of a corner lot, or 150 feet, whichever is greater.

(1963, c. 985, s. 1; 1973, c. 822, s. 1.)

§ 153A-188. Lands exempt from assessment.

Except as provided in this Article, no land within a county is exempt from special assessments except land belonging to the United States that is exempt under the provisions of federal statutes and, in the case of water or sewer projects, land within any floodway delineated by a local government pursuant to Chapter 143, Article 21, Part 6. In addition, in the case of water or sewer projects, land owned, leased, or controlled by a railroad company is exempt from assessments by a county to the same extent that it would be exempt from assessments by a city under G.S. 160A-222.

(1963, c. 958, s. 1; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987, c. 712.

§ 153A-189. State participation in improvement projects.

If a county proposes to undertake a project that would benefit land owned by the State of North Carolina or a board, agency, commission, or institution of the State and to finance all or a part of the project by special assessments, the board of commissioners may request the Council of State to authorize the State to pay its ratable part of the cost of the project, and the Council of State may authorize these payments. The Council of State may authorize the Secretary of Administration to approve or disapprove requests from counties for payment pursuant to this section, but a county may appeal to the Council of State if the Secretary disapproves a request. The Council of State may direct that any payment authorized pursuant to this section be made from the Contingency and Emergency Fund of the State of North Carolina or from any other available funds. Except as State payments are authorized pursuant to this section, state-owned property is exempt from assessment under this Article.

(1973, c. 822, s. 1; 1975, c. 879, s. 46.)

§ 153A-190. Preliminary resolution; contents.

Whenever the board of commissioners decides to finance all or part of a proposed project by special assessments, it shall first adopt a preliminary assessment resolution containing the following:

- (1) A statement of intent to undertake the project;
- (2) A general description of the nature and location of the project;
- (3) A statement as to the proposed basis for making assessments, which shall include a general description of the boundaries of the area benefited if the basis of assessment is either area or valuation;
- (4) A statement as to the percentage of the cost of the work that is to be specially assessed;
- (5) A statement as to which, if any, assessments shall be held in abeyance and for how long;
- (6) A statement as to the proposed terms of payment of the assessment; and
- (7) An order setting a time and place for a public hearing on all matters covered by the preliminary assessment resolution. The hearing shall be not earlier than three weeks and not later than 10 weeks from the day on which the preliminary resolution is adopted.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

CASE NOTES

Duties of County Commissioners When Financing Project by Special Assessments. - Pursuant to this section, when all or any portion of a public enterprise is to be financed by assessments, the county commissioners are required to adopt a preliminary assessment resolution, which must contain information about the proposed project, a statement as to the percentage of the cost of the project that will be assessed, and an order setting a date for public hearing. The preliminary assessment resolution must be sent by first-class mail to each property owner in the project at least ten days prior to the public hearing. In return, the county receives a specific lien; the delinquency of the assessed obligation authorizes a foreclosure of property without any exemptions allowed or the payment of prior recorded liens except local, state, and federal taxes. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990).

§ 153A-191. Notice of preliminary resolution.

At least 10 days before the date set for the public hearing, the board of commissioners shall publish a notice that a preliminary assessment resolution has been adopted and that a public hearing on it will be held at a specified time and place. The notice shall describe generally the nature and location of the improvement. In addition, at least 10 days before the date set for the hearing, the board shall cause a copy of the preliminary assessment resolution to be mailed by first-class mail to each owner, as shown on the county tax records, of property subject to assessment if the project is undertaken. The person designated to mail these resolutions shall file with the board a certificate stating that they were mailed by first-class mail and on what date. In the absence of fraud, the certificate is conclusive as to compliance with the mailing requirements of this section.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

CASE NOTES

Duties of County Commissioners When Financing Project by Special Assessments. - Pursuant to § 153A-190, when all or any portion of a public enterprise is to be financed by assessments, the county commissioners are required to adopt a preliminary assessment resolution, which must contain information about the proposed project, a statement as to the percentage of the cost of the project that will be assessed, and an order setting a date for public hearing. The preliminary assessment resolution must be sent by first-class mail to each property owner in the project at least ten days prior to the public hearing. In return, the county receives a specific lien; the delinquency of the assessed obligation authorizes a foreclosure of property without any exemptions allowed or the payment of prior recorded liens except local, state, and federal taxes. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990).

County's Election of Procedural Requirements Determines Remedies and Owners' Protections. - If no special assessment liens under § 153A-200 exist on the property, the process invoked and completed, rather than the words used, is of paramount importance. If the requirements of this Article are met, the County then has certain remedies otherwise not available to it. However, if the County does not elect to acquire these statutory benefits by following the procedural requirements which would culminate in a lien on the property, the plaintiffs do not receive the statutory protections of notice and a hearing as set out in this section. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990).

§ 153A-192. Hearing on preliminary resolution; assessment resolution.

At the public hearing, the board of commissioners shall hear all interested persons who appear with respect to any matter covered by the preliminary assessment resolution. At or after the hearing, the board may adopt a final assessment resolution directing that the project or portions thereof be undertaken. The final assessment resolution shall describe the project in general terms (which may be by reference to projects described in the preliminary resolution) and shall set forth the following:

- (1) The basis on which the special assessments will be made, together with a general description of the boundaries of the areas benefited if the basis of assessment is either area or valuation;
- (2) The percentage of the cost of the work that is to be specially assessed; and
- (3) The terms of payment, including the conditions, if any, under which assessments are to be held in abeyance.

The percentage of cost to be assessed may not be different from the percentage proposed in the preliminary assessment resolution, nor may the project authorized be greater in scope than the project described in that resolution. If the board decides that a different percentage of the cost should be assessed than that proposed in the preliminary assessment resolution, or that the project should be greater in scope than that described in that resolution, it shall adopt and advertise a new preliminary assessment resolution as provided in this Article.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

§ 153A-193. Determination of costs.

When a project is complete, the board of commissioners shall determine the project's total cost. In determining total cost, the board may include construction costs, the cost of necessary legal services, the amount of interest paid during construction, the cost of rights-of-way, and the cost of publishing and mailing notices and resolutions. The board's determination of the total cost of a project is conclusive.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

§ 153A-193.1. Discounts authorized.

The board of commissioners is authorized to establish a schedule of discounts to be applied to assessments paid before the expiration of 30 days from the date that notice is published of confirmation of the assessment roll pursuant to G.S. 153A-196. Such a schedule of discounts may be established even though it was not included among the terms of payment as specified in the preliminary assessment resolution or final assessment resolution. The amount of any discount may not exceed thirty percent (30%). (1983, c. 381, s. 1.)

§ 153A-194. Preliminary assessment roll; publication.

When the total cost of a project has been determined, the board of commissioners shall cause a preliminary assessment roll to be prepared. The roll shall contain a brief description of each lot, parcel, or tract of land assessed, the basis for the assessment, the amount assessed against each, the terms of payment, including the schedule of discounts, if such a schedule is to be established and the name of the owner of each lot, parcel, or tract as far as this can be ascertained from the county tax records. A map of the project on which is shown each lot, parcel, or tract assessed, the basis of its assessment, the amount assessed against it, and the name of its owner as far as this can be ascertained from the county tax records is a sufficient assessment roll.

After the preliminary assessment roll has been completed, the board shall cause the roll to be filed in the clerk's office, where it shall be available for public inspection, and shall set the time and place for a public hearing on the roll. At least 10 days before the date set for the hearing, the board shall publish a notice that the preliminary assessment roll has been completed. The notice shall describe the project in general terms, note that the roll in the clerk's office is available for inspection, and state the time and place for the hearing on the roll. In addition, at least 10 days before the date set for the hearing, the board shall cause a notice of the hearing to be mailed by first-class mail to each owner of property listed on the roll. The mailed notice shall state the time and place of the hearing, note that the roll in the clerk's office is available for inspection, and state the amount as shown on the roll of the assessment against the property of the owner. The person designated to mail these notices shall file with the board a certificate stating that they were mailed by first-class mail and on what date. In the absence of fraud, the certificate is conclusive as to compliance with the mailing requirements of this section.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1; 1983, c. 381, s. 2.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

§ 153A-195. Hearing on preliminary assessment roll; revision; confirmation; lien.

At the public hearing the board of commissioners shall hear all interested persons who appear with respect to the preliminary assessment roll. At or after the hearing, the board shall annul, modify, or confirm the assessments, in whole or in part, either by confirming the preliminary assessments against any lot, parcel, or tract described in the preliminary assessment roll or by canceling, increasing, or reducing the assessments as may be proper in compliance with the basis of assessment. If any property is found to be omitted from the preliminary assessment roll, the board may place it on the roll and make the proper assessment. When the board confirms assessments for a project, the clerk shall enter in the minutes of the board the date, hour, and minute of confirmation. From the time of confirmation, each assessment is a lien on the property assessed of the same nature and to the same extent as the lien for county or city property taxes, under the priorities set out in G.S. 153A-200. After the assessment roll is confirmed, the board shall cause a copy of it to be delivered to the county tax collector for collection in the same manner (except as provided in this Article) as property taxes.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

Cross References. - As to meaning of term "county tax collector," see G.S. § 162A-6.

CASE NOTES

Cited in *McNeill v. Harnett County*, 97 N.C. App. 41, 387 S.E.2d 206 (1990).

§ 153A-196. Publication of notice of confirmation of assessment roll.

No earlier than 20 days from the date the assessment roll is confirmed, the county tax collector shall publish once a notice that the roll has been confirmed. The notice shall also state that assessments may be paid without interest at any time before the expiration of 30 days from the date that the notice is published and that if they are not paid within this time, all installments thereof shall bear interest as determined by the board of commissioners. The notice shall also state the schedule of discounts, if one has been established, to be applied to assessments paid before the expiration date for payment of assessments without interest.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1; 1983, c. 381, s. 3.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

Cross References. - As to meaning of term "county tax collector," see G.S. § 162A-6.

§ 153A-197. Appeal to the General Court of Justice.

If the owner of, or any person having an interest in, a lot, parcel, or tract of land against which an assessment is made is dissatisfied with the amount of the assessment, he may, within 10 days after the day the assessment roll is confirmed, file a notice of appeal to the appropriate division of the General Court of Justice. He shall then have 20 days after the day the roll is confirmed to serve on the board of commissioners or the clerk a statement of facts upon which the appeal is based. The appeal shall be tried like other actions at law.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-198. Reassessment.

When in its judgment an irregularity, omission, error, or lack of jurisdiction has occurred in any proceeding related to a special assessment made by it, the board of commissioners may set aside the assessment and make a reassessment. In that case, the board may include in the total project cost all additional interest paid, or to be paid, as a result of the delay in confirming the assessment. A reassessment proceeding shall, as far as practicable, follow the comparable procedures of an original assessment proceeding. A reassessment has the same force as if it originally had been made properly.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-199. Payment of assessments in full or by installments.

Within 30 days after the day that notice of confirmation of the assessment roll is published, each owner of assessed property shall pay his assessment in full, unless the board of commissioners has provided that assessments may be paid in annual installments. If payment by installments is permitted, any portion of an assessment not paid within the 30-day period shall be paid in annual installments. The board shall in the assessment resolution determine whether payment may be made by annual installments and set the number of installments, which may not be more than 10. With respect to payment by installment, the board may provide

- (1) That the first installment with interest is due on the date when property taxes are due, and one installment with interest is due on the same date in each successive year until the assessment is paid in full, or
- (2) That the first installment with interest is due 60 days after the date that the assessment roll is confirmed, and one installment with interest is due on that same day in each successive year until the assessment is paid in full.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Brunswick: 1987 (Reg. Sess., 1988), c. 984.

§ 153A-200. Enforcement of assessments; interest; foreclosure; limitations.

(a) Any portion of an assessment that is not paid within 30 days after the day that notice of confirmation of the assessment roll is published shall, until paid, bear interest at a rate to be fixed in the assessment resolution. The maximum rate at which interest may be set is eight percent (8%) per annum.

(b) If an installment of an assessment is not paid on or before the due date, all of the installments remaining unpaid immediately become due, unless the board of commissioners waives acceleration. The board may waive acceleration and permit the property owner to pay all installments in arrears together with interest due thereon and the cost to the county of attempting to obtain payment. If this is done, any remaining installments shall be reinstated so that they fall due as if there had been no default. The board may waive acceleration and reinstate further installments at any time before foreclosure proceedings have been instituted.

(c) A county may foreclose assessment liens under any procedure provided by law for the foreclosure of property tax liens, except that (i) lien sales and lien sale certificates are not required and (ii) foreclosure may be begun at any time after 30 days after the due date. The county is not entitled to a deficiency judgment in an action to foreclose an assessment lien. The lien of special assessments is inferior to all prior and subsequent liens for State, local, and federal taxes, and superior to all other liens.

(d) No county may maintain an action or proceeding to foreclose any special assessment lien unless the action or proceeding is begun within 10 years from the date that the assessment or the earliest installment thereof included in the action or proceeding became due. Acceleration of installments under subsection (b) of this section does not have the effect of shortening the time within which foreclosure may be begun; in that event the statute of limitations continues to run as to each installment as if acceleration had not occurred.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Local Modification. - Rockingham: 1985 (Reg. Sess., 1986), c. 817.

CASE NOTES

Foreclosure of Assessment Liens. - Pursuant to § 153A-190, when all or any portion of a public enterprise is to be financed by assessments, the county commissioners are required to adopt a preliminary assessment resolution, which must contain information about the proposed project, a statement as to the percentage of the cost of the project that will be assessed, and an order setting a date for public hearing. The preliminary assessment

resolution must be sent by first-class mail to each property owner in the project at least ten days prior to the public hearing. In return, the county receives a specific lien; the delinquency of the assessed obligation authorizes a foreclosure of property without any exemptions allowed or the payment of prior recorded liens except local, state, and federal taxes. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990).

Special Assessment Proceeding. - Forced sale of land under a general lien is subjected to exemptions and prior recorded liens. It is, therefore, the special assessment proceeding itself which creates the lien for the assessment. If the county commissioners elect not to pursue the procedure which would establish the lien, then the special proceeding is not necessary. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990).

County's Election of Procedural Requirements Determines Remedies and Owners' Protections. - If no special assessment liens under this section exist on the property, the process invoked and completed, rather than the words used, is of paramount importance. If the requirements of this Article are met, the County then has certain remedies otherwise not available to it. However, if the County does not elect to acquire these statutory benefits by following the procedural requirements which would culminate in a lien on the property, the plaintiffs do not receive the statutory protections of notice and a hearing as set out in § 153A-191. *McNeill v. Harnett County*, 327 N.C. 552, 398 S.E.2d 475 (1990). Cited in *McNeill v. Harnett County*, 97 N.C. App. 41, 387 S.E.2d 206 (1990).

§ 153A-201. Authority to hold assessments in abeyance.

The assessment resolution may provide that assessments made pursuant to this Article shall be held in abeyance without interest for any benefited property assessed. Water or sewer assessments may be held in abeyance until improvements on the assessed property are connected to the water or sewer system for which the assessment was made, or until a date certain not more than 10 years from the date of confirmation of the assessment roll, whichever event occurs first. Beach erosion control or flood and hurricane protection assessments may be held in abeyance for not more than 10 years from the date of confirmation of the assessment roll. When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

If assessments are to be held in abeyance, the assessment resolution shall classify the property assessed according to general land use, location with respect to the water or sewer system (for water or sewer assessments), or other relevant factors. The resolution shall also provide that the period of abeyance shall be the same for all assessed property in the same class.

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-202. Assessments on property held by tenancy for life or years; contribution.

(a) Assessments upon real property in the possession or enjoyment of a tenant for life or a tenant for a term of years shall be paid pro rata by the tenant and the remaindermen after the life estate or by the tenant and the owner in fee after the expiration of the tenancy for years according to their respective interests in the land as calculated pursuant to G.S. 37-13.

(b) If a person having an interest in land held by tenancy for life or years pays more than his pro rata share of an assessment against the property, he may maintain an action in the nature of a suit for contribution against any delinquent party to recover from that party his pro rata share of the assessment, with interest thereon from the date of the payment; and in addition, he is subrogated to the right of the county to a lien on the property for the delinquent party's share of the assessment.

(1963, c. 985, c. 1; 1965, c. 714; 1973, c. 822, s. 1.)

Annotations

Editor's Note. - Section 37-13, referred to in this section, was repealed by Session Laws 1973, c. 729, s. 3. See now § 37-36.

§ 153A-203. Lien in favor of a cotenant or joint owner paying special assessments.

Any one of several tenants in common or joint tenants (other than copartners) may pay the whole or any part of a special assessment made against property held in common or jointly. Any amount so paid that exceeds his share of the assessment and that was not paid through agreement with or on behalf of the other joint owners is a lien in his favor upon the shares of the other joint owners. This lien may be enforced in a proceeding for actual partition, a proceeding for partition and sale, or by any other appropriate judicial proceeding. This lien is not effective against an innocent purchaser for value until notice of the lien is filed in the office of the clerk of superior court in the county in which the land lies and indexed and docketed in the same manner as other liens required by law to be filed in that clerk's office.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-204. Apportionment of assessments.

If a special assessment has been made against property that has been or is about to be subdivided, the board of commissioners may, with the consent of the owner of the property, (i) apportion the assessment among the lots or tracts within the subdivision, or (ii) release certain lots or tracts from the assessment if, in the board's opinion, the released

lots or tracts are not benefited by the project, or (iii) both. Upon an apportionment each of the lots or tracts in the subdivision is released from the lien of the original assessment, and the portion of the original assessment assessed against each lot or tract has, as to that lot or tract, the same force as the original assessment. At the time the board makes an apportionment under this section, the clerk shall enter on the minutes of the board the date, hour, and minute of apportionment and a statement to the effect that the apportionment is made with the consent of the owners of the property affected, which entry is conclusive in the absence of fraud. The apportionment is effective at the time shown in the minute book. Apportionments may include past due installments with interest, as well as installments not then due; and any installment not then due shall fall due at the same date as it would have under the original assessment.

(1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-204.1. Maintenance assessments.

(a) In order to pay for the costs of maintaining and operating a project, the board of commissioners may annually or at less frequent intervals levy maintenance and operating assessments for any project purpose set forth in G.S. 153A-185(3) on the same basis as the original assessment. The amount of these assessments shall be determined by the board of commissioners on the basis of the board's estimate of the cost of maintaining and operating a project during the ensuing budget period, and the board's decision as to the amount of the assessment is conclusive. In determining the total cost to be included in the assessment the board may include estimated costs of maintaining and operating the project, of necessary legal services, of interest payments, of rights-of-way, and of publishing and mailing notices and resolutions. References to "total costs" in provisions of this Article that apply to maintenance and operating assessments shall be construed to mean "total estimated costs." Within the meaning of this section a "budget period" may be one year or such other budget period as the board determines.

(b) All of the provisions of this Article shall apply to maintenance and operating assessments, except for G.S. 153A-190 through G.S. 153A-193.

(1983, c. 321, s. 4.)

§ 153A-205. Improvements to subdivision and residential streets.

(a) A county may finance the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets that are a part of the State maintained system located in the county and outside of a city and shall levy and collect pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes special assessments against benefited property to recoup that portion of the costs financed by the county. The local share is that share required by policies of the Secondary Roads Council, and may be paid by the county from funds not otherwise

limited as to use by law. Land owned, leased, or controlled by a railroad company is exempt from such assessments to the same extent that it would be exempt from street assessments of a city under G.S. 160A-222. No project may be commenced under this section unless it has been approved by the Department of Transportation.

(b) A county may finance the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets located in the county and outside of a city in order to bring those streets up to the standards of the Secondary Roads Council so that they may become a part of the State-maintained system and shall levy and collect pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes special assessments against benefited property to recoup that portion of the costs financed by the county. The local share is that share required by policies of the Secondary Roads Council, and may be paid by the county from funds not otherwise limited as to use by law. Land owned, leased, or controlled by a railroad company is exempt from such assessments to the same extent that it would be exempt from street assessments of a city under G.S. 160A-222. No project may be commenced under this section unless it has been approved by the Department of Transportation.

(c) Before a county may finance all or a portion of the cost of improvements to a subdivision or residential street, it must receive a petition for the improvements signed by at least seventy-five percent (75%) of the owners of property to be assessed, who must represent at least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council. A county may treat as a unit and consider as one street two or more connecting State-maintained subdivision or residential streets in a petition filed under this subsection calling for the improvement of subdivision or residential streets subject to property owner sharing in the cost of improvement under policies of the Department of Transportation.

Property owned by the United States shall not be included in determining the lineal feet of frontage on the improvement, nor shall the United States be included in determining the number of owners of property abutting the improvement. Property owned by the State of North Carolina shall be included in determining frontage and the number of owners only if the State has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or controlled by railroad companies shall be included in determining frontage and the number of owners to the extent the property is subject to assessment under G.S. 160A-222. Property owned, leased, or controlled by railroad companies that is not subject to assessment shall not be included in determining frontage or the number of owners.

No right of action or defense asserting the invalidity of street assessments on grounds that the county did not comply with this subsection in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

(d) This section is intended to provide a means of assisting in financing improvements to subdivision and residential streets that are on the State highway system or that will, as a result of the improvements, become a part of the system. By financing improvements

under this section, a county does not thereby acquire or assume any responsibility for the street or streets involved, and a county has no liability arising from the construction of such an improvement or the maintenance of such a street. Nothing in this section shall be construed to alter the conditions and procedures under which State system streets or other public streets are transferred to municipal street systems pursuant to G.S. 136-66.1 and 136-66.2 upon annexation by, or incorporation of, a municipality.

(1975, c. 487, s. 2; c. 716, s. 7; 1981, c. 768.)

Annotations

Local Modification. - Hyde: 1991 (Reg. Sess., 1992), c. 824.

Cross References. - As to liability of county for emergency medical services for prisoners working pursuant to § 162-58, see § 162-61.

§ 153A-206. Street light assessments.

- (a) Authorization. A county may annually levy special assessments against benefited property in a residential subdivision within the county and not within a city for the costs of providing street lights and street lighting pursuant to the procedures provided in this Article. The provisions of this Article, other than G.S. 153A-186, G.S. 153A-187 and G.S. 153A-190 through G.S. 153A-193, apply to street light assessments under this section.
- (b) Basis of Assessment. The estimated costs of providing street lights and street lighting shall be apportioned among all benefited property on the basis of the number of lots served, or subject to being served, by the street lights, at an equal rate per lot.
- (c) Amount of Assessment. The county shall determine the amount of the assessments on the basis of an estimate of the cost of constructing or operating the street lights during the ensuing year, and the board of commissioners' determination of the amount of the assessment is conclusive. In determining the total cost to be included in the assessment, the board may also include estimated costs of necessary legal services, projected utility rate increases, and the costs to the county of administering and collecting the assessment.
- (d) Procedure. The county may approve the levy of street light assessments under this section upon petition of at least two-thirds of the owners of the lots within the subdivision. The request or petition shall include an estimate from the appropriate utility of the charge for providing street lights and street lighting within the subdivision for one year. Upon approval of the petition, the petitioning owner or owners shall pay to the tax collector the total estimated assessment amount for the ensuing year as determined by the county. This payment shall be set aside by the county tax office in escrow as security for payment of the assessments.
- (e) Collection and Administration. The county shall levy the street light assessments on an annual basis and shall pay the costs of providing street lights and street lighting to the appropriate utility on a periodic basis. The assessment amount shall be adjusted on an annual basis in order to maintain in the escrow account an amount equal to the estimated cost of providing street lighting plus related expenses for the ensuing year.

(1989 (Reg. Sess., 1990), c. 923, s. 2.)

§§ 153A-207 through 153A-210: Reserved for future codification purposes.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H 2

HOUSE BILL 804

Committee Substitute Favorable 4/28/97

Short Title: Lincoln Local Roads. (Local)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN
LINCOLN COUNTY THAT ARE NOT

Section 1. A county may build, construct, improve, reconstruct, widen, pave, install curbs and gutters, and otherwise build and improve roads and streets that are located in the county and outside a city and that are not part of the State highway system and may advertise, accept bids, enter into contracts, and undertake any other action reasonably necessary to carry out the powers granted by this act. A county shall make special assessments against benefited property to pay for any work in accordance with the procedures set forth in this act. The improvements necessary to bring roads up to State standards so that they may be accepted into the State highway system.

Section 2. Before a county may finance all or a portion of the cost of improvements to a subdivision or residential street, it must receive a petition for the improvements signed by at least seventy-five percent (75%) of the owners of property to be assessed, who must represent at least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council. A county may treat as a unit and consider as one street two or more connecting State-maintained subdivision or residential streets in a petition filed under this subsection calling for the improvement of subdivision or residential streets subject to property owner sharing in the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council. A county may treat as a unit and consider as one street two or more connecting State-maintained subdivision or residential streets in a petition filed under this subsection calling for the improvement of subdivision or residential streets subject to property owner sharing in the cost of improvement under policies of the Department of Transportation.

Property owned by the United States shall not be included in determining the lineal feet of frontage on the improvement, nor shall the United States be included in determining the number of owners of property abutting the improvement. Property owned by the State of North Carolina shall be included in determining frontage and the number of owners only if the State has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or controlled by railroad companies shall be included in determining frontage and the number of owners to the extent the property is subject to assessment under G.S. 160A- 222. Property owned, leased, or controlled by railroad companies that is not subject to assessment shall not be included in determining frontage or the number of owners.

No right of action or defense asserting the invalidity of street assessments on grounds that the county did not comply with this subsection in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

Section 3. This act is intended to provide a means of assisting in financing improvements to streets and roads that are not on the State highway system. By financing improvements under this act, a county does not acquire or assume any responsibility for the streets or roads involved, and a county has no liability arising from the construction of an improvement to a road or the maintenance of the street or road.

Section 4. A county may make assessments against benefited property to recoup all or part of the costs of the work authorized in this act on the basis of:

(1) The frontage abutting on the project, at an equal rate per foot of frontage; or subject to being served, by the project, at an equal rate per foot of frontage; or

(3) The area of land served, or subject to being served, by the project, at an equal rate per unit of area; or

(4) The valuation of land served, or subject to being served, by the project, being the value of the land without improvements as shown on the tax records of the county, at an equal rate per dollar of valuation; or

(5) A combination of two or more of these bases. For each project, the Board of Commissioners shall endeavor to establish an assessment method from among the bases set out in this section that will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. The Board's decision as to the method of assessment is final and not subject to further review and challenge.

Section 5. The Board of Commissioners shall develop guidelines for determining which projects, authorized by this act, to pursue and in what order. The Board of Commissioners may consider, among other reasonable factors:

(1) The chronological order in which it receives petitions as provided for in this act;

(2) The number of citizens to be served per mile by the proposed project;

(3) The severity of the need to be alleviated by the proposed project relative to other similar situations in the county; or

(4) Funds advanced, if any, by the citizens to be served by the proposed project to participate in paying for the project.

Section 6. Except as otherwise provided in this act, a county shall follow the procedures set forth in Article 9 of Chapter 153A of the General Statutes in making, giving notice of, providing for payment of, and enforcing assessments for projects authorized in this act.

Section 7. This act applies to Lincoln County only.

Section 8. This act is effective when it becomes law.

Rick French commented that he had received a number of petitions, and pictures, and one set of plans approved by NCDOT. Alexis Acres, Trinity Farms, Tyco Meadows Lane, Crystal Court, Inglewood Drive, Atlantic Lane, Baldwin Lane are the some of the roads that have contacted the County about substandard roads.

Commissioner Craig asked if the County is limited from any type of borrowing or trying to establish a money pool.

Jeff Taylor answered that it would not be prohibited by this legislation, it would depend on what form it took. There is a provision in the State Constitution that would prohibit the county from guaranteeing someone else's debt. The county couldn't guarantee the debt for the landowners, but if the county borrows the money, you could probably develop some kind of contractual arrangement that would work.

Commissioner Brotherton stated that he talked to Leon Harmon, Finance Director, early today and the county has not created any debt over the past year and they could borrow 2/3 of the previous year's payments.

Chairman McConnell suggested passing around a notebook getting names from different roads. Chairman McConnell asked if one person representing each road would like to make a few comments.

Donald Wallace (Crystal Court), Gary Martin (Alexis Acres), Debra Courlas (Tyco Meadows Lane), Jimmie Surratt (Paysour Pond Rd), Joe Bannon (Alexis Acres), and Ernie Baxter (Crystal Court) all spoke about the needs of paving their roads. Citizens were concerned about school buses traveling and the safety of their children. Several citizens were also concerned about financing the road and how the assessment policy would be implemented. Debra Courlas, Tyco Meadows Lane, explained that an estimate had been obtained to pave that road - \$12,000.

The following citizens signed the notebook which was passed around to those attending. The following names were received:

NAME	ADDRESS	PHONE NUMBER
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John Gregory Jr.	Paysour Pond Road	
Rebecca G. Barnes	4745 Paysour Pond Road	735-2733
John & Naomi Schenck	4764 Paysour Pond Road	732-1946
Roger Craig	4930 Amity Lane (Trinity Farms)	
Howard Jenkins	1828 Baldwin Lane (Atlantic Lane)	
Douglas Stone	2668 Sharon Acres	
Tommy Wilson	2635 Sharon Acres	
Don & Peggie Beatty	2484 Crystal Court	735-0977
Jean & Jim Sheppard	2559 Crystal Court (Sharon Acres)	
Ernie Baxter	2634 Crystal Court	
Don Wallace	Crystal Court	
Elizabeth Gregory	4771 Paysour Pond Road	732-2766
Brenda Gregory	4811 Paysour Pond Road	735-1665
Jimmie Surratt	Paysour Pond Road	736-0745
David & Debra Courlas	6400 Tyco Meadows Lane	
Larry Lambert	1271 Craig Drive (PO Box 455)	
Marvin Phillips	4684 Stratford Lane (Denver)	

OTHER BUSINESS

Jay Heavner, Tax Administrator, and Ron McCarthy, Chief of Appraisals, explained to the County Commissioners how comments by citizens concerning mobile homes devaluing property had been taken out of context. There was a general discussion concerning citizen's comments and tax employees explanations.

COUNTY MANAGER'S REPORT

County Manager Rick French briefly presented his report.

MEMORANDUM

TO: Louis E. McConnell, Chairman
Board of Commissioners

FROM: Rick French, County Manager

SUBJECT: County Manager's Report

DATE: August 7, 1997

1. County staff has developed cost estimates for the house located behind the jail - pirate house. Enclosed you will find a copy of a memorandum from Audrey Setzer and Darrell Harkey. The total dollar figure estimated to complete this project is \$35,000. I have two concerns for your consideration.
 - A. I am a little shocked at the cost. I wasn't expecting \$35,000. There is no money budgeted for this project.
 - B. County Commissioners and staff received serious criticism concerning spending tax dollars to renovate the Court Services Building (Patton Building). We appropriated around \$60,000 to assist in office space for courthouse overflow. There are fifteen offices located in this facility. I wonder how serious the criticism will be to spend \$35,000 to move one office out of the Citizens Center. Realizing that the County owns the house, and the Court Services Building is leased, there is still a major difference in cost for one office.
2. The Fire Marshal's Office is now relocated at the Building and Land Development Office at the Academy Street Building.
3. Nick Montanez, M.B. Construction Jail Consultants, reported a problem concerning the radio tower being located on the site. The City of Lincoln has in its Special Ordinance Consideration that the fall zone must be the same as the height of the tower. The tower is 400' in height which means the circumference around the tower will have to be 400'. The Ordinance states that there can be no inhabitants in the fall zone. M.B. Kahn has told the Civil Engineers not to show the tower on the drawings at this time. This way M.B. Kahn can proceed with the Conditional Use Permit for the jail and animal shelter without the danger of being denied because of the tower regulations.

August 25	CUP Application Deadline
September 16	City Planning Board Agenda
October 2	City Council Agenda

The tower could be located later on the site through a variance request to reduce the drop zone.

4. The East Lincoln Water and Sewer Advisory Board will meet on August 12, 1997 at 7:00 p.m. The purpose of the meeting will be to start developing a marketing strategy to increase residential sewer hook up.

5. County staff has submitted the Water and Sewer Feasibility Study to the Local Government Commission. A copy titled "East Lincoln County Water and Sewer District Projected Statement of Revenues and Expenses" was distributed and briefly discussed Monday night. We hope to have a response by our August 11, 1997 meeting.
6. Commissioner Jim Hallman and I will be attending the North Carolina Association of County Commissioners meeting in Greensboro. The meeting dates are August 14 - 17, 1997. Our tentative plans are to leave around Noon on August 14, 1997.

/al

Enclosure

CLOSED SESSION

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

Commissioner Larry Craig motioned that the Board go in to Closed Session.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Commissioner Larry Craig motioned for the Board to come out of Closed Session.

Seconded by Commissioner James Hallman.
Unanimously approved.

ADJOURN

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the August 11, 1997 work session.

Commissioner James Hallman motioned that the Board adjourn.

Seconded by Commissioner Beth Saine.
Unanimously approved.