

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 7, 2008

The Lincoln County Board of County Commissioners met on April 7, 2008, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Marie Moore
Bruce Carlton
James A. Klein

Others Present:

George Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Steve Gilbert, Director of Public Works
Barry McKinnon, Sr. Utility Engineer

Call to Order: Chairman Anderson called the April 7, 2008, meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Anderson presented the agenda for the Board's approval.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

APRIL 7, 2008

- | | |
|------------|-----------------------------------|
| 6:30 PM | Call to Order |
| 6:31 PM | Invocation – Commissioner Carlton |
| 6:32 PM | Pledge of Allegiance |
| 1. 6:33 PM | Adoption of Agenda |
| 2. 6:34 PM | Consent Agenda |
| | - Approval of Minutes |

- Tax Requests for Refunds – More than \$100
 - February 19 – March 2, 2008
 - Tax Requests for Releases – More than \$100
 - February 16 – March 15, 2008
 - Budget Adjustment No. 80
 - Release of Letter of Credit No. 50
 - Public Safety Telecommunicators Week 2008 Proclamation
3. 6:35 PM Appointment of Highway 16 Study Group – Commissioner Klein
 4. 6:50 PM Presentation of Concerns About Proposed Carolina Thread Trail – Paul Haynes
 5. 7:00 PM Public Comments
 6. 7:15 PM Proclamation Honoring Vietnam Era Soldiers of Lincoln County – Dale Punch
 7. 7:20 PM Requests from Lincoln County Chamber of Commerce
 8. 7:30 PM SRF Loan Application Resolution – Steve Gilbert
 9. 7:40 PM NC 73 Airport Road Water Line Bids – Steve Gilbert
 10. 7:45 PM Drought Update – Steve Gilbert
 11. 7:50 PM Update on Sewer Plant – Steve Gilbert
 12. 8:00 PM Closed Session
 13. 8:15 PM Other Business

Adjourn

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the agenda as amended.

Consent Agenda: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Consent Agenda.

- Approval of Minutes
- Tax Requests for Refunds – More than \$100
 - February 19 – March 2, 2008
- Tax Requests for Releases – More than \$100

- February 16 – March 15, 2008

Arrowood, Charles Arthur	2007	0209304	\$237.63
Banks, Edwin Conrad	2006	0129912	\$160.77
Deal, Christopher Albert	2007	0143779	\$119.34
Friday, Renee Finger	2007	0194224	\$159.51
Georgia Horner Dupree DBA	2007	0201565	\$810.24
Hardy, Theda Lineberger	2007	0208990	\$140.05
Hazell, Jeffrey Lee	2007	0207967	\$176.55
ICX Corp.	2007	0191338	\$280.45
Jackson, Candice G	2007	0189101	\$242.43
Kovalchuk, Christine L	2007	0206460	\$215.21
Lees, Tammy Jo	2007	0207794	\$107.06
Lemelin, Claude Junior	2006	0198054	\$124.26
Moore, Roderick Otto Jr.	2007	0164642	\$177.43
Morales, Jake Gabriel	2007	0200896	\$176.79
Mosteller, Jeffrey Alan	2007	0090207	\$328.40
Naradzay, Joseph A	2007	0199996	\$164.91
Pope, Christopher Thomas	2007	0106439	\$195.42
Straus, Alan Townley	2007	0209132	\$125.18
Sutton, Dora Kirby	2007	0208731	\$155.96
Taylor, Loyd Ray	2007	0203118	\$133.15
Tuttle, Jeanetta Overbay	2007	0209266	\$236.69
Utter, James Foster	2006	0186882	\$168.33
Ward, Hope Parker	2007	0209130	\$175.73
Werder, Louis Douglas	2007	0205328	\$239.02
White, Jack Robert	2007	0206061	\$102.78
		TOTAL	\$5,153.29
Austin, Kenneth E	2007	0191893	\$309.39
Bank Of Granite	2007	0191938	\$119.77
Block, timothy W	2007	0123910	\$363.38
Davis, Michael S	2007	0201117	\$3,558.58
Dellinger Investment Builders	2007	0155298	\$321.46
Engle, Patty McSwain	2008	0105962	\$121.06
Graham, Michael Louis	2007	0090244	\$159.50
James, Roger	2000-2007	0128925	\$639.32
McClurg, Timothy J	2007	0184643	\$175.13
Murray, John D	2007	0186754	\$301.44
Orrells Outdoor Services Inc.	2007	0192570	\$261.17
Sugar Buzz (DBA)	2007	0163261	\$445.99
TK Medical (DBA)	2007	0179042	\$206.25
Unifour Services (DBA)	2007	0197721	\$128.70
Venture Utility Construction	2007	0192223	\$184.25

TOTAL

\$7,295.39

- Budget Adjustment No. 80
- Release of Letter of Credit No. 50

Appointment of Highway 16 Study Group – Commissioner Klein: Randy Williams presented a detailed scope of work for the NC 16 Corridor Plan Project.

Commissioner Klein thanked Building and Land Develop for their work and professionalism in this task. He thanked the media for getting the word out about the need for applicants.

Commissioner Klein presented names for the 9 member work group:

John Anderson

Greg Coffey

Bo Moore

Larry Poe

Harry Heesch

Martha Lide

Colleen Pfeufer

Jim Mauney

Bob Hecht

UPON MOTION by Commissioner Klein, the Board voted unanimously to appoint these nine individuals to the Highway 16 Work Group. (Commissioner Moore was not at her seat at the time of the vote)

Alternates:

Jeff Frushtick

Ray Holmes

UPON MOTION by Commissioner Klein, the Board voted unanimously to appoint Jeff Frushtick and Ray Holmes as alternates to the Highway 16 Work Group.

Commissioner Klein asked the desire of the Board with regards to a Planning Board member serving on the Highway 16 Group. It was the Board's desire to not appoint a Planning Board member to the Group.

Presentation of Concerns About Proposed Carolina Thread Trail – Paul Haynes:

Paul Haynes stated that when he read about the Carolina Thread Trail in the paper, he had concerns. He said that he has a 335 acre farm that this corridor splits. On one side is cattle and on the other is a tree farm. Mr. Haynes voiced concerns about vandalism on this trail, his cattle being let out and fires started in his tree farm. He stated that he would like the Board to think about if they would like this if it were their farm.

Gerald Williams stated that he is one of the owners of SSW Farm and owns one mile along this proposed corridor. He stated that this proposed trail would hurt their operation. He stated that they can control the people going in and out now, but could not if the trail was there. He stated that they use pesticides on their farm and people are not supposed to be around those. He stated that this trail will not benefit them in any way.

Don Wilkinson stated that his farm borders the Catawba/Lincoln County Line on the Null Road, between Finger Mill Road and Salem Church Road. He stated that in the 1990's, DOT would not pave his road, which cost him \$8 per foot to have that paved. He stated that his point is that nothing was ever offered because they are at the north end of Lincoln County. He asked the board to not do him any favors with approving this to enhance his property value due to the fact that his property value went up 90% in the last revaluation. Mr. Wilkinson stated that this will not benefit property owners.

Tim Fredell stated that he represents National Fruit Product Company. He stated that National Fruit owns approximately 125 acres that stretches from Old 321 and stretches to Clark's Creek. He stated that he would like to go on record as opposed to the proposed Thread Trail, which would bisect their property. He said that they are a beverage bottling company and are governed by the FDA as well as Homeland Security. The Dept. of Homeland Security demands they know who is on their property at all times, if this trail were to pass through their property, there is no way to know who is there. They are permitted to spray wastewater on a spray field adjacent to this Thread Trail. Mr. Fredell asked the Board to abandon this proposal where their property and the others who spoke's property is concerned.

Commissioner Patton stated that he received a phone call from a gentleman who represents the Farm Bureau. This gentleman wanted the Board to know that he and his 6500 members are adamantly opposed to this proposal.

Chairman Anderson stated that the Thread Trail is something that has been proposed to the Board in a very preliminary fashion and the Board knows very little about it at this point. He thanked the residents for voicing their concerns as it is very important for the Board to know the concerns as it pertains to this proposal. He stated that this is a very large undertaking and it is very important to hear these concerns. He stated that this property will not be taken, so there should not be concerns on that regard.

Public Comments: Chairman Anderson advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Martin Oakes stated that he has done a spreadsheet with all 2000 waterfront properties in it. He showed samples of homes and what they appraised for versus what they sold for. He stated that the Commissioners are in charge of the county and can do what they want. He said they can get an outside review of this evaluation. Mr. Oakes stated that the Board is a local tax authority. He stated that the Board of Equalization and Review is by default the members of the County Commission and when the Board of Equalization is

not in session, the Commissioners are the Board of Equalization and Review. He said they could have a reappraisal every year. Mr. Oakes asked the Board to do the right thing on this issue like they did with the Gaston County line dispute.

Don Voigt stated that he is here representing a group. He stated that one of the underlying flaws in the assessment is the land values. He said that there have been two professional appraisals done on their street and one of the appraisals came in at \$580,000 for the property and it was assessed in the 2008 Reappraisal at \$732,000. He stated that there seems to be internal inconsistencies in the reappraisal itself. He asked that the Board take an interest in the appeals process and to make sure they are done fairly. Mr. Voigt stated that two of their members went through the appeals process and were less than satisfied. He said that another person was treated shabbily by the appraisal staff.

Michael Hall stated that he has no problem with the citizens paying their fair share of taxes, but he has a problem with the appraisal process, which is scientifically flawed. He said that he works for Bank of America in consumer real estate, first mortgage risks as the Risk Reporting Manager. He stated that they do valuation modeling in his group all the time. He stated that the process in this revaluation has been flawed. He gave a quick overview of how valuation modeling works. He stated that the appraisal process in Lincoln County needs to be corrected.

Richard Williams stated that he doesn't agree with the valuation. He said that he has a half acre lot and his neighbor beside him has a half acre lot. He stated that his valuation went up 235% and his neighbors went up 154%.

Jay Laurenson stated that he understands the feeling for raising taxes and the need for it and going through appraisal every 4 years. He said if you are going to reassess, you have to come out and look. He stated that he has the smallest house in the neighborhood and has one of the highest assessments. He asked the Board to put themselves in the people's shoes.

Steve Maggs, owner of Sure Safe Storage, stated that he is here tonight because he is concerned about the proposed turning lane that is coming across the front of their facility. He said the school has yet to contact them about this turn lane. He voiced concerns about the slope and the problem it may create for their business. He stated that someone needs to come to them to discuss this and come up with some solution.

Commissioner Carlton asked Mr. Maggs if anyone has contacted him from the schools.

Mr. Maggs stated that no one from the Charter School has contacted him, everything is hearsay at this point.

Commissioner Patton stated that this issue will be on the next agenda.

Randy Herron stated that he is here to discuss the Charter School dilemma. He stated that he has read the newspaper articles about this issue. He said that the school was

required to provide police officers to direct traffic, but after the first two weeks of school there has not been an officer. There have been at least 10 traffic accidents at this site since the Charter School opened. He said that he and his wife were never contacted by the Charter School. He stated that they were contacted in December by Todd Wulforth, who wanted them just to sign over their Right of Way. The only option they were given was to sign or go to court and let them decide.

Commissioner Moore asked if no one from the Charter School has contacted Mr. Herron.

Mr. Herron stated that he and his wife were contacted after article ran in News@Norman in December. There was no offer of money, they just want the residents to sign the property over.

Carol Mayer stated that she and her husband are single family homeowners, doing everything they can to keep their home. She said that she lives at 1427 Forest Ridge Drive. Her home was worth \$240,000 when they bought it, she got an assessment in mail telling her that her home is now worth \$323,000. She decided to refinance her home, and her \$240,000 home came reassessed with a professional appraiser at less than \$240,000. This year, its \$323,000 and her feeling is that the tax assessor came through and like a drive by shooting took at shotgun saying these homes are now worth \$323,000. She begged the Commissioners to sell her home for \$323,000 if they can. She stated that the tax evaluation is not fair.

Chairman Anderson thanked everyone for coming.

Proclamation Honoring Vietnam Era Soldiers of Lincoln County – Dale Punch:

Commissioner Patton read the following Proclamation.

A Proclamation Honoring
Vietnam Era Soldiers of Lincoln County

Whereas, Lincoln County was born amid the throes of the struggle for American Independence;

Whereas, Lincoln County was the actual site of one of the most bloodiest partisan battles of the American Revolution;

Whereas, participants in the Battle at Ramsour's Mill became Lincoln County's first recognized veterans;

Whereas, Lincoln County citizens have answered their country's call and have served in every war and conflict since the American Revolution;

Whereas, citizens of the City of Lincolnton and the County of Lincoln have served willingly and honorable, many receiving recognition for bravery, including

Admiral Rufus Z. Johnston, who received our nation's highest award, the Congressional Medal of Honor;

Whereas, the City of Lincolnton and County of Lincoln have deemed it appropriate to honor our veterans with monuments, inscribed with the names of those men who gave the last full measure in defense of their homeland, on the East side of the Court House, and a Veterans' Plaza honoring all the Armed Force branches of service on the Western side of the Court Hosue;

Whereas, the City of Lincolnton and the County of Lincoln have seen it fit to honor living soldiers of World War II and soldiers have seen fit to honor living soldiers of World War II and soldiers of the Korean War with a day of recognition;

Now, Therefore, we the Mayor and City Council of the City of Lincolnton and we, the Commissioners of the County of Lincoln do hereby, as a combined effort, proclaim that May 2, 2008 be celebrated as Lincoln County Vietnam Era Veteran's Appreciation Day.

David M. Black
Mayor
City of Lincolnton

Thomas R. Anderson
Chairman
Lincoln County

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Proclamation.

Requests from Lincoln County Chamber of Commerce: John Dancoff, Lieutenant Jeff Warlick, and Bill Hoover from the Communications Center presented the Board with An Ordinance to Establish a Penalty for Making False Alarms.

AN ORDINANCE TO ESTABLISH A PENALTY FOR MAKING FALSE ALARMS

WHEREAS, County Commissioners find that a high incidence of false alarms causes a significant misuse of the manpower and resources of the Sheriff's Office by causing the dispatch of a Sheriff's unit to the scene of false alarms, which renders them out of service and unavailable to respond to legitimate calls for service and true emergency situations; and,

WHEREAS, County Commissioners find that continued high numbers of false alarms are a threat to the health, safety and welfare of the citizens of Lincoln County, N. C.; and,

WHEREAS, County Commissioners find that adopted procedures and fees for multiple false alarms would better serve public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED THAT A NEW ARTICLE AND SECTION BE ENACTED, AS FOLLOWS:

Article- FALSE ALARMS

Sec. 1 Purpose

- (a) The purpose of this ordinance is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems and reduce or eliminate false alarms; thereby reducing unnecessary use of limited Sheriff's Office resources and hidden costs associated with investigating alarms that result as false.
- (b) This section governs alarm systems intended to summon a law enforcement officer response, establishes fees, provides penalties for violations, establishes a system of administration, and sets conditions for the suspension of response or revocation of registration.

Sec. 2 Definitions

For the purpose of this article, the following words shall have the following meanings:

- Alarm System.** Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the Sheriff's Office responds, but does not include alarms installed in motor vehicles or fire box alarms accessible to/able to be activated by the general public.
- Further, alarm systems that are operated by the county, state or federal government and installed on such premises which such entity occupies or uses for governmental purposes shall not be subject to this article. However, each entity shall apply for and obtain a permit for each alarm system it operates.
- Alarms requesting a sheriff to respond for purposes of this article may include burglary, holdup, robbery, duress, panic, fire or smoke and others.
- Alarm signal.** A detectable signal, either audible or visual, generated by an alarm system, to which the Sheriff's Office may respond.
- Alarm systems Coordinator.** An employee of the county designated by the Sheriff or the board of County Commissioners to administer this article.
- Alarm user.** Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- Automatic dial protection device.** An automatic dialing device or an automatic telephone dialing alarm system and shall include any system, which, upon being activated, Automatically initiates to the Lincoln County Sheriff's Office or to the designated communications center, a recorded message or code signal indicating a need for Sheriff's Office response.
- This does not apply to a life safety alert system utilizing residential transmitting equipment designated for direct or indirect telephone access to dedicated control receiving equipment.

Sheriff. The Sheriff of Lincoln County or his/her designee.

Defenses to alarms. Affirmative defense to a false alarm service fee assessment may include **False** evidence that a false alarm was caused by action of the telephone company, telephone line outage, power outage lasting longer than the life of a fully charged battery, and other extra-ordinary circumstances not reasonably subject to control by the alarm user, subscriber or proprietor alarm owner.

False Alarm. The activation of an alarm system through mechanical or electronic Failure, malfunction, improper installation, or the negligence of the alarm user, his employees or agents, and signals activated to summon Sheriff's Office personnel. Unless personnel response was cancelled by the alarm user or his/her agent before personnel arrive at the alarm location.
A false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company and/or the Communications Center. An alarm is not considered false as it relates to this section, when said alarm is activated within five (5) days of initially becoming operable. An alarm is false within the meaning of this ordinance when, upon inspection by the responding officer and, evidence indicates that no entry, without authorization, robbery, or other such crime was committed or attempted in or on or against the premises, no fire/smoke signs which would have activated a properly functioning alarm system.

Sec. 3. Response to alarm; determination of validity.

- (a) Sheriff's Office response. Whenever an alarm is activated in the county and the Sheriff's Office does respond, a Sheriff's Deputy on the scene of the activated alarm system shall inspect the area and shall determine whether the sheriff response was in fact necessary as indicated by the alarm system of whether the alarm was false.
- (b) Notification. If the Sheriff's Deputy at the scene of the activated alarm system determines the alarm to be false, that personnel shall have a notation added to the CAD, of the false alarm. And notify the owner with a door hanger.

Sec. 4. Review of false alarm determinations.

(a) Request for review. The alarm systems coordinator shall, when requested by an alarm user, review the determination that an alarm was false. Such review shall be conducted by the alarm system's coordinator.

- (1) Alarm users name;
- (2) Address at which alarm is installed;
- (3) Date of false alarm that is being contested;
- (4) Facts upon which request for review of the false alarm determination is made;
- (5) Specific defenses to the false alarm assessment.

(b) Upon determining that a valid defense to the initial notice of assessment has not been set forth, a notice of decision shall be sent to the alarm user that they will be assessed.

(c) Notices in subsections (c) and (d) shall contain the specific findings and conclusions of the Sheriff or his/her designated systems administrator with respect to the review of the initial assessment. And all documentation..

Sec. 5. Service charge assessment for false alarms...

(a) Excessive false alarms. It is hereby found and determined that four (4) or more false alarms within any twelve-month period is excessive and constitutes a public nuisance. (Only one false alarm per calendar day will be assessed for each permitted alarm system, upon finding "common cause." Common cause is defined as a technical difficulty or malfunction causing the system to generate a series of false alarms, all of which occurs within a calendar day. The series of false alarms shall be counted as one false alarm only if the cause of the series of alarms is repaired before generating additional false alarms during the next 24-hour calendar day.)

(b) Civil penalties.

- (1) The 4th through 5th false alarms within any twelve-month period will be billed a twenty-five dollar service charge per occurrence which shall be considered a bill owed by the alarm user to the county and may be collected from the alarm user as a civil penalty. Each service charge incurred for false alarms at the premises shall be paid within thirty (30) days from the date of receipt of the invoice. Failure could result in discontinuance of Sheriff's Office response.

Eligibility for Sheriff's Office response to alarm calls will be made upon receipt of any Prior unpaid, civil penalties assessed pursuant to this section and receipt of the applicable Charges as set forth below:

4 th through 5 th false alarm. -	\$25.00 per occurrence.
6 th through 8 th false alarms -	\$50.00 per occurrence
9 th through 11 th false alarms -	\$100.00 per occurrence
12 th or more false alarms -	\$200.00 per occurrence

(c) Year. For the purposes of this section, a year, is a twelve-month period beginning on the January 1st. and ending on December 31st.

(d) Discontinuance of Sheriff's Office response. The failure of an alarm user to make Payment of any service charge imposed under this section within thirty (30) days from the date of receipt on invoice can result in discontinuance of Sheriff's Office response to alarms that may occur at the premises described, until Payment is received.
(With exception of receiving a separate indication that there is a crime or incident In progress at the premises, requiring a Sheriff's Office response such as – Holdup Alarm; Panic Alarm; Duress Alarm; or other alarm indicating an authorized person(s) is on the premises an intentionally activating the alarm to cause a Sheriff's Office response.)

(e) Responsibility to pay service fees or penalties subject to this section shall be the responsibility of the alarm subscriber or alarm user, jointly and severally. The owner of a proprietor alarm shall be solely responsible.

Sec. 6. Prohibited acts.

- (a) It shall be unlawful for any person to violate any provision of this article.

(b) It shall be unlawful for any person to activate a burglary or robbery/holdup or panic or fire alarm for the purpose of summoning Sheriff's personnel when no such action or other action dangerous to life or property is being committed or attempted or involved on the premises, or otherwise to cause a false alarm.

(c) It shall be unlawful for an alarm user to fail to reimburse Lincoln County, in accordance with the provisions of this article, for response(s) by Lincoln County Sheriff's Office to any false alarm(s).

Sec. 7. Enforcement of provisions.

(a) Methods of enforcement. The county may enforce the provisions of this article by one (1) or combination of the following methods:

(1) Civil Penalty. Any person who violates any provision of this article may be fined by a civil penalty of up to one hundred dollars (\$100.00) which may be recovered by the county in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the county as a civil penalty in a civil action. On top of the fee.

(2) Equitable remedy. The county may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

Sec. 8 Severability

If any provision of this article or the application thereof to any person or Circumstances is for any reason held invalid, such invalidity shall not affect other Provisions or applications of the article which can be given

Effect without the invalid provision or application and to this end the provisions Of this article are declared to be severable.

This ordinance shall become effective on _____

Duly adopted this the _____

Mr. Dancoff encouraged the Board to move forward with the sewer plant. He stated that the Chamber would like to go on record supporting the school bond, but would like to know what the tax rate would go to.

SRF Loan Application Resolution – Steve Gilbert: Steve Gilbert presented the Board with a resolution and certification that must be submitted to the State as part of the application for the State Revolving Fund loan that will pay for \$17.5 M of the cost of the proposed new wastewater facility. The resolution binds the County to the repayment of the loan and makes other certain guarantees concerning the funding of the sewer system

and the operation of the new facility. It also designated the person authorized to sign the loan application that the engineer is in process of preparing.

The Public Works Department recommends approval of the resolution as submitted, to be signed by the Board Chairman and the Clerk to the Board.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works and wastewater collection systems, and

WHEREAS, Lincoln County has need for and intends to construct a wastewater treatment works and wastewater collection system project described as the Killian Creek WWTP, Pump Stations, Force Mains and Gravity Sewers, and

WHEREAS, Lincoln County intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS:

That Lincoln County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Lincoln County to make scheduled repayment of the loan, to withhold from Lincoln County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Stephen A. Gilbert, P.E., PLS, Lincoln County Public Works Director the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of April, 2008 at Lincolnton, Lincoln County, North Carolina.

Thomas R. Anderson, P.E.
Chairman, Lincoln County Board of Commissioners

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the SRF Loan Application Resolution.

NC 73 Airport Road Water Line Bids – Steve Gilbert: Steve Gilbert stated that on March 25, 2008, bids were taken on the water line project for NC 73 and Airport Road. The bids are listed below:

Ronny Turner Construction, Hickory, NC	\$1,857,585.00
Advanced Development Concepts, Matthews, NC	\$1,925,967.88
Davis Grading, Shelby, NC	\$2,061,436.00
Monroe Roadways, Denver, NC	\$2,078,310.00
Propst Construction, Concord, NC	\$2,166,831.00
Hall Contracting, Charlotte, NC	\$2,230,847.00
Buckeye Construction, Canton, NC	\$2,236,098.45
Appling Boring Co., Forest City, NC	\$2,242,008.05
State Utility Contractors, Monroe, NC	\$2,355,532.00
Gilbert Engineering, Statesville	\$2,822,730.00
Central Builders, Rocky Mount, NC	\$2,875,409.00
Scurry Construction, Cornelius, NC	\$3,230,394.90
BCD Associates, Pickens, SC	\$3,563,280.00

An additive alternate bid was also taken for a short water line along McMillan Heights Road in the hopes that the prices were low enough to be able to add that project. However, due to the construction price increases since the project was designed, Mr. Gilbert recommended that the line on McMillan Heights Road not be constructed as part of this project. The project is funded by a combination of School Bond money and County funds.

Based on the low bid submitted by Ronny Turner Construction and the recommendation by the engineer that they are qualified to perform the work as required, Public Works recommended awarding the contract to Ronny Turner Construction in the amount of \$1,857,585.00. Construction should be able to start in approximately 60 days and is expected to take 330 calendar days.

UPON MOTION by Commissioner Patton, the Board voted unanimously to award the contract to Ronny Turner Construction in the amount of \$1,857,585.00.

Drought Update – Steve Gilbert: Steve Gilbert gave an update on the drought situation.

Mr. Gilbert recommended going to one day per week watering due to the fact that other jurisdictions around us have. He recommended following Charlotte Mecklenburg's pattern allowing one day per week lawn watering, based on an odd/even address system.

It was the consensus of the Board to go to one day watering based on odd/even addresses. They asked Mr. Gilbert to issue a press release on this matter.

Update on Sewer Plant – Steve Gilbert: Steve Gilbert gave an update on the sewer plant.

Other Business: George Wood stated that at the next meeting, he will go over the Utilities Budget with the Board. He reminded the Board of the April 24 work session with the Planning Board.

Mr. Wood stated that three responses came in for the RFQ's for the space needs assessment. He asked for direction as to how to proceed. He asked if the Board would like a committee formed by members of staff. Chairman Anderson asked Mr. Wood to establish a committee to review these submittals and rank the firms 1 – 3 and made a recommendation to the Board.

Mr. Wood stated that there is a problem with reception on radios for emergency services in the county, which creates a problem for our emergency responders. He asked permission to develop a RFQ for a radio coverage study. It was the consensus of the Board to proceed.

Closed Session: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to enter closed session pursuant to NCGS § 143-318.11. (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

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

Other Business: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to accept the terms brought by Council concerning the property for the sewer line to the Industrial Park.

The Board asked the Manager to look into the concerns raised about the reappraisal process and the way employees are treating citizens.

Adjourn: UPON MOTION by Commissioner Moore, the Board voted unanimously to adjourn the meeting.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners