

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 21, 2008

The Lincoln County Board of County Commissioners met in regular session on July 21, 2008 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

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

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Ron Rombs, EMS Director
Kelly Atkins, BALD Director
Erma Deen Hoyle, Parks & Recreation Director
Steve Gilbert, Public Works Director
Barry McKinnon, Sr. Utility Engineer
Leon Harmon, Finance Director

Call to Order: Chairman Anderson called the July 21, 2008 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Moore gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda adding Item 30 – Closed Session.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
JULY 21, 2008

- | | | |
|----|---------|---|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Marie Moore |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none"> - Approval of Minutes - Tax Requests for Refunds – More than \$100 <ul style="list-style-type: none"> - June 2 – 15, 2008 - Tax Requests for Releases – More than \$100 <ul style="list-style-type: none"> - May 16 – June 15, 2008 - Budget Adjustment 1 - 2009 Employee Holiday Schedule - Sponsored Group Status <ul style="list-style-type: none"> - Carolina Cross Connection - Lincoln County Concert Association - Resolution to Adopt Economic Incentive Grant Agreement Extension with HOF Textiles - Denver VFD – Request for 2 Surplus Vehicles - Allied Waste Grant Allocations |
| 3. | 6:35 PM | Public Comments |
| 4. | 6:50 PM | Public Hearing – NCDOT – Lincoln County Secondary Roads Construction Program 08/09 and Resolution 2008:05 – North Carolina Department of Transportation Approval of 2007-2008 Secondary Roads Improvement Program – Jackie McSwain |
| 5. | 7:00 PM | Public Hearing – Rural Operating Assistance Program (ROAP) Public Hearing and Application – Ron Rombs |
| 6. | 7:10 PM | Public Hearing – Economic Incentive Grant for Prospective Industry and Consideration of Grant Agreement – Crystal Gettys |
| 7. | 7:20 PM | Resolution Making Certain Findings Relating to the Authorization and Issuance of General Obligation Bonds of the County of Lincoln, North Carolina, and Authorizing Finance Director to File Application for Approval Thereof with Local Government Commission |
| 8. | 7:30 PM | Voluntary Ag District Report - G.K. Davis |
| 9. | 7:40 PM | Update on Source Water Protection Loan and PARTF Grant for Rock Springs Park Property – Erma Deen Hoyle |

10. 7:50 PM Update on Wastewater Revolving Loan – George Wood
11. 8:00 PM Reimbursement Resolutions (Resolutions 2008:03, 2008:04, 2008:05) – Leon Harmon
12. 8:10 PM Recommendation on Pilot Recycling Program in Four Schools – George Wood
13. 8:20 PM Ordinance #2008-02 Ordinance to regulate and Establish Penalties for False Alarms in Lincoln County – Jeff Taylor
14. 8:30 PM Ordinance #2008-03: Ordinance Regarding Penalties for Violations of Lincoln County Ordinances – Jeff Taylor
15. 8:40 PM Resolution #2008-01: A Resolution Regarding the Intersection Designs for NC 16 at St. James Church Road and Optimist Club Road – Chairman Anderson
16. 8:50 PM Recommendation on Shooting Range Regulations and Ordinance #2008-01: An Ordinance Regulating Commercial Shooting Ranges– George Wood
17. 9:00 PM Designation of Commissioner Klein as Voting Delegate to NCACC Annual Conference
18. 9:05 PM Change Order for Bore and Water Line Connection at Hwy 73 and Hwy 16 Bypass – Steve Gilbert
19. 9:10 PM Drought Update – Steve Gilbert
20. 9:15 PM Update on Sewer Plant – Steve Gilbert
21. 9:20 PM Update on Odor Control – Steve Gilbert
22. 9:25 PM Capital Project Reports – Steve Gilbert
23. 9:30 PM Finance Officer's Report
24. 9:35 PM County Manager's Report
25. 9:45 PM County Commissioners' Report
26. 9:50 PM County Attorney's Report
27. 9:55 PM Vacancies/Appointments

28. 10:00 PM Calendar
29. 10:05 PM Other Business

Adjourn

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

- Approval of Minutes
- Tax Requests for Refunds – More than \$100
 - June 2 – 15, 2008

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (June 2, 2008-June 15, 2008)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Krvavac, Salko	2007	CITY	0186686	385.82
Powell Farms	2007	NBFD	0194626	395.63
TOTAL				\$781.45

- Tax Requests for Releases – More than \$100
 - May 16 – June 15, 2008

NAME	YEAR	A/C NO	AMOUNT
Brooks, Ronnie Woodrow	2007	0211487	\$191.69
Chaney, Harold Dean	2007	0211422	\$113.73
DCFS Trust	2007	0190726	\$397.78
Devereaux, Cynthia Lynne	2007	0210655	\$179.94
Ferraro, Lori Ann	2007	0210665	\$154.79
Fite, Veronica Drum	2006	0153547	\$251.90
Griffin Buick Pontiac GMC	2007	0100353	\$103.17
Henderson, Dewey Boyd	2007	0200454	\$168.02
Holden, Brian D	2007	0160029	\$101.67
King, Jeanette	2007	07642	\$116.23
Ledbetter, Johnathan Kyle	2007	0141002	\$192.36
Lewis, Dustin Brent	2007	0125053	\$115.29
McCarthy, Linda C	2007	0202332	\$159.83
Morrison, Caroline Clark	2007	0171510	\$172.60
Moten, Carolina Littlejohn	2007	0089346	\$107.35
Nantz, Gary W	2007	10423	\$154.77
Poletti, James A	2007	0204084	\$100.58
Wachovia Financial Services	2007	0200961	\$6,059.85

White, Shawn Wayne	2007	0211438	\$143.20
Woodall, Jerry Lynn	2007	0209248	\$174.23
TOTAL			\$9,158.98

NAME	YEAR	A/C NO	AMOUNT
Jackson, West	2007	0196062	\$439.20
McEntire, Lee	2007	0170906	\$271.16
Twaddell, Jim	2007	0204986	\$229.42
Ziegler, Bo	2007	0204995	\$242.55
TOTAL			\$1,182.33

- Budget Adjustment 1

No. 1: Changes made in line items based on budget approval received from DJJDP program after DSS budget was submitted to County Manager

- 2009 Employee Holiday Schedule

MEMORANDUM

TO: George Wood, County Manager
Board of Commissioners

FROM: Audrey Setzer, Human Resources Director

DATE: June 30, 2008

SUBJECT: 2009 Employee Holiday Schedule

On March 4, 2002, the Board of Commissioners approved to follow the State's Holiday Schedule for County employees. The Holiday Schedule shall not exceed 11 paid holidays per year except in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday. The schedule shall not provide for more than 12 paid holidays. Listed below is the State's approved Holiday Schedule for 2009.

Holiday	Observance Day	Day of Week
New Year's Day	January 1, 2009	Thursday
Martin Luther King Jr.'s Birthday	January 19, 2009	Monday
Good Friday	April 10, 2009	Friday
Memorial Day	May 25, 2009	Monday
Independence Day	July 3, 2009	Friday
Labor Day	September 7, 2009	Monday

Veteran's Day	November 11, 2009	Wednesday
Thanksgiving	November 26, & 27	Thursday & Friday
Christmas	December 24, & 25, 2009	Thursday & Friday

I am requesting the Board's consideration and approval to continue to follow the State's adopted Holiday Schedule for 2009 for County employees. Thank you.

- Sponsored Group Status
 - Carolina Cross Connection
 - Lincoln County Concert Association
- Resolution to Adopt Economic Incentive Grant Agreement Extension with HOF Textiles
- Denver VFD – Request for 2 Surplus Vehicles
- Allied Waste Grant Allocations

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.

Rudy Bower, 8252 Blades Trail, spoke concerning the Burton Creek Development. He stated that the runoff from Burton Creek causes their coves to get brown when it rains and showed a bottle of water from their cove. Mr. Bower stated that they would like to get the coves dredged out due to the fact that the developer has a \$500,000 bond. Mr. Bowers stated that the pump stations on Highway 16 and Blades Trail stink. He asked if something could be done about this.

Commissioner Moore asked Jeff Taylor if DENR has to get involved to say that damage done was caused by the development. Mr. Bower stated that the developer has already been fined for soil erosion.

Commissioner Moore asked Mr. Wood to get this to Building and Land Development to get DENR involved to begin the process.

Fred Nance, 2547 Smokey Dan Kennel Club Road, stated that he is here following up on the ordinance on the shooting range. He thanked Mr. Wood for coming to the site. Mr. Nance said safety is the important thing with this range and the community has dodged bullets for years. He said since he was here earlier, the kennel has been sold to some people in Charlotte. They have continued shooting at targets even after being asked to stop. He stated that he hopes the ordinance will go into effect, since there is a great need with the safety factor before somebody gets killed.

Nolan Nance, 2395 Smokey Dan Kennel Club Road, thanked Mr. Wood for getting the new ordinance drawn up. He stated that he hopes Board will take into consideration that something needs to be regulated and somebody needs to enforce this law. He said he hopes this passes for the safety of the community. He stated that right now they are at risk of getting hurt, killed, or their property damaged.

Floyd Foster, 4190 E. Highway 27, stated that he is the owner of FTS Transportation, a provider of transportation for Lincoln County for the past five years. He stated that he was not notified written or verbally by the county that his contract would not be continued. He stated that they had TAP meetings and the process was that there would be private providers. Mr. Foster said he was asked to give them his clientele and all calls would be dispatched from one location. He said this went well for a while, but then he noticed a large decrease in the amount of calls he received. Mr. Foster said that he gives a good, personable service. He stated that he does not drop patients off at the door, he helps get them in and prepares the documentation for them. Mr. Foster said he called Mr. Wood to ask for a meeting and Mr. Wood did not want to have a meeting. He said he went to the state and they told him to come before the Board to ask for a meeting.

Elizabeth Stone, 123 West Church Street, stated that she was one of Floyd's clients. She stated that she rode with Floyd's transportation service and all of a sudden Floyd is gone and now Lincoln County is providing the service. She said that Floyd provided good service.

Carl Fredell, 122 Old Well Lane, stated that he has rode with Floyd for over a year now and is wondering why he cannot ride with Floyd anymore since he was providing good service. He stated that Lincoln County was 20 minutes late getting him to his appointment and they didn't come back until 11:45. He said when Floyd was running late, he would call in and the drivers would tell the doctor it was their fault. He stated that he should be able to ride with Floyd.

Hope Tumenaro, 6477 Bellwood Lane, stated that she is here to speak on Floyd's behalf. She said she was one of his first patients and this is the only way she has to get around. She stated that she desires to have a choice. She said she either gets left or leaves 2 hours early for appointments 15 minutes from her house. She stated that it is important for them to have a choice.

Laura Nixon stated that she is here on Floyd's behalf. She said Lincoln County transportation has had missed 4 appointments and one person comes off rude on phone. She said she has not been able to work for 3 ½ years. She said Lincoln County does not walk you in and she would rather have Floyd. She stated that she waited 5 hours to get home from Charlotte and her son was let off the bus and had no one to let him in the house. She said Lincoln County needs to do better since they get times and dates wrong.

Dawn Beseda, 6434 Wingate Hill Road, stated that she is here to speak on Floyd's behalf. She said it was dirty the way they let him know they weren't going to keep his services and if nothing else they could have at least offered his one employee a job. She said Floyd does go the extra mile for the citizens. She commented on the fact that one of the new vans has already been wrecked and a driver she was riding with was exceeding a safe speed and ran on curbs.

Robert Deboutier, 1795 Amy Drive, stated that he is here to speak on behalf of FTS Transportation. He said there appears to be mismanagement with Lincoln County Transportation. He said that nobody showed up to take him to his scheduled doctor's appointment. He stated that Lincoln County shows up without a courtesy call and hours earlier than his appointment. He asked why the County would cut Floyd's business out and shut him down.

Virginia Caldwell, 1770 Campground Road, stated that most of what she had to say has already been said. She said Floyd knows she has handicaps and takes her in and fills out papers. She stated that Lincoln County puts you out at the door and do not help you in. She said sometimes you have to sit there and wait for them to come back for you.

Trena Clark, 123 Mauney Drive, stated that she is here to represent Floyd. She stated that she has been driving for Floyd for about 2 years and noticed a decrease in the amount of patients she was getting. She said these clients do not adjust to change well at all.

Teresa Hunsucker, 605 Huss Street, stated that she has been riding with Floyd since he started and he is the best one she's ridden with. She said Lincoln County picks her up very early for her doctor's appointments. She stated that she has a lot of health problems and cannot be left sitting for hours like the county does. She asked the Board to allow Floyd to provide this transportation for them.

Being no additional speakers, Chairman Anderson declared the public comments section closed.

Public Hearing – NCDOT – Lincoln County Secondary Roads Construction Program 08/09 and Resolution 2008:05 – North Carolina Department of Transportation Approval of 2008-2009 Secondary Roads Improvement Program – Jackie McSwain: Jackie McSwain, District Engineer with NCDOT, presented the 2008-2009 Secondary Roads Improvement Program.

Chairman Anderson opened the public hearing concerning the Secondary Roads Improvement Program. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve Resolution 2008:05 – North Carolina Department of Transportation Approval of 2008-2009 Secondary Roads Improvement Program.

**RESOLUTION 2008:05
North Carolina Department of Transportation Approval of 2008-2009 Secondary Roads
Improvement Program**

WHEREAS, representatives from the North Carolina Department of Transportation appeared before the Board of Commissioners on July 21, 2008 and presented the Secondary Roads Improvement Program for 2008-2009 for Lincoln County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NORTH CAROLINA that the Lincoln County Board of Commissioners has reviewed said program and concurs with the Secondary Roads Improvement Program for 2008-2009 as presented by the representatives of the North Carolina Board of Transportation as attached:

**North Carolina Department of Transportation
Lincoln County Secondary Roads Construction Program
2008 – 2009 Paving Priority**

FY 2008 – 2009 **Anticipated** Allocations:

Highway Fund (G.S. 136-44.5b)	\$ 700,000.00
Highway Fund (G.S. 136-44.5c)	\$ 60,000.00
Trust Fund (G.S. 136-182)	<u>\$ 200,000.00</u>
Grand Total.....	\$ 960,000.00

I. Paving Unpaved Roads

A. Rural Paving Priority

Rural Priority #	SR#	Local Name	Length (Miles)	Cost Estimate
1	1203	Lutz Dairy Rd.	0.34	\$149,100.00
Rural Totals				\$149,100.00

* Rural Paving Alternates:

2 (alternate)	1206	Ward Rd.	0.61	\$225,700.00
3 (alternate)	1854	Overland Ln	0.24	\$ 94,500.00

In the event that any roads in priority have to be placed on the “Hold List” due to unavailability of right of way or unfavorable environmental review, or if additional funding becomes available, those funds will be applied to the roads listed in the paving alternate list by priority.

B. Subdivision Paving Priority

Subdivision Priority #	SR#	Local Name	Length (Miles)	Cost Estimate
None				
Subdivision Total				\$0.00

II. General Secondary Road Improvements (Funded by G.S. 136-44.5b)

A. Paved Road Improvements

SR#	Local Name	Description	Length (Miles)	Cost Estimate
SR 1343 Ivey Mem. Ch. Rd.		Widen 2' and resurface from NC 150 to SR 1003	2.77	\$665,000.00

B. Various Spot Stabilization, Secondary Maintenance

SR#	Local Name	Description	Length (Miles)	Cost Estimate
Various			various	\$ 50,000.00

III. Trust fund safety improvements (Funded by G.S. 136-182)

Length SR#	Local Name	Description	(Miles)	Cost Estimate
None 0.00				\$

IV. Funds reserved for surveying, road additions, contingencies,
overdrafts, and paving entrances to certified fire departments,
rescue squads, etc.....

\$75,000.00

Total from page 1..... \$ 149,100.00

Total from page 2..... \$ 790,000.00

Grand Total..... \$939,100.00

****Program subject to the availability of funding, right of way, and environmental review**

Adopted and approved this the 21st day of July, 2008.

Thomas R. Anderson, PE
Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Commissioner Moore asked when the improvements to Highway 16 and 73 will be completed. Jackie McSwain stated that there was a 2" waterline break this afternoon and should be completed by midnight. She stated that the Moving Ahead is scheduled for completion in 2008.

Public Hearing – Rural Operating Assistance Program (ROAP) Public Hearing and Application – Ron Rombs: Ron Rombs, EMS Director, presented the 2009 fiscal year Rural Operating Program. NCDOT has allocated Lincoln County a total of \$128,271 for EDTAP, Work First and RGP. There is also an additional allocation of \$73,297 in supplemental funds that are intended for the expansion of current services and to establish the veterans services transportation program. There are no county matching funds for the Elderly and Disabled Transportation Assistance Program (EDTAP) or the Employment Transportation Assistance Program (Work First). There is however, a Lincoln County match of 10% for the Rural General Public Transportation Program (RGP) that has been figured into the TLC budget for FY 2008-2009.

Commissioner Carlton stated that he understands the only thing that will have to be matched is 10% of the Rural General Public Transportation Program. He asked where these funds will come from. Ron Rombs stated that this money will come from funds collected for services rendered.

Chairman Anderson opened the public hearing.

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

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the application as presented.

Public Hearing – Economic Incentive Grant for Prospective Industry and Consideration of Grant Agreement – Crystal Gettys: Crystal Gettys presented information concerning the incentive grant for Sennebogan Real Estate LLC. Within 2 years of this agreement, Sennebogan shall make an investment upon such site in building and equipment of \$5,100,000, of which \$4,830,000 will qualify for incentives under the Industrial Incentive Grant Policy. Sennebogan shall provide at such site at least 15 new jobs paying average hourly wages of \$20.00 per hour. Lincoln County will provide cash grants to Sennebogan of \$17,895.15 per year for a five-year period.

Chairman Anderson opened the public hearing.

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

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH SENNEBOGEN REAL ESTATE LLC**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Sennebogen Real Estate LLC, has developed plans for construction of a new manufacturing facility in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and Sennebogen Real Estate LLC.
2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.
3. This resolution shall become effective upon adoption.

This 21st day of July, 2008.

Thomas R. Anderson, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 21st day of July, 2008, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and

SENNEBOGEN REAL ESTATE LLC., a Delaware corporation (hereinafter referred to as "SENNEBOGEN").

WITNESSETH:

WHEREAS, Sennebogen has developed plans for the construction of a new manufacturing facility in Lincoln County, North Carolina; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Sennebogen to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before February 15, 2009, Sennebogen shall begin construction of a new manufacturing facility in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Sennebogen shall make an investment upon such site in building and equipment of \$5,100,000, of which \$4,830,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Sennebogen shall provide at such site at least 15 new jobs paying average hourly wages of \$20.00 per hour.
4. In consideration of the performance of the aforesaid obligations by Sennebogen, the County will provide cash grants to Sennebogen of \$17,895.15 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Sennebogen within 30 days after Sennebogen has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Sennebogen pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to

be provided hereunder will be adjusted upward or downward on a pro-rata basis.

6. Sennebogen specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Sennebogen shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

SENNEBOGEN REAL ESTATE LLC

By: _____
President

ATTEST:

Secretary (Corporate seal)

LINCOLN COUNTY

By: _____
Thomas, R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

NORTH CAROLINA

LINCOLN COUNTY

This the ____ day of _____, 2008, personally came before me _____ and acknowledged that he/she is Secretary of Sennebogen, a Delaware corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this ____ day of _____, 2008.

My Commission Expires: _____

Notary Public

NORTH CAROLINA

LINCOLN COUNTY

This the ____ day of _____, 2008, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Thomas R. Anderson, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires: _____

Notary Public

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the Resolution and Grant Agreement for Sennebogan Real Estate LLC.

Resolution Making Certain Findings Relating to the Authorization and Issuance of General Obligation Bonds of the County of Lincoln, North Carolina, and Authorizing Finance Director to File Application for Approval Thereof with Local Government Commission:

Chairman Anderson introduced the following resolution, which was read by title and summarized by the Finance Director:

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the authorization of \$2,700,000 Public Building Bonds, \$800,000 Industrial Park Bonds, \$620,000 Law Enforcement Facilities Bonds and \$80,000 Airport Bonds of the County (collectively, the "Bonds") for the purposes, respectively, of (i) acquiring and renovating an office building to provide office space for agencies and offices of the County government, including the acquisition of land,

furnishings and equipment; (ii) constructing and equipping a new animal shelter and renovating the County's existing animal shelter; including the acquisition of land, furnishings and equipment; (iii) constructing and equipping emergency medical services bays at fire stations in the County, including the acquisition of furnishings and equipment; (iv) improving and expanding the County's industrial park, including construction of street improvements, water system improvements and sanitary sewer improvements; (v) acquiring and installing equipment in connection with the County's emergency communication system, (vi) acquisition and installation of stainless steel vent covers for use in the County's jail; and (vii) construction and equipping of airport facilities including constructing and equipping a new airport terminal and the acquisition of land, furnishings and equipment.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners hereby finds and determines in connection with authorizing the issuance of the Bonds that (a) the issuance of the Bonds is necessary or expedient for the County, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purposes of such issues, (c) the County's debt management procedures and policies are good and are managed in strict compliance with law, (d) an increase in taxes of -0- cents per \$100 of assessed valuation will be necessary to service the Bonds and will not be excessive and (e) under current economic conditions the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby designated as the representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina, and any actions heretofore taken by the County Manager, the Finance Director and any other officers of the County relating to such matter are hereby approved, ratified and confirmed.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion made by Commissioner Klein, seconded by Commissioner Carlton, the foregoing resolution entitled:

“RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION”

was passed by the following vote:

Ayes: Commissioners Anderson, Patton, Carlton, Klein and Moore.

Noes: none.

Voluntary Ag District Report – G. K. Davis: G. K. Davis gave a report to the Board from the Voluntary Agricultural District Advisory Board. He stated that as of June 30, 2008 there are currently 134 landowners that have signed up 307 parcels covering 13,000.25 acres for the Voluntary Ag. District Program and 2 landowners that have signed up 6 parcels covering 150.25 acres for the Enhanced Ag. District.

Update on Source Water Protection Loan and PARTF Grant for Rock Springs Park Property – Erma Deen Hoyle: Erma Deen Hoyle stated that the contract has been executed for the PARTF Grant for Rock Springs Park. The Source Water Protection Loan was approved for \$1.65 million with the general fund as the source of repayment. The loan has a 2% admin fee and is a 20 year loan at 1% interest rate.

Ms. Hoyle gave updates on the Beatties Ford and West Lincoln Parks. She said the biggest hurdle at West Lincoln right now is grass and the fact that they will need more water than one day per week to get the sod to grow.

Update on Wastewater Revolving Loan – George Wood: Mr. Wood informed the Board that a \$17,500,000 Wastewater Revolving Loan was approved for the East Lincoln Water & Sewer District. This is for a 20 year term.

Reimbursement Resolutions (Resolutions 2008:03, 2008:04, 2008:05) – Leon Harmon: UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt Reimbursement Resolutions (Resolutions 2008:03, 2008:04, 2008:05).

Resolution 2008:02
REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid on or after May 22, 2008, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the renovations to various existing county facilities (the "Projects"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys advanced on and after May 22, 2008 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of Bond Funds for the Expenditures with respect to the Project made on and after May 22, 2008. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the installment financing expected to be issued for the above Projects is \$950,000, which is currently scheduled to be issued in the fall of 2008.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 21st day of July, 2008.

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A
DESCRIPTION OF PROJECT

Capital Improvement Program - Renovations and improvements to various county facilities including the following: Citizens Center, and parking lot construction, along with a building demolition.

Resolution 2008:03
REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid on or after May 22, 2008, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the renovations to various new and existing county and facilities (the "Projects"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys advanced on and after May 22, 2008 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of Bond Funds for the Expenditures with respect to the Project made on and after May 22, 2008. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the two thirds Bonds expected to be issued for the above Projects is \$4,200,000, which is currently scheduled to be issued in the fall of 2008.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 21st day of July, 2008.

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A

DESCRIPTION OF PROJECT

Capital Improvement Program - Construction, equipment, renovations and or improvements to various county facilities including the following: Airport Terminal building, Animal Shelter, county office building, communications equipment, industrial park improvements, EMS space and county jail.

Resolution 2008:04 REIMBURSEMENT RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid on or after May 22, 2008, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the renovations to various existing schools and facilities (the "Projects"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys advanced on and after May 22, 2008 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of Bond Funds for the Expenditures with respect to the Project made on and after May 22, 2008. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the QZAB Bonds expected to be issued for the above Projects is \$1,281,354, which is currently scheduled to be issued in the fall of 2008.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimus amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 21st day of July, 2008.

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A

DESCRIPTION OF PROJECT

Capital Improvement Program - Renovations and improvements to the following schools: Battleground Elementary, G.E. Massey Elementary, Iron Station Elementary, F.D. Jack Kiser Intermediate, Lincolnton High, Love Memorial Elementary, North Brook Elementary, S. Ray Lowder Elementary, Union Elementary, West Lincoln Middle.

Recommendation on Pilot Recycling Program in Four Schools – George Wood:
George Wood, County Manager, presented information concerning the Pilot Recycling Program in schools.

The Lincoln County Natural Resources Committee has been in discussions with the Board of Education and our Public Works Department about implementing a recycling program in the school system. A meeting was held recently to define the scope of the program, and have the following recommendation for the Board's endorsement.

A Request for Proposals will be prepared for vendors who provide recycling services in the area. The program will begin this fall with a pilot program in EL and NL high schools and middle schools. That would allow us to gauge the cost and benefits of the program. Later, we could extend the program if desired. After one year, we could decide if we wanted to extend the contract for an additional three years.

Commissioner Carlton asked about the money involved saying it appears to him that we are paying someone to pick up our recyclable material. He stated that the School Board has told us that we are underpaying teachers and don't have incentives for teachers or coaches and he does not understand paying someone to pick up these materials, when the school has other needs.

Chairman Anderson asks what happens to the material they pick up. Mr. Wood stated that they sell it.

UPON MOTION by Commissioner Klein, the Board voted unanimously to move forward with the Request for Proposals.

Ordinance #2008-02: Ordinance to Regulate and Establish Penalties for False Alarms in Lincoln County – Jeff Taylor: Jeff Taylor presented the Ordinance to Regulate and Establish Penalties for False Alarms in Lincoln County.

**AN ORDINANCE TO REGULATE AND ESTABLISH PENALTIES
FOR FALSE ALARMS IN LINCOLN COUNTY**

WHEREAS, the Lincoln County Board of Commissioners finds that there is a high incidence of false alarms from burglar alarm systems in Lincoln County; and

WHEREAS, such false alarms lead to a significant misuse of the manpower and resources of the Sheriff's Office by causing the dispatch of Sheriffs' units to the scene of false alarms, rendering them out of service and unavailable to respond to legitimate calls for service and true emergency situations; and

WHEREAS, the Board finds that continued high numbers of false alarms pose a threat to the health, safety and welfare of the citizens of Lincoln County; and

WHEREAS, the Board finds that an ordinance regulating false alarms would reduce the number of such calls and therefore be beneficial to the health, safety, and welfare of the citizens of Lincoln County.

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

Article I. PREAMBLE

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 are 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 Ordinance, 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 or able to be activated by the general public.

Further, alarm systems that are operated by the county, state or federal government and installed on premises occupied or used by such entities for governmental purposes (including schools) shall not be subject to this Ordinance. However, each entity shall apply for and obtain a permit for each alarm system it operates. Alarms requesting a Sheriff's Office response for purposes of this Ordinance may include, but not necessarily be limited to, burglary, holdup, robbery, duress, panic, fire or smoke.

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. The County Manager of Lincoln County or his designee.

Alarm user. Any person, corporation, partnership, proprietorship, 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 False alarms. Affirmative defense to a false alarm service fee assessment may include 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 extraordinary 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 inspection by the responding officer reveals no evidence indicating that an entry without authorization, robbery, or other such crime was committed or attempted in or on or against the premises or evidence of fire or smoke 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, the investigating officer 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 or whether the alarm was false as described in this Ordinance.
- (b) Notification. If the investigating officer at the scene of the activated alarm system determines the alarm to be false, the officer shall have a notation added to the County's computer-aided dispatch (CAD) system of the false alarm and shall notify the owner by first-class mail.

Sec. 4. Review of False Alarm Determinations.

- (a) Request for review. The alarm systems coordinator or his designee shall, when requested by an alarm user, review the determination that an alarm was false. The alarm user requesting such review shall provide the following information in writing:
 - (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) The alarm system coordinator shall notify the owner of his decision in writing within a reasonable time.

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:

4th through 5th false alarm. - \$25.00 per occurrence.
6th through 8th false alarms - \$50.00 per occurrence
9th through 11th false alarms - \$100.00 per occurrence
12th 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 September 1, 2008.

Duly adopted this the 21st day of July, 2008.

There was discussion about getting the Ordinance to the public. It was decided that notice would be put in the newspapers and notice would be sent to alarm companies.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve Ordinance 2008-02: Ordinance to Regulate and Establish Penalties for False Alarms in Lincoln County, with an effective date of 9/1/2008.

Ordinance #2008-03: Ordinance Regarding Penalties for Violations of Lincoln County Ordinances – Jeff Taylor: Jeff Taylor presented the Ordinance Regarding Penalties for Violations of Lincoln County Ordinances.

Mr. Wood recommended putting this ordinance in place for everything except zoning due to the fact that a text amendment will need to be done for this.

ORDINANCE REGARDING PENALTIES FOR VIOLATIONS OF LINCOLN COUNTY ORDINANCES

WHEREAS, the Lincoln County Board of Commissioners over a number of years has adopted a variety of ordinances addressing a multitude of subjects; and

WHEREAS, the various ordinances that are already in force in Lincoln County contain a wide range of monetary and other penalties; and

WHEREAS, the Board believes that it would be in the best interests of the citizens of Lincoln County to provide for consistent enforcement by synchronizing the penalties for violations of Lincoln County ordinances so that the penalties for violations of some ordinances will not be disproportionate to the penalties for violations of other ordinances; and

WHEREAS, the Board also believes that it would be in the best interests of the citizens of Lincoln County to provide a system of progressive penalties so that chronic violations can be addressed in a fashion that takes into account flagrant or repeated patterns of violations of the same or similar nature by the same violators;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED as follows:

Section 1. **AUTHORITY**. This Ordinance is adopted pursuant to the authority granted to the Lincoln County Board of Commissioners in Sections 153A-121 and 153A-123 of the North Carolina General Statutes.

Section 2. **APPLICABILITY**. The system of penalties provided for in this ordinance shall apply to any violation of any county ordinance unless otherwise prohibited by state law.

Section 3. **ENFORCEMENT**. Violations of county ordinances 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) *Civil Penalties; Escalation of Penalties for Continuing Violations*. Each day that a violation of a county ordinance continues shall be treated as a separate violation subject to the accrual of the following civil penalties: upon being cited by the applicable ordinance administrator or officer responsible for enforcement (hereinafter referred to as "enforcement officer") for a violation of a county ordinance, the violator shall be subject to a civil penalty of \$50 per day for each day that the violation continues unabated for a period of seven days after the citation is issued. Violations continuing beyond seven days shall be penalized as follows: \$100 per day for the eighth through the fourteenth days; \$150 per day for the fifteenth through the twenty-first days; \$200 per day for the twenty-second through the twenty-eighth days; and \$250 per day for each day that the violation continues beyond the twenty-eighth day. All such penalties shall render the violator subject to a civil action in the nature of debt if the violator does not pay the penalty within twenty days after being notified by the enforcement officer of the accrued total of civil penalties for the violation for which he has been cited. The enforcement officer shall have the discretion to stay the accrual of civil penalties hereunder pending reasonable efforts by the violator to bring into compliance the condition that is the subject of the violation.

(B) *Repeat Violations*. After having been once cited for a violation of a county ordinance, a violator shall be subject to the following civil penalties for any additional violations within the following 12-calendar-month period: for a second violation with said period, civil penalties will begin at \$100 per day for each day that the violation continues and will escalate according to the following schedule: \$150 per day for the eighth through the fourteenth days; \$200 per day for the fifteenth through the twenty-first days; \$250 per day for the twenty-second through the twenty-eighth days; and \$300 per day for each day that the violation continues beyond the twenty-eighth day. A third violation during the same period shall subject the violator to civil penalties beginning at \$200 per day and escalating in a similar fashion for as long as the violation continues.

(C) *Injunctive Relief or Equitable Remedy.* Notwithstanding the assessment of civil penalties as provided above, the county may pursue a civil action seeking a mandatory or prohibitory injunction and order of abatement or other equitable remedy against the violator of a county ordinance. Such action may be in addition to and not in lieu of civil penalties.

(D) *Criminal Prosecution.* A misdemeanor warrant may be issued either immediately or upon the issuance of a citation, and the violator's failure to pay the penalty within the time provided. A violation of a county ordinance upon the issuance of a misdemeanor warrant shall be punishable as a Class 3 misdemeanor under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty days and/or a maximum fine of \$500.

Section 4. **ENFORCEMENT PROVISIONS OF ORDINANCES AMENDED.** To the extent permitted by applicable law, the enforcement provisions of all county ordinances that are subject to enforcement as herein provided are hereby amended to be consistent herewith. The penalties provided for in this ordinance shall be cumulative and in addition to other penalties that may apply under the provisions of other county ordinances.

Section 5. **EFFECTIVE DATE.** The provisions of this ordinance shall become effective on _____, 2008, and shall apply to all violations of county ordinances for which citations are issued on or after said date.

Adopted this ____ day of _____, 2008.

Thomas R. Anderson
Chairman Board of Commissioners
Lincoln County

ATTEST:

Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Ordinance 2008-03, Ordinance Regarding Penalties for Violations of Lincoln County Ordinances.

Resolution #2008-01: A Resolution Regarding the Intersection Designs for NC 16 at St. James Church Road and Optimist Club Road – Chairman Anderson: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve

Resolution 2008-01: A Resolution Regarding the Intersection Designs for NC 16 at St. James Church Road and Optimist Club Road.

The Board discussed this road situation. Commissioner Moore stated that this is very dangerous and this is an evacuation route to move people from Lincoln County during a nuclear emergency.

RESOLUTION #2008-01: A RESOLUTION REGARDING THE
INTERSECTION DESIGNS FOR NC 16 AT ST. JAMES CHURCH
ROAD AND OPTIMIST CLUB ROAD

THAT WHEREAS, the North Carolina Department of Transportation (NCDOT) has developed plans and specifications for NC 16 to be four-laned through Lincoln County, and has finished the construction as far north as the intersection with NC 73; and

WHEREAS, the NCDOT has proposed that the two intersections further north, at Optimist Club Road and St. James Church Road will not be standard intersections with traffic signals, but rather modified superstreet crossovers; and

WHEREAS, this would require drivers on Optimist Club Road and St. James Church Road to make right turns only at the intersection with NC 16, then merge into the left-hand lane of NC 16 within a short travel distance, to execute a U-turn back to the intersection, just to cross the intersection; and

WHEREAS, this area of Lincoln County has seen recent significant growth, which will be heightened by the virtually simultaneous opening of this new section of NC 16 and the opening of the new Killian Creek Wastewater Treatment Plant, which will service this area; and

WHEREAS, said growth will increase the traffic volume and congestion in this area far beyond the current ones in a relatively short time period; and

WHEREAS, there are serious concerns about the ability of school buses and large trucks to make these turning maneuvers within a short distance in a safe manner; and

WHEREAS, the cost differential in traffic signalization and the construction of these proposed left-turn lanes should be negligible; and

WHEREAS, the modified superstreet crossover design is not well known, and will be highly confusing to motorists, particularly those from outside this area, who would not be accustomed to this strange intersection design; and

WHEREAS, it is the consensus of the community that standard traffic signalization would best serve this area, and best protect motorists;

BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners and the Lincoln County Board of Education respectfully request that the North Carolina Department of Transportation change the plans and specifications for the two intersections on the new NC 16 at Optimist Club Road and St. James Church Road from the

modified superstreet crossover design to the standard configuration design using fully signalized intersections.

BE IT FURTHER RESOLVED that the County Clerk is directed to send signed copies of this resolution to Judge Robert A. Collier, NC Transportation Board Member, and to Division Engineer Mike Holder of NC Department of Transportation Division 12.

Adopted by the Board of Education on July 9, 2008.

Adopted by the Board of Commissioners on July 21, 2008.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

George L. Dellinger, Chairman
Lincoln County Board of Education

ATTEST:

Penni Davis
Clerk to the Board

Recommendation on Shooting Range Regulations and Ordinance #2008-01: An Ordinance Regulating Commercial Shooting Ranges – George Wood: George Wood presented the Ordinance Regulating Commercial Shooting Ranges. He said in researching state law and other NC county ordinances, he found a very good ordinance from Pitt County that covers what we need. He stated that he added a provision to theirs that requires a qualified range master on site anytime actual firing is taking place.

ORDINANCE #2008-01: AN ORDINANCE REGULATING
COMMERCIAL SHOOTING RANGES

WHEREAS, the Board of Commissioners has received several complaints from neighbors of an existing firing range that they contend is being operated in an unsafe manner; and

WHEREAS, the Board of Commissioners instructed the County Manager to research the matter, and make a recommendation; and

WHEREAS, the County Manager has reported that the current facility is not designed for safe operation, and further has recommended that the County adopt regulations to ensure that all firing ranges in the unincorporated area of the County are designed and operated in a safe manner; and

WHEREAS, said regulations need to be in the form of an ordinance for enforcement purposes;

BE IT ORDAINED by the Lincoln County Board of Commissioners, that pursuant to authority granted in Chapter 153A-121, -123, -129, and -133; and Chapter 14-409.45 through 14-409.47 of the NC General Statutes, the following ordinance is hereby adopted:

Sec. 1. Purpose.

This ordinance is intended to regulate the establishment and operation of outdoor shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This article does not otherwise apply to the general discharge of firearms, or the use of bows and arrows in accordance with all other applicable laws or regulations.

Sec. 2. Intent.

It is the intent of this article to accomplish the following:

(1) Permitting, registration, and compliance. New shooting range facilities shall be established and operated only in accordance with a valid permit issued by Lincoln County. In addition, existing ranges shall be registered and shall comply with the provisions of this article within one hundred and eighty (180) days of enactment of this ordinance.

(2) Shot containment. Each shooting range facility shall be designed to contain the bullets, shot, or arrows on the range facility.

(3) Noise mitigation. Each shooting range facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the range facility.

Sec. 3. Authority.

This ordinance is adopted under the authority of North Carolina General Statute (N.C.G.S.). 153A-121, -123, -129, and -133; and 14-409.45 through -409.47.

Sec. 4. Definitions.

As used in this ordinance, the following terms shall have the respective meanings ascribed to them:

Archery: The art, sport, or skill of shooting with a bow and arrow.

dBA: The sound pressure level, in decibels, as measured using the impulse mode and “A” weighting network on a precision sound level meter.

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Firing line: A line parallel to a target from which firearms or arrows are discharged.

Person: Any individual, corporation, association, club, firm, or partnership.

Safety fan: An area on a shooting range facility designed to contain all projectiles fired from a shooting range.

Shooting range: An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting range facility: A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. This does not include incidental target practice areas on private property.

Shooting station. A fixed point from which firearms or arrows are discharged.

Shotfall zone: An area within which the shot or pellets contained in a shotgun shell typically fall.

Structure: A walled and roofed building that is principally above ground; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, manmade facilities.

Sec. 5. Applicability.

This ordinance is applicable to all existing and future shooting ranges in unincorporated Lincoln County outside of any municipal planning jurisdiction.

Sec. 6. Performance standards.

The following performance standards shall apply to all shooting range facilities:

(1) Shot containment. Shooting range facilities shall be designed to contain all of the bullets, shot, or cottons or any other debris on the range facility. Design should be in general conformity with suggested practices contained in the most recent edition of the National Rifle Association’s The Range Source Book: A Guide to Planning and Construction, or its successor publication.

(2) Noise mitigation. Noise levels measured at the property line where the facility is maintained or, in the case of leased land, at the property line of any leased parcel shall not exceed sixty-five (65) dBA when located adjacent to residential or commercial property or seventy-five (75) dBA when adjacent to industrial property.

Sec. 7. Development requirements.

(a) Setbacks. Notwithstanding the performance standards of Section 6, all shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any property line.

(b) Warning signs. Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred-foot intervals along the entire perimeter of the shooting range facility.

(c) Distance from occupied dwelling. All shooting stations shall be located at least one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) from any existing, occupied dwelling.

Sec. 8. Operational requirements.

(a) Hours of operation. Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended after sunset for purposes of subdued-lighting certification of law enforcement officers, or may be extended for other purposes only when a permit allowing such activity is issued in advance by the Sheriff's Department. On Sundays, shooting shall not commence before 12:30 p.m., unless a permit allowing such activity is issued in advance by the Sheriff's Department.

(b) Liability insurance. The permittee shall be required to carry a minimum of five hundred thousand dollars (\$500,000.00) of liability insurance. Such insurance shall name Lincoln County as an additional insured party and shall save and hold Lincoln County, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The county shall be notified in writing of any policy changes or lapses in coverage.

(c) A qualified shooting range master, employed by the shooting range, must be physically present at the shooting station at all times that firearms are discharged on the shooting range.

Sec. 9. Procedure for securing approval for new ranges.

(a) Permit application. An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the Lincoln County Building and Land Development Department. Such permit shall be secured prior to issuance of any other building or improvement permit by Lincoln County.

(b) Fees. The application shall be accompanied by an application fee of one hundred dollars (\$100.00).

(c) Required information. The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from the adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.

(d) Site plan. A site plan for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:

- (1) Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date, and ownership information for the site;
- (2) Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms, and baffles;
- (3) Projected noise contours; and
- (4) Existing and proposed structures; occupied dwellings within one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet); roads, streets, or other access areas; buffer areas; and parking areas for the range facility.
- (5) Any other appropriate information related to the specific type of range(s) being proposed.

(e) Action. Within thirty (30) working days or at the next available meeting, whichever is sooner, the Planning Commission shall take one (1) of the following actions:

- (1) Reject the application as incomplete; or
- (2) Approve the issuance of the permit; or
- (3) Deny the permit request.

In any case, the written findings to support the action taken shall be provided to the applicant.

(f) Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility, and at all times be available for public inspection.

(g) Permit transferability. A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the Lincoln County Building and Land Development Department.

(h) Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations, or activities not covered by an approved permit or otherwise cause nonconformance with this ordinance, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.

Sec. 10. Registration and compliance of existing ranges.

(a) Registration. All existing ranges shall provide a site plan, prepared in accordance with section 9-9(d), within ninety (90) days after the effective date of this ordinance. No fees will be charged, and no permits will be required.

(b) Compliance. Any existing shooting range facility determined not to be in compliance shall be made to obtain a permit and comply with all of the requirements of this ordinance within one hundred eighty (180) days after the effective date of this ordinance.

(c) Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the county of such intent.

Sec. 11. Variances.

A variance may be granted by the Planning Commission upon the finding that a practical difficulty or unnecessary hardship would result if this ordinance were strictly applied. Variance requests shall be considered in accordance with the guidelines and procedures of the Lincoln County Zoning Ordinance or succeeding document.

Sec. 12. Enforcement, remedies, and penalties.

(a) Enforcement and remedies. The Lincoln County Sheriff's Department shall be responsible for the enforcement of this ordinance. Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law. Any permit issued under this ordinance may be suspended or revoked in accordance with N.C.G.S. 153A-362.

(b) Civil penalties. Any person who violates any of the provisions of this ordinance shall be subject to a civil penalty for each violation as set out by ordinance for enforcement of county ordinances. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation.

(c) Criminal penalties. Any person who knowingly or willfully violates this article or who knowingly or willfully initiates or continues unapproved actions shall be guilty of a misdemeanor punishable as set out by ordinance for enforcement of county ordinances.

Sec. 13. Effective Date. This ordinance shall take effect on the 2nd day of July, 2008.

Passed and adopted this 21st day of July, 2008.

Lincoln County Board of Commissioners

By: Thomas R. Anderson, PE, Chairman

ATTEST:

Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve Ordinance 2008-01: An Ordinance Regulating Commercial Shooting Ranges, effective July 22, 2008.

Designation of Commissioner Klein as Voting Delegate to NCACC Annual Conference: It was the consensus to designate Commissioner Klein as Voting Delegate to the NCACC Annual Conference August 21 – 24, 2008.

Change Order for Bore and Water Line Connection at Hwy. 73 and Hwy. 16 Bypass: Barry McKinnon stated that they are proposing a change to the connection point for the new 24" waterline at Highway 73 and the Highway 16 Bypass. Mr. McKinnon presented the following short term and long range benefits for this change:

Short term:

- It makes the connection to the existing waterline much cleaner.
- The original plan would require a lane closure and an excavation and repair in the middle of the newly constructed Highway 73.
- This change requires no lane closures or traffic disruption.

Long term:

- It allows us to abandon all PVC pipe under Highway 73. This is a high pressure area which has been prone to pressure breaks in the past. The entire line will now be Ductile Iron Pipe from old Highway 16 to just beyond the Highway 16 Bypass. Ductile Iron is rated for higher pressures and much more durable than PVC pipe.
- The new waterline under Highway 73 and the Highway 16 off ramp will be encased in a steel pipe. Any breaks under the roadway would be able to be repaired without any excavation of the road and would avoid any traffic delays.

This change was not required by NCDOT but has the full support of NCDOT. Public Works has received a verbal okay to proceed and expect to receive a formal approval from the Controlled Access Section in Raleigh.

The proposed cost of the change order is \$55,000 and will add 15 days to the contract which will move the completion date to August 5, 2008. This cost is based on the assumption that there will be no rock encountered in two bores.

Commissioner Carlton stated that we started out with an \$800,000 project and we are at \$1.1 million now unless we hit rock, then around \$1.2 million. He stated that if we cannot get a better grip on our planning and bidding of jobs, he has concerns about when the plant opens up and it is once again wide open. He stated that Public Works need to be looking ahead.

Commissioner Moore stated that there are things you cannot see in construction projects.

UPON MOTION by Commissioner Moore, the Board voted 3-2 to approve the change order. VOTE: AYES: Moore, Anderson, Patton NOES: Klein, Carlton

Drought Update – Steve Gilbert: Steve Gilbert gave a drought update.

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

Update on Odor Control – Steve Gilbert: Steve Gilbert stated that he talked with our supplier of the devices at the locations. He said pump station 12 is severely undersized and the supplier has given a proposal for a much larger, more efficient installation, giving us full credit for the current installation. They have also offered a sixty day trial with this. If not satisfied, we do not owe them any money on it. Mr. Gilbert recommended this.

He stated that the media in pump stations 3 and 4 has reached the end of it's life causing the odor. This media needs to be replaced in these other pump stations

Mr. Gilbert stated that pump station 28 on Burton Lane was upgraded and seems to be working properly.

Commissioner Patton asked how long it takes for the media to be changed once an odor problem is recognized. Mr. Gilbert stated that it takes about a 10 day shipping time and another few days to get it installed. Commissioner Patton suggested keeping some media on hand to make the process quicker.

Mr. Gilbert stated that they he and Mr. Wood have discussed changing these out at 10 months so the odor is not an issue.

Commissioner Patton stated that we have to get the odor situation fixed. He said it has gone on for years.

Commissioner Carlton asked why some stink and some do not. Mr. Gilbert stated that the low pressure sewer lines have more odor.

The Board expressed a desire to look at the entire system to see which improvements can be made and investigate the drip for pump stations, eliminating the trouble pump stations if possible.

Commissioner Carlton stated that if the current supplier can get this in quick, he thinks this should be done.

Mr. Gilbert stated that accepting C& D Waste in the convenience sites seems to be working fairly well. He stated that he would like to give this another few months before spending a lot of money on concrete walls and rearranging the convenience sites.

Capital Project Reports – Steve Gilbert: Steve Gilbert presented the Capital Project Reports.

Finance Officer's Report: Leon Harmon presented the Finance Officer's Report.

County Manager's Report: Mr. Wood presented the Board with copies of a quote for a fire and rescue boat. He talked about the possibility of the county purchasing the boat and allowing them to use it. This can be parked at Beatties Ford site. This boat pumps water out of the lake and can be brought directly up to the shore. The cost would be around \$150,000. Mr. Wood proposed the fire districts paying 2/3 of the boat and the county would own the boat. The other portion of the boat would come from the rescue squad in east Lincoln.

It was the consensus of the Board to pursue this matter.

County Attorney's Report: Jeff Taylor deferred his report to Closed Session.

Vacancies/Appointments: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the appointment of Jim Mauney to the Planning Board - Lincolnton township effective the first meeting in September.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the appointment of Keith Johnson to the Planning Board - Ironton Township, effective the first meeting in September.

UPON MOTION by Commissioner Klein, the Board voted unanimously to appoint Gary Garlow to the Planning Board - Catawba Springs Township, effective the first meeting in September.

Calendar: Chairman Anderson presented the August 2008 calendar.

Other Business: Commissioner Moore asked the Board to consider two separate Planning Boards, one for each end of the county, and having meetings around the county.

Chairman Anderson stated that he was contacted by Grace Fowler about a couple living in a recreational vehicle. This is a significant hardship situation where these people had to sell their home to pay for medical treatment. This has created a zoning problem with them living in the camper. He asked permission for the Manager to go into Section 2.4 of our zoning to make some text modifications to address the circumstances surrounding a situation like this and come back with a recommendation that would perhaps help these folks.

He presented a letter from Alexis Fire Department asking the Board to reconsider the tax rate. The Manager drafted a letter to them, which will be sent with his signature on it. The tax rate cannot be changed at this point due to the fact that tax bills have gone out.

Commissioner Patton stated that he has no objection, since nothing can be done at this point, but it disappoints him that because of an issue with another county, we have harmed one of our fire districts. He stated that we encouraged them to build a substation and add staff that they may now have to cut.

Closed Session: UPON MOTION by Commissioner Klein, the Board voted unanimously to enter closed session pursuant to N.C.G.S 143-318.11

- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

No action was reported from Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners