

The Lincoln County Board of County Commissioners met in regular session on November 17, 1997 at the East Lincoln High School Cafeteria, Denver, 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

Jeffrey Taylor, Assistant County Attorney
Richard French, County Manager
Stan Kiser, Assistant County Manager

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

CALL TO ORDER

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

INVOCATION

Chairman Louis McConnell gave the Invocation.

ADOPTION OF THE AGENDA

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

AGENDA

**BOARD OF COUNTY COMMISSIONERS
LINCOLN COUNTY, NORTH CAROLINA**

EAST LINCOLN HIGH SCHOOL CAFETERIA

November 17, 1997

7:00 PM Call to Order

7:00 PM Invocation

7:00 PM Adoption of Agenda

7:05 PM Introduction of County Commissioners and County Staff

1. 7:10 PM Approval of Minutes
November 10, 1997

2. 7:10 PM Consent Agenda
Tax Request for Releases
 Less than \$100 – October 1 – 31, 1997
 More than \$100 – October 1 – 31, 1997
Tax Request for Refunds
 Less than \$100 – October 1 – 31, 1997
 More than \$100 – October 1 – 31, 1997
Request for Water Adjustments
Sponsored Group Status
Budget Adjustments 23, 24
Governing Body Resolution

3. 7:10 PM Report on Lincoln County Jail Project – Sheriff Barbara Pickens, Nick Montanez – Project Manager, M.B. Kahn Construction Co.

4. 7:25 PM Report on Water Projects – Doug Chapman, County Engineer

5. 7:30 PM Public Hearing – Proposed Capacity Fees for East Lincoln Water and Sewer District

6. 8:30 PM Public Comments

7. 8:45 PM Substandard Road Policy

8. 8:50 PM Vacancies

9. 8:55 PM Appointments

10. 9:00 PM Calendar

11. 9:05 PM County Commissioners' Report

12. 9:20 PM County Manager's Report

13. 9:30 PM Other Business

Adjourn

Please note that the Board of Commissioners will meet jointly with the Planning Board on December 8, 1997 at 6:30 PM. The regular meeting of the Board of Commissioners will also be on December 8, 1997 at 7:00 PM. The Board of Variances and Appeals meeting will be on December 8, 1997 at 7:30 PM. Please note that meeting times may vary due to length of agendas.

Commissioner Terry Brotherton motioned to adopt the agenda for the November 17, 1997 meeting adding item 3A – Sewer District Task Force and 3B—Subdivision Ordinance Changes.

Seconded by Commissioner Larry Craig.
Unanimously approved.

INTRODUCTION OF COUNTY COMMISSIONERS AND COUNTY STAFF

The Board of Commissioners and County Staff introduced themselves.

APPROVAL OF MINUTES

Chairman McConnell presented the minutes of the November 10, 1997 Board of Commissioners meeting for approval.

Commissioner James Hallman motioned that the minutes of November 10, 1997 meeting be approved.

Seconded by Commissioner Beth Saine.
Unanimously approved.

CONSENT AGENDA

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

RELEASES FOR OCTOBER, 1997

Releases Less Than \$100—Motor Vehicles

Abbott, Lori Ann	1997	0108795	\$ 9.17
Adams, Howard Lee	1997	0117307	9.34
Alexander, Lynn Scott	1996	0092086	1.92

Allen, Tammy Lynn	1996	0124496	51.10
Allen, Teddy Dean	1996	0103620	41.62
Anderson, Patricia Ann	1995	0115045	5.14
Anthony, John Max Jr.	1997	0086449	44.15
Arrowood, Jon Joseph	1996	0084859	49.35
Arndt, David Franklin	1997	0124706	14.22
Asplundh Tree Expert Co.	1996	0121387	2.12
Beehner, Stephen John	1996	0106755	17.07
BJR Construction Co.	1997	0118705	7.23
Biltcliffe, Joan Campbell	1997	0122763	6.03
Bishop, Edward Kent	1997	0091855	5.99
Bishop, William Ira	1997	0089483	.02
Blake, Padgett Laverne Jr.	1997	0098267	57.21
Bolick, Sandra Walker	1997	0124719	42.18
Bower, Patricia Skidmore	1997	0111204	7.76
Boyd, Angelia Crowe	1997	0124519	45.43
Broadwell, Angus Wilder	1997	0124632	15.54
Bruce, William S.	1997	0115218	33.20
Burgess, Jerry Wayne	1997	0068427	7.67
Caldwell, Amy Lee	1997	0124535	95.20
Caldwell, Thomas Franklin Jr.	1997	0107544	3.37
Camelo, Mrs. Margaret	1996	20584	2.65
Carico, Connie W.	1997	45008	40.10
Carpenter, James Christopher	1997	0102603	22.46
Carpenter, Kathy Ann (Burleson)	1997	0125234	75.28
Carpenter, Larry Cyril	1997	0097619	5.94
Carver, Douglas Charles	1997	0123969	10.85
Chaney, James Marion Jr.	1997	0094767	93.67
Chastain, Larry James Jr.	1996	0122321	48.94
Cobb, Lonnie W.	1996	12072	9.70
Cody, Christy Darlene	1997	0123116	25.78
Conner, Joseph D. Jr.	1997	12194	23.26
Cortran, Inc.	1997	0120750	102.94
Crown Point Resources	1997	0124727	40.24
Cunningham, Indira Dionne	1996	0116611	39.65
Dellinger, John Forrest III	1997	0065136	31.09
Dellinger, Lawrence & Minnie	1997	12783	3.62
Devine, Lewis & Madge	1997	12877	6.50
Donlen Corp.	1997	0124698	53.54
Eaker, Rebecca Lovett	1997	0124685	30.37
Early, Carla Thompson	1997	0113923	57.15
Easter. Wanda Thomas	1996	0112324	10.48
Easton, Deborah Jean	1994	0102759	25.52
Eaton, Robert D. & Pamela	1997	13070	10.48
Elmore, Charles R.	1997	06119	6.13
Elmore, William Robert III	1997	0073181	45.79
Flournday, Etheleen Cooper	1997	0090699	2.13
Foster, Mathew Ross	1997	0124647	34.32
Fredell, Robert Edgar	1996/1997	0070181	94.74
Fredell, William Izell	1995	0091034	2.12

Fulbright, Karen Hahn	1997	0124845	3.62
Fulbright, Martha Smith	1997	0091133	19.04
Gamez, Edgar Allan	1997	0119447	31.21
Garner, Marc Howard	1997	0120275	98.20
Gonzalez, Walter Daniel	1997	0073282	12.80
Good, Katherine Darlene	1997	0102299	69.89
Goodrum, Frank Stevenson	1997	0124523	72.16
Gray & Daniel Co. Inc.	1997	0124804	60.58
Greer, David Kent	1997	0124800	64.07
Grooms, Darin Wayne	1997	0070638	60.82
Hastings, Paul Edward	1997	0121004	35.34
Harmon, Lloyd Dorn Jr.	1997	0094815	11.56
Homesley, Michael & Kathy	1996	15910	15.37
Heffner, Daniel Randy Jr.	1997	0087091	17.47
Helms, Richard Dick	1997	0095247	8.33
Hill, Earl Dennis	1996	0122057	5.03
Hoglen, Randy Dean	1997	0123535	17.83
Hollard, Dennis Alex	1995	0072392	12.62
Hord, Vernon Ray	1997	0124684	29.76
Horton, Edwin Leon	1996/1997	0082525	33.55
Houser, Brian Sidney	1997	0080509	59.83
Hovis, George Wayne	1996	0084028	60.78
Hovis, William David	1997	0124544	13.74
Hudson, Sandy Lee	1997	0122905	3.30
Hull, Howard Daniel	1997	0124058	9.64
Hull, Tony Lee	1997	0124014	21.93
Hunter, Rudolph Jr.	1996	0105419	20.34
Jimenez, Martin Uribe	1994	0099543	13.92
Jimenez, Osvaldo Morales	1997	0123042	16.81
Johnson, Eric Richard	1997	0106345	16.34
Kale, John Wendell	1997	0124693	82.18
Keller, Leslie Eula	1997	0116978	6.46
Keever, James Houston	1994	0079266	19.76
Kirkland, Pamela Gail	1995/1996	0087323	81.71
Kiser, Bruce E.	1997	0098615	11.29
Lamacchia, Anthony Nicholas	1997	0103940	79.04
Lattimore, Ricky Lavelle	1996	0075022	9.43
Law, Jerry L.	1997	0122999	20.99
Lawrence, Robert Edward	1996	0119871	99.65
Lefler, Edgar William III	1997	0071950	76.76
Leonard, Matthew Joseph	1997	0077178	44.28
Leonhardt, Larry A. & Vata L.	1997	10261	13.67
Leonhardt, Swain McCauther	1997	0070259	9.58
Lifsey, William Hardin	1997	00877798	32.05
Lightfoot, Roy Chales	1997	0073842	40.41
Lingerfelt, Charles David	1997	0093836	44.69
Link, Curtis Jerome Jr.	1997	0090449	77.84
Love, Jeffery Nathan	1997	0123065	56.40
Lutz, Dwight B. & Tina Havner	1997	48876	21.62
Madel, Trevor Michale	1996	0109831	78.17

Mapes, Kelly Anne	1997	0116781	2.62
Martin, Shasta Leigh	1997	0124016	24.93
Mason, Deval Michel	1997	0110933	36.10
McConnell, Steven Edward	1997	0091677	72.85
McCurry, Timothy Boyd	1997	0098149	63.28
McGinnis, Burgin C. & Ruth	1997	17150	25.99
Meeks, Patricia Miranda	1997	0087579	69.79
Morrison, Kimberly Scronce	1996	0100420	6.71
Mosteller, Tracy Lynn	1997	31453	97.48
Mueller, Steven Rainer	1997	0124545	68.69
Nichols, David Gene	1997	0096417	9.13
Nicholson, Barry Lynn	1997	0123012	38.07
Owens, Frank Troy	1997	0080158	13.65
Parker, Benjamin Aaron	1997	0124618	86.77
Parker, Erika Susan	1997	0123542	33.68
Pate, James L.	1997	19819	76.34
Payseur, James Lee Jr.	1997	0088116	5.52
Peach, Donald Edward & Anita	1997	11321	4.01
Pennington, Frances Edith	1996	0099291	37.17
Perkins, Melody Duersel	1997	0124822	12.54
Potter, David Clifford	1996	0084579	43.83
Price, Charlene Tindall	1995	0077393	57.62
Proctor, Stacey Madison	1997	0100027	2.77
Reid, Hight Dt. & Patricia C.	1997	14494	26.73
Reynolds, Ronnie Alfred	1997	0065213	36.93
R & K Trucking Inc.	1997	25847	3.73
Rinaldi, James Arthur	1997	0077358	10.29
Rinhardt, Harold Gene	1997	0086411	7.37
Ritchie, Berlin Stanley	1997	0107830	11.94
Robinson, Phillip Sidney	1997	0073105	6.74
Robles, Luis Barrios	1997	0122809	7.41
Roland, Andrew S.	1997	0123148	48.29
Roy, Christopher Thomas	1997	0105380	39.54
Rudisill, Billy Ray	1997	0122149	21.20
Sain, Willia Martin	1997	0124667	14.16
Samotis, Catherine Louise	1997	0124614	46.20
Scronce, E. Hal & Pauline	1997	08573	11.12
Seagle, Burgin McGinnis	1997	0102800	45.65
Setzer, Joyce Stallings	1997	0081567	6.53
Sherrill, Jeffrey Layne	1996	0075985	47.89
Shogran, William & Ann	1997	15691	9.35
Shults, Robert A. & Catherine	1997	15791	64.60
Siler, James R. & Jackie	1997	20215	40.63
Simmons, Mercer & Peggy	1997	03285	2.70
Simpson, Ben A. & Janet Be.	1997	40239	31.22
Smith, Donald Lee	1997	16621	45.94
Smith, Joanne Haddigan	1997	0100595	46.95
Smith, Michael David	1997	0095635	26.69
Smith, Paul Michael	1997	0067509	17.97
S & S Leasing, Inc.	1997	0094303	122.42

Southern Freight Inc.	1997	0087891	63.44
Spurlin, Ladonna Walker	1997	0077165	73.75
Story, Jerry Darrel	1997	0105744	71.17
Towery, Charles Andrew	1997	0124820	16.75
VT Inc. As Tstee World Omni Lt	1996	0085238	82.27
Waite, Thomas M.	1997	0123201	33.57
Wallace, Dwayne R.	1997	37436	21.05
Ward, Janette Kellie	1997	0122667	3.62
Wesson, Bethie Smith	1997	0124615	12.01
Weston, Wan Giersch	1997	0122853	69.14
White, Loyd John	1997	0124558	74.95
Wilkinson, Michael & Pamela	1997	22057	12.60
Williams, Daniel Joe	1997	0115364	96.03
Williams, Ginger McSwain	1997	0070253	16.57
Williams & Sons	1997	0124781	12.01
Willoughby, Virginia Ann	1996	0119941	7.53
Withers, Larry Elliott	1997	0107650	82.84
Withers, Starr Norman	1997	0094057	26.92
Wolfe, Larry Elwood	1996	0121452	19.92
Woodard, David A. & Shasta	1997	40105	35.83
Woody, Herman Jr.	1996	0096436	3.96
Wright, Wayne Lafayette	1997	0082983	4.98
Wyant, Patrick Doyle	1997	0124613	20.61
Ziros, Jennifer Jean	1997	0103074	36.21

Releases More than \$100—Motor Vehicles

Allen, Claude Otis	1997	0118650	202.20
Baunach, Norman Douglas	1996	0122683	154.85
Beal, Charles Edward Jr.	1996	0062941	144.98
Bivens, Richard W. & Susan	1997	06298	121.83
Blanchard, Steven Lewis Jr.	1997	0124700	184.73
Boyd, Brenda Jo	1997	0118631	192.20
Bradley, Henry Lawson	1996	0071808	104.29
Brantley, Thomas Taylor	1997	0124887	175.21
Cain, William Marshall	1997	0110182	228.46
Canipe, Charles Durham Jr.	1997	0098543	175.44
Canipe, Peggy Michelle	1997	0123207	143.40
Carter, Johnny Ray	1997	0124944	126.36
Carver, Douglas Charles	1997	0123969	146.89
Collins, Michael Derwin	1996	0100941	195.21
Cook, Chad Christopher	1996	0118687	202.68
Dellinger, Lawrence & Minnie	1997	12783	112.39
Ewing, Sandra Jean	1997	0124619	115.19
Ford Motor Credit Corp.	1997	0109337/0060523	295.15
George, Jason Scott	1997	0086570	179.55
Harkey, Gerald Lindsay Jr.	1997	0124281	155.08
Howell, William Edgar Jr.	1997	0118343	120.86
Johnson, Angela Denise	1997	0124635	124.83
Jordan, David Paul	1997	0122802	105.20

Kane, Donald Joseph	1997	0120564	140.50
Lail, Jimmy & Doris	1997	09882	227.62
Marksberry, Merle Douglas	1997	0091879	233.05
McLamb, Ranson Wade Jr.	1997	0123021	174.73
McPherson, Amy Melissa	1997	0124836	110.52
Mitchem, Kathy Merck	1997	0117048	118.93
Margin, Jack Lee	1997	0124951	241.91
Orren, Joyce Tullock	1997	0105573	117.73
Price, Joan Gayle	1997	0073510	133.74
Pruett, Hilma Kale	1997	0124685	170.62
Ramsey, James Kenneth	1997	0072153	133.51
Schwarz, Russell James	1996	0120033	229.44
Scott, Joseph William Jr.	1997	0108372	104.84
Sherrill, Patricia Cooper	1997	0124595	145.09
Smith, Gregory Patrick	1997	0119923	151.34
Smock, Garrett Alton	1997	0124642	186.06
Stallings, Audra Leah	1997	0124631	215.82
Thompson, Robert Lee III	1997	0122184	138.45
Walters, Carl Burney	1997	0068577	111.50
Wensil, Robert Belois	1997	0077287	116.64
Williams, Howard Colon	1997	0118491	149.78
Williams, Kristy Houser	1997	0124616	128.69
Williams, Walter Keith	1996	0119881	128.57
Wingate, Joseph Lee	1997	0077116	214.18

Releases Less than \$100

Alfaro, Jose Antonio	1997	0110238	35.76
Armstrong, Michael Wayne	1997	0124991	13.37
Avery, Walter Douglas	1997	05579	71.85
Byrd, Elise & Freddy	1997	13215	70.31
Choate, Phillip James	1997	45042	2.00
Connelly, Charles	1995/1997	0086916	11.98
Denver Baptist Church	1997	33559	69.00
Edwards, Leslie Gary	1997	0073226	45.39
Finger, Terry Darenda	1996/1997	06461	138.00
Hutchins, Marsha Althia Harwood	1993/1997	0060492	221.49
Ingle, Diane Miller	1997	07199	69.00
Ingle, Lewis William	1996	0110440	69.00
Johnson, Anthony Scott	1997	31823	2.13
Kirkland, Pamela Gail	1994/1997	09529	224.17
Leedy, Jerry G. & Irma K.	1997	47661	46.14
Leonhardt, Douglas & Cherly S.	1997	19179	35.04
McKales Lawns Services	1997	0119279	35.48
Peeler, Tommy Q. & Joyce P.	1997	00627	92.04
Quinn, Robert Blair	1997	0090365	42.58
Raftelis, George A. & Eva M.	1994/1997	20589	9.36
Reynolds, Larry B.	1997	08941	2.17
Riddle, Mary H.	1993	0064894	70.80
Russell, Geoffry	1997	0088367	36.44

Smith, Susan Marleen	1993/1996	39925	174.42
Something Nautical "Old & New"	1997	0110743	11.72

Releases More Than \$100

JLB Aviation	1997	0064357	309.60
McCord, James A. & Ann L.	1997	21268	122.58
Riddle, Mary H.	1996/1997	0064894	294.75
Slavens, Stephen C.	1997	20296	303.45
Smith, Susan Marleen	1997	39925	230.50
Tallent, Charles P.	1997	0064767	444.98

Requests for Refunds

Refunds Less Than \$100

AccuBanc Mtg. Corp.	1997	30749	2.03
B & B Construction Corp.	1997	24310	2.17
Burgess, Paul A.	1997	0100732	3.06
Davis, Tony Leon	1997	12674	10.73
Ellington, James A.	1997	32392	52.74
Ellington, James & Tammy	1997	18491	5.02
Hollar, David & Patricia	1990	39321	1.16
Ingle, Lewis W. & Nell I.	1997	07209	70.38
Isenhour, James P. & Darlene	1997	18602	50.50
Johnson, Robert D.	1997	07779	11.11
Keneda, Gorden	1997	0061475	13.69
Maiwald, Glenda L.	1996	0085392	16.00
Randolph, Robert Jr.	1997	0106574	7.46
Smith, Elliott & Rebecca	1997	0062258	1.65

Refunds More than \$100

McLean, Edwin & Terry	1996	32204	210.87
Mejia, Ismael	1997	0119149	487.89
Riddle, Mary H.	1997	0064894	220.55
Whitesides, Brice R.	1997	15129	462.60
Whitesides, Brice R.	1997	15129	321.07
Whitesides, Brice R.	1997	15129	324.53
Whitesides, Brice R.	1997	15129	644.72

Refunds More than \$100—Motor Vehicles

McPherson, Daniel & Laura	1997	0100820	114.64
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Refunds Less than \$100—Motor Vehicles

Abernethy, Jack M. & Patricia	1997	05208	19.63
Anderson, David & Jacquelyn	1996	0062296	78.47
Bartus, John Andrew	1996	0082281	11.77

Bennick, Edward Theodore, Jr.	1996	0086529	52.84
Black, Dariel G.	1997	0067745	8.40
Boles, Robert Larry	1997	0083200	3.15
Burgin, Billy Neal	1997	0118012	1.01
Catawba Rental Co., Inc.	1997	0065446	20.06
Graham, Robert Lee	1997	0074317	8.71
Grove, Robert C.	1997	0100861	25.84
Hoffman, Ray & Ruby	1997	06926	1.08
Julian, Timothy James	1997	0114766	2.47
Karlson, Robert A.	1997	0100791	46.05
Kennerly, Bruce B. Jr. & Norma	1997	18360	19.28
Lackey, Gary S.	1996	0078328	10.05
Lail Electric Serv. Inc.	1997	25362	3.88
Lail, Scott Edward	1997	0123979	25.07
Lambert, Helen Faye	1997	0108529	3.56
McCandless, Michael Lee	1997	0107638	6.33
Miller, Geneva B.	1997	0121866	4.29
Mills, Charles M.	1997	0066640	31.16
Moore, Melvin G.	1997	0102453	30.16
Nixon, Herman & Clara	1997	40889	2.18
Noles, Frank & Steven	1996	0112474	6.11
Parker, Charles (Hank) & Angela	1996	19641	43.83
Powell, Fred Aaron	1997	0121080	3.33
Putnam, David V.	1996	0097636	20.24
Rhodes, Janice Potts Trigg	1996	0114022	12.13
Sain, Garland & Dean	1997	13555	5.39
Seibert, Wayne & Peggy	1997	0074435	53.22
Shults, Robert A. & Catherine	1997	15791	3.01
Sisk, Paul Herman	1997	0072669	2.00
Smith, Henry Boyd	1997	10187	14.71
Smith, Michael D.	1997	0100595	3.21
Stephens, Brian K. & Rebecca	1997	35754	30.99
Stroupe, Dennis & Vivian	1997	11141	46.96
Tallent, Kristen Jane	1997	0124434	2.45
Thomas, Joe B. & Margaret	1996	13736	4.21
VT Inc. As Tstee World Omni Lt.	1997	0085238	49.24
Waite, Thomas M.	1997	0123201	32.81
Wilkes Trucking	1997	0121768	19.84
Williams, George Ervin	1996	0093037	6.26
Willoughby, Virginia Ann	1997	0119941	23.10

Requests for Water Adjustments—October 13, 1997 – November 10, 1997

<u>Name</u>	<u>Adjustment</u>	<u>New Total</u>
Cook, Keith	\$130.50	\$92.17
Corley, Hope	\$217.79	\$89.66
Gallman, Mary	\$50.08	\$43.83
Howard, Rhonda	\$32.10	\$25.54
Long Sh. Wesleyan Church	\$152.79	\$146.70

Ressler, Sherry	\$190.28	\$98.55
Thomson, June	\$84.70	\$58.89
Tucker, Belton	\$48.79	\$34.55

Sponsored Group Status

- Metrolina Kidney Center

Budget Adjustments No. 23 & 24

Governing Body Resolution

Governing Body Resolution

The governing body of the County of Lincoln ("Purchaser") has determined that it is necessary for the Purchaser to acquire and install certain personal property ("Project") for the Purchaser and to obtain financing for the Project through an installment purchase transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:

1. Authorization of Financing. The Governing Body determines that the financing of the acquisition and installation of the Project pursuant to the terms of Installment Purchase Contract Number One Agreement") providing for the installment purchase of the Project by the Purchaser from Wachovia Leasing Corporation is in the best interest of the Purchaser and such installment purchase financing is authorized.

2. Designation. The Governing Body designates the obligations of the Purchaser to make payments under the Agreement as "qualified tax-exempt obligations" in accordance with the provisions of Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended. The Governing Body does not reasonably expect that the Purchaser (and any subordinate entities) will issue more than \$10,000,000 in qualified tax-exempt obligations during the current calendar year and the Governing Body will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3)(B)(ii) during the current calendar year.

3. Further Actions. The Governing Body authorizes Louis McConnell the Chairman, Board of Commissioners to execute and deliver the Agreement and any and all other documents, instruments, opinions, and certificates necessary to carry out the purposes of this Resolution and all such action previously taken is ratified and confirmed.

4. Effective Date. This resolution shall take effect immediately.

Adopted November 17, 1997.

Amy S. Long
Clerk to the Board
County of Lincoln

Commissioner James Hallman motioned that the Consent Agenda for November 17, 1997 be approved adding a note to the Governing Body Resolution, stating that it is for the purchase of Landfill equipment.

Seconded by Commissioner Larry Craig.
Unanimously approved.

REPORT ON LINCOLN COUNTY JAIL PROJECT—SHERIFF BARBARA PICKENS, NICK MONTANEZ—PROJECT MANAGER, M.B. KAHN CONSTRUCTION CO.

Nick Montinez gave an update on the Lincoln County Jail Project, stating that they have already started site work bids for the main facility. Mr. Montinez asked if County Manager Rick French and Chairman Louis McConnell would be able to entertain any bids if under budget to authorize awards which can be ratified at the January meeting.

A motion by Commissioner Larry Craig to allow Chairman Louis McConnell and County Manager Rick French to go ahead with any bids under budget.

Seconded by Commissioner Beth Saine.
Unanimously approved.

SEWER DISTRICT TASK FORCE APPOINTMENTS

Commissioner Terry Brotherton submitted the following list of people to serve on the task force, stating that this group could put together some alternatives to the capacity fee.

Fred Meyer
Harold Cadmus
Todd Wulffhorst
Dean Black
Ray and Sylvia Holmes
Kenneth Tucker
Gary Dellinger
Danny Richard

Ron Bost
Joe Turbyfill
Jim Sherrill
Jack McCachern
Patsy Black
David Wilson
Wayne Gilbert
Bob Hecht
Lindy Dellinger.

A motion by Commissioner Terry Brotherton to appoint these people as the East Lincoln Sewer District Task Force Committee to include Bob Hecht as the Chairman until one is elected.

Seconded by Commissioner Larry Craig.
Unanimously approved.

SUBDIVISION ORDINANCE CHANGES

Richard French, County Manager, stated that a public hearing needed to be set for December 8, 1997 to review changes in the subdivision ordinance that may be better than a moratorium.

A motion by Commissioner Terry Brotherton to set the public hearing for December 8, 1997 at 7:45 PM to review changes in the subdivision ordinance.

Seconded by Commissioner Larry Craig.
Unanimously approved.

REPORT ON WATER PROJECTS—DOUG CHAPMAN, COUNTY ENGINEER

Doug Chapman, County Engineer, presented the following memorandum:

MEMORANDUM

Date: November 10, 1997
To: Richard French, County Manager
From: Douglas Chapman, County Engineer
Subject: Water line extension to Hershel Lackey Road and Ashley Cove Subdivision

A petition was received requesting water service along Hershel Lackey Road, near NC 27 west near Winn Dixie. At the June Commissioner meeting the project was discussed, and the Board came to a consensus that I prepare plans for the project, and obtain bids for the work. That has been completed, and the residents are anxious for water.

The bid, assuming 15 customers will connect to the line, is \$45,350. The tap fees for 15 customers will total \$11,250. Therefore, an upfront cost to the County would be \$34,100.

Another water line extension has been requested by the Homeowner's Association of the Ashley Cove Subdivision, located off of Burton Lane in east Lincoln County. The estimated cost for the installation of the water lines and taps to serve the subdivision is \$208,000, which will serve approximately 55 homesites, by extending the water line Crescent Resources is installing for the Sailview Development. The staff has met with a representative of the Homeowner's Association, and indicated to him that the homeowners would need to fund at least 50% of the project costs. Even with a 50% funding from the homeowners, the cost to the County would be approximately \$104,000.

The applicants are urgent in their request for water line extension for both projects. The County is already committed to extend water along North Little Egypt Road to serve the Knox project, which has an estimated cost of \$150,000. No money has been budgeted for either of these three projects.

Commissioner Terry Brotherton stated that both are good proposals but that there just is no money for extending the water line to the Ashley Cove Subdivision.

Commissioner Larry Craig stated that the Hershel Lackey Road project is a greater need.

A motion by Commissioner James Hallman to continue the discussion on the water line extension to December 8, 1997 to allow the County Manager to look into this further.

Seconded by Commissioner Beth Saine.
Unanimously approved.

PUBLIC HEARING – PROPOSED CAPACITY FEES FOR EAST LINCOLN WATER AND SEWER DISTRICT

Doug Chapman, County Engineer gave a report on the proposed capacity fee.

Chairman Louis McConnell opened the Public Hearing for the proposed capacity fees for the East Lincoln Water and Sewer District.

David Tunstil stated that he owns land in the Forest Hills Subdivision, and he is trying to pay off the property before building. He stated that people who previously owned property, and are just now building new construction should be exempt from the capacity fee.

Eddie Knox stated that he was concerned about the situation and does not think it is fair for his development to be charged the capacity fees.

Guy McIntosh stated that impact fees are the best thing since zoning. He stated that he does not want the area to be like Cornelius, he wants there to be orderly growth.

Ray Cloniger stated that the sewer district is a problem, but the real problem is the customers. He stated that growth cannot be slowed down, but he hopes the task force can help. He stated that adding fees and taxes is not the solution.

Tom McGuire stated that the whole County should be responsible for paying for the sewer system, like the water system.

Gene Henley stated that progress cannot be stopped.

Being no one else wishing to speak, Chairman McConnell declared the public hearing closed.

Chairman McConnell called for a five minute recess.
Chairman McConnell called the meeting back to order.

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.

No one came forward to speak.

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

SUBSTANDARD ROAD POLICY

Jeff Taylor, Assistant County Attorney, presented the following Resolution:

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 benefitted 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. In order to be considered, the road(s) must be capable of being brought up to State standards for acceptance into the State system.

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 completed applications for road improvements under this policy. 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, if any, 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. *Budgetary Limitations.* The Board of Commissioners has appropriated the sum of \$25,000 which is available to be used for improvements under this policy during fiscal year 1997-98. During the budget process for fiscal year 1998-99 and annually thereafter, the Board of Commissioners

shall consider how much additional money, if any, may be appropriated for such improvements during the next fiscal year. The Board of Commissioners specifically recognizes that sufficient funds might not be available to make additional appropriations for improvements under this policy each fiscal year, and nothing contained in this policy shall obligate the Board of Commissioners to make an appropriation in any given fiscal year. Unless otherwise determined by the Board of Commissioners, unused funds shall accumulate and be carried forward to succeeding fiscal years, and Lincoln County's portion of the expenditures for any particular project(s) will be limited to the funds then available from appropriations made in accordance with this policy.

Section 5. *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. For purposes of this section, completion will be determined in accordance with Sections 2 and 3. 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 over new applications. In the event that limited availability of county funds prevents a particular application from being selected in a given budget cycle, nothing contained in this policy shall prevent the Board of Commissioners from selecting other completed application(s) for action if county funds appropriated are sufficient to complete the improvements requested in such application(s) in accordance with this policy.

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;
- (4) the number of school-age children affected per mile of the proposed improvements; or
- (5) other reasonable factors as the Board may from time to time determine.

Section 6. *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 7. *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.

Adopted this 17th day of November, 1997.

Louis E. McConnell, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Long, Clerk to the Board

A motion by Commissioner Terry Brotherton to adopt the Resolution as presented.

Seconded by Commissioner Larry Craig.
Unanimously approved.

NOTIFICATION OF VACANCIES

Commissioner Hallman advised of the following vacancies:

Recreation Commission
Social Services New Committee
Planning Board—North Brook

APPOINTMENTS

Commissioner James Hallman advised that there were no appointments at this time.

CALENDAR

Chairman McConnell presented the Calendar for December, 1997 adding the parade on December 13, 1997 at 5:30 PM and holidays December 24, 25, and 26.

COUNTY COMMISSIONERS' REPORT

Commissioner Larry Craig discussed a letter he received about deregulation of power companies.

Commissioner Terry Brotherton stated that he has been trying for 4 months to get cable to Lakewood Care Center and would like to get this done.

Rick French, County Manager, stated that he will pursue this.

COUNTY MANAGER'S REPORT

Rick French, County Manager, presented the following memorandum:

MEMORANDUM

TO: Louis E. McConnell, Chairman
Board of Commissioners

FROM: Rick French, County Manager

SUBJECT: County Manager's Report

DATE: November 13, 1997

1. The Employee's Appreciation Luncheon is scheduled for December 3, 1997 at the Citizens Center. The lunch will be held from 11:30 AM to 2:00 PM to allow all employees time to eat without closing departments. The time scheduled for the awards portion of the program is 12:45 PM – 1:15 PM. The County Commissioners present the awards, so please mark your calendars for this special time for food and fellowship.
2. December 1, 1997 at 7:00 PM was designated for our work session on subdivisions. It appears that PUD will be the main focus of our discussion. Please let us know if you need additional information.
3. County staff have enclosed more information on Charter Schools for your review. In the first year, Lincoln Charter School will receive about \$3,353.45 per pupil from the State, AND \$655.85 FROM LINCOLN COUNTY. Mrs. Robin Black, Charter School representative, estimated the school would start next Fall with 120 students.
4. County staff have received a second quote on the medical insurance which was more costly than Medpoint B. Medpoint B was the Blue Cross Plan discussed at our November 10, 1997 meeting. There was almost an \$18,000 difference in the two policies. County staff plan to select Medpoint B for our group health plan.
5. Lincoln County has received a letter from the North Carolina Department of Health and Human Services Division of Social Services dated November 4, 1997 (but received November 12). The letter instructs Lincoln County to "proceed with developing your Electing County Plan." A copy is enclosed.

6. The Lincolnton-Lincoln County Airport has been notified of approval of seven State Aid to Airport projects in the 1998-2002 TIP. An enclosed letter outlines these projects. The 10% is split between County/City.
7. I would like to recommend we accept the September 26, 1997 report from Mike Lane concerning preventive maintenance savings. A copy of this memorandum is enclosed.
8. I will be on vacation on November 21 and December 5, 1997. Surgery for my wife is scheduled on December 3, 1997 and she will be required to maintain complete bed confinement until Christmas. During this period, I will continue to work, but will sometimes be involved in picking my kids up from school and such. I will continue to work at night and whenever needed, but I will be out some for my children. As always, I will have my pager and mobile phone. Thanks in advance for your understanding.

/lh

Enclosures

OTHER BUSINESS

Jeff Taylor, Assistant County Attorney, presented the following Ordinance for the Board's consideration:

ORDINANCE GOVERNING PERMITS FOR HEALTH MASSAGE/BODYWORK THERAPISTS

WHEREAS, on March 17, 1975, the Lincoln County Board of Commissioners adopted an Ordinance Relating to Licensing Provisions Relative to Masseurs, Massage Parlors, Health Salons, and Clubs; and

WHEREAS, the aforesaid Ordinance was adopted in part to protect the citizens of Lincoln County from massage parlors providing services of a prurient or sexual nature; and

WHEREAS, the aforesaid Ordinance contained certain exceptions for medical and health care professionals; and

WHEREAS, other than the aforementioned exceptions for medical and health care professionals, the aforesaid Ordinance did not make any distinction to recognize persons who are trained or certified in massage therapy and did not provide specific guidelines for permitting trained or certified persons to practice massage therapy except under the restrictions of that Ordinance; and

WHEREAS, the Lincoln County Board of Commissioners verily believes that trained or certified massage therapists possess skills that may legitimately be of benefit to the citizens of Lincoln County and that it would be in the best interests of the health and safety of the citizens of

Lincoln County to establish a framework specifically for issuing permits to recognize trained or certified massage therapists;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

Section I - P=ose.

A. In the interest of public health, safety, welfare, and morals, and to protect the public from unqualified practitioners and unethical businesses, the following privilege license provisions and regulations are hereby adopted.

B. The provisions of this Ordinance shall not apply to the following:

(1) physicians, surgeons, chiropractors, osteopaths, physical therapists, or podiatrists duly licensed to practice in this State, or registered or licensed practical nurses governed by the North Carolina Nursing Practices Act;

(2) athletic directors, trainers, or similar personnel who are affiliated with an educational institution or professional sports team and whose work is limited to members of such professional or educational institution teams; or

(3) licensed cosmetologists, barbers, or beauty culturists who do not give or hold themselves out to give massage treatments other than customarily given in such establishments, solely for the purpose of beautification.

Section 2. Definitions.

The following definitions shall apply to words and phrases used in this Ordinance:

A. *Health massage/bodywork therapy* means systems of activity applied to the superficial or deep tissues (muscles, tendons, ligaments, connective tissue, or skin) of the body by means of applying pressure with the hands, feet, arms, or elbows for therapeutic and/or relaxing purposes. Soft tissue health massage/bodywork practices are designed to promote general relaxation, improve flexibility and pliability of the soft tissues or relieve stress and muscle hypertension, and to enhance a general sense of well-being in the client. The term *therapy* does not include the diagnosis or treatment of disease, medical procedures, or the use of modalities for which a license to practice medicine, chiropractic, physical therapy, acupuncture, or podiatry is required by law.

B. *Health massage/bodywork therapist* means any person who (1) is engaged in the practice of health massage/bodywork therapy and (2) has graduated from an institute or school of massage therapy licensed under a state licensing requirement, is certified by the American Massage Therapy Association or the National Certification Board for Therapeutic Massage and Body Work, or meets the criteria of Section 3(D) of this Ordinance.

C. *Health massage/bodywork therapy establishment* means any business or establishment where health massage/bodywork therapy is performed solely by health massage/bodywork therapists.

Section 3. Licensiniz.

A. No person shall perform health massage/bodywork therapy as herein defined for compensation until such person has applied for and received a permit from the Lincoln County Manager or designee. Such permit shall be issued only to those persons meeting the definition of health massage/bodywork therapist as defined herein.

B. Application for the permit required by this section shall be on a form approved by and filed with the County Manager or designee. Such application shall include (1) the name and business address of the applicant and (2) proof satisfactory to the County Manager or designee that the applicant possesses a diploma or certificate of graduation from an institute or school of health massage/bodywork whose curriculum is licensed under applicable state regulations, a valid document of certification from the American Massage Therapy Association or the National Certification Board for Therapeutic Massage and Body Work, or the information required by Section 3(D) of this Ordinance.

C. Each application for a permit shall be accompanied by a fee pursuant to a schedule adopted by the Lincoln County Board of Commissioners.

D. Any person who has been engaged in the business of health massage/bodywork for at least three years prior to applying for a permit hereunder shall be deemed to be a health massage/bodywork therapist under this Ordinance if such person completes the following steps:

(1) file the application form required in Section 3(B) of this Ordinance; (2) pay the **appropriate fee as required** in Section 3(C) **of this Ordinance**; (3) submit verification and documentation satisfactory to the County Manager of at least 500 hours of experience in the practice of health massage/bodywork therapy; and (4) submit three letters of reference from state-licensed health care professionals or health massage/bodywork therapists who hold valid permits under this Ordinance, attesting to the sound moral character, professional qualifications, and competence of the applicant.

E. Permits issued under this Ordinance shall expire one year from the date of issuance but may be renewed by payment of the annual license renewal fee prescribed by the Lincoln County Board of Commissioners, provided that the applicant has remained in compliance with all requirements of this Ordinance.

Section 4. Persons or Businesses to Use Only Licensed Health Massaize/Bo-dy-wo Thempists.

A. No person or business shall allow anyone to perform health massage/bodywork therapy upon the premises operated or occupied by that person or business unless the individual performing health massage/bodywork therapy has been issued a permit as required by this Ordinance.

B. Every health massage/bodywork therapist shall post the permit required by this Ordinance in his or her work area at all times.

Section 5. Compliance With Other Laws and Regulations.

A. Except as provided in Section 5(B) of this Ordinance , nothing contained in this Ordinance shall relieve applicants from the responsibility of complying with all other applicable statutes, ordinances, rules, and regulations of the United States of America, the State of North Carolina, and Lincoln County.

B. To the extent that the requirements of this Ordinance may conflict with the provisions of the Ordinance Relating to Licensing Provisions Relative to Masseurs, Massage Parlors, Health Salons, and Clubs adopted by the Lincoln County Board of Commissioners on March 17, 1975, this Ordinance shall control. No applicant who qualifies for a permit under this Ordinance shall be required to comply with the provisions of the aforesaid 1975 Ordinance. In all other respects the 1975 Ordinance shall remain in full force and effect.

Section 6. Enforcement.

Violations of this Ordinance may be enforced by any one or more of the remedies authorized by Section 153A-123 of the North Carolina General Statutes, including, but not limited to, the following:

A. The County Manager or designee may issue a citation which subjects the offender to a civil penalty of fifty dollars (\$50.00) to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within twenty (20) days after being cited for a violation.

B. A civil action seeking an injunction and order of abatement may be directed toward any person creating or allowing a violation of this Ordinance, including the owner or person otherwise having actual or legal control of the premises upon which the violation occurs.

C. A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. A violation of this Ordinance upon the issuance of a misdemeanor warrant shall be punishable under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty (30) days and/or a maximum fine of fifty dollars (\$50.00).

Section 7. Effective Date.

This Ordinance shall become effective on December 1, 1997.

Adopted this 17th day of November, 1997.

ATTEST:

Amy S. Long
Clerk to the Board

Louis E. McConnell
Chairman, Board of Commissioners
Lincoln County

A discussion was held concerning the Ordinance.

A motion by Commissioner Larry Craig to adopt the Ordinance Governing Permits For Health Massage/Bodywork Therapists.

Seconded by Commissioner Terry Brotherton.

Commissioner Larry Craig withdrew the motion, in lieu of finding out about monitoring and enforcement of the Ordinance.

Commissioner Terry Brotherton withdrew the second.

ADJOURNMENT

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

Commissioner James Hallman motioned that the Board adjourn the November 17, 1997 Regular Meeting.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.