

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 16, 2007

The Lincoln County Board of County Commissioners met in regular session on July 16, 2007 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:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Ron Rombis, Director of EMS
Steve Gilbert, Director of Public Works
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the July 16, 2007 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JULY 16, 2007

6:30 PM	Call to Order
6:31 PM	Invocation – Rev. Michael Rice Gainsville Baptist Church
6:32 PM	Pledge of Allegiance
1. 6:33 PM	Adoption of Agenda
2. 6:34 PM	Consent Agenda - Approval of Minutes

- June 18, 2007
- Tax Requests for Refunds – More than \$100
 - June 4 – 10, 2007
- Tax Requests for Releases – More than \$100
 - May 16 – June 15, 2007
- Budget Adjustment No. 1 – 6
- BFI Grant Committee Allocations
- 2008 Employee Holiday Schedule
- Sponsored Group Status
 - Gold Hill Missionary Baptist Church
 - Carolina Cross Connection

3. 6:35 PM Public Comments

4. 6:50 PM Abandonment of Portion of SR 1754 – Golf Course Drive South

5. 7:00 PM Approval of Turn Lanes at the Intersection of Hwy 73 and Airport Drive

6. 7:10 PM Public Hearing - Rural Operating Assistance Program (ROAP) Application – Ron Romb

7. 7:20 PM Discussion of Budget Process – Commissioner Klein

8. 7:35 PM Water and Sewer Rate Sheet Revisions

9. 7:45 PM Capital Project Report – Steve Gilbert

10. 7:55 PM Finance Officer's Report

11. 8:00 PM County Manager's Report

12. 8:05 PM County Commissioners' Report

13. 8:10 PM County Attorney's Report

14. 8:15 PM Vacancies/Appointments

15. 8:20 PM Calendar

16. 8:25 PM Other Business

17. 8:30 PM Closed Session

Adjourn

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the agenda deleting Item 4 at the request of Division Engineer Jackie McSwain and adding item 11a – Report on GPS status.

Consent Agenda:

- Approval of Minutes
- June 18, 2007
- Tax Requests for Refunds – More than \$100
- June 4 – 10, 2007

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (June 4, 2007-June 10, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Roland, Brent C.	2006	NBFD	0201506	246.41
			TOTAL	\$246.41

- Tax Requests for Releases – More than \$100
- May 16 – June 15, 2007

NAME	YEAR	A/C NO	AMOUNT
Adams, Eunice Davis	2006	0202475	\$ 116.44
Beason, Brenda Simmons	2006	0201741	\$ 144.85
Beckham, Amanda Gail	2006	0182113	\$ 135.07
Blackwell Transport Inc.	2006	0200451	\$ 130.98
Braswell, Karla Righter	2007	0203059	\$ 180.06
Carlson, Jackie McAdams	2007	0203441	\$ 241.37
Chelsey Homes LLC	2006	0157632	\$ 171.49
Conway, Bret A.	2006	0063739	\$ 636.25
Dellinger, Tara Caron	2006	0166651	\$ 150.11
Durst, Clarence Oliver	2007	0203042	\$ 146.48
Eisenhower, George Albert	2007	0174675	\$ 106.04
Forney, Herbert Jerome	2006	0145616	\$ 119.73
Gates, Billie Faye	2007	0203046	\$ 191.17
Koehler, Daniel Robert	2006	0201305	\$ 111.70
Letterman, Betty Davis	2004/06	0176326	\$ 178.66
Lewis, Alvin	2006	0201752	\$ 155.38
Monroe Roadways Inc.	2006	0165871	\$ 124.08
Niehoff Enterprises Inc.	2006	0153177	\$ 306.19
Noble, David Robert	2006	0201060	\$ 125.82

Paris, James Anthony	2006	0202607	\$ 235.29
Popoff, Robert Anthony	2006	0202333	\$ 116.45
Pruette, Delphia Eller	2006	0201802	\$ 605.85
Reel, Stacy Robert	2006	0075759	\$ 117.16
Roach, Dave Michael	2006	0157559	\$ 117.20
Schultz, Carol Mary	2006	0201004	\$ 145.92
Silver, Timothy D.	2006	0117156	\$ 108.98
Stancil, Timothy Joseph	2005	0179412	\$ 180.91
Tscheiller, Michael Paul	2006	0202671	\$ 106.38
Williams, Deborah Ann	2007	0203084	\$ 106.24
Wood, Nicole Lorene	2006	0201541	\$ 188.37
		TOTAL	\$ 5,500.62

NAME	YEAR	A/C NO	AMOUNT
Armstrong, Wayman Jr.	2005	0062513	\$ 191.72
Brown, Charles B. Jr.	2006	19562	\$ 345.00
Dunning, Gary	2006	0196051	\$ 145.29
Eenscapes Landscaping	2006	0179099	\$ 363.00
Highland Lawn & Landscape	2006	0144146	\$ 643.50
Nixon Lynch Investments	2006	0187443	\$ 371.25
Ronda Lenex Floral Design	2006	0189853	\$ 119.04
Summa, Joe	2006	0177714	\$ 257.00
		TOTAL	\$ 2,435.80

- Budget Adjustment Nos. 1 – 6

No. 1: Encumber money from 06-07 budget to pay for expenses expected to be incurred to bring Animal Control up to code per General Statute

No. 2: Encumber funds for Cultural Center cooling tower replacement ordered 5/22/07

No. 3: Encumber funds for Cultural Center renovation of restrooms/foyer approved 12/16/06

No. 4: Encumber funds for Courthouse renovations needed by court system/Improvements started May 07

No. 5: Encumber funds for Health Dept. computers/monitors ordered during June 07

No. 6: Encumber funds for MIS monitors ordered in June 07

- BFI Grant Committee Allocations
- 2008 Employee Holiday Schedule
 - Sponsored Group Status
 - Gold Hill Missionary Baptist Church
 - Carolina Cross Connection

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the consent agenda.

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, 8057 Luckey Creek, stated that the sewer rate structure, which is later on the agenda tonight, is unfair to residents who have been paying and will continue to pay the sewer bonds. There is still a sewer district, it's those people who pay the sewer tax. Newcomers who don't pay the tax, or only pay the tax a short time, shouldn't get the same fee break. Mr. Oakes presented the solution of raising the capacity fee by 50% and crediting sewer taxes paid (by the property) up to 50% of the capacity fee.

Chairman Anderson declared the public comments section closed.

Approval of Turn Lanes at the Intersection of Hwy. 73 and Airport Drive:

Commissioner Patton, who serves on the Airport Authority, stated that they want to widen the road going into the airport but cannot do that without permission from city and county government.

Commissioner Klein asked if this obliges the county for any money.

Commissioner Patton stated that this is just approving a plan where the state will take this project.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the request as presented.

Discussion of Budget Process – Commissioner Klein: Commissioner Klein asked the Board to consider modifying the budget process in two ways. One of changes is that after the Manager has gone through the budget and presents it to the Commissioners, he would like the Board to set a target tax rate, spending, and fund balance. Workshop dates will be set, department heads present money requests, and the Manager “rolls up” workshop money to BOC. Then the BOC will reset the “target” tax rate, spending and fund balance and the Manager publishes tentative budget key indicators. The BOC will hold a public hearing at the 1st regular meeting in June and will set the tax rate, adopt the budget at the final regular June meeting.

Chairman Anderson asked that this item be added to the agenda for the second meeting in August.

Water & Sewer Rate Sheet Revisions: Steve Gilbert stated that when the new water and sewer rates were approved June 4, 2007 for implementation on July 1, 2007, the decision to transfer the Sewer District assets to the County had not occurred. Now that this transfer has been approved, some modifications are necessary to the Water & Sewer Rate Sheets. Since the Sewer District will no longer grow beyond the annexations that were effective July 1, 2007, the main change seen is the elimination of any mention of the Sewer District in regards to in-district or out-of district fees and rates. The effect of this change is to place all sewer customers on the same rate sheet, regardless of their location (we have no sewer customers outside of Lincoln County, and we do not anticipate any in the foreseeable future)

In 2001, when the Water Capacity Development Fee was changed from \$250 to \$2,150, a waiver of that fee was granted to existing residences wishing to hook up to water.

Existing homes have only been charged the cost of the tap and meter since that time. This policy was never written down, and it was not addressed when the new rates were discussed last month. Mr. Gilbert requested some guidance on whether to continue that policy, and, if it is continued, it will be written into the rate sheets.

LINCOLN COUNTY PUBLIC WORKS
Monthly Water Billing Rates
Effective July 1, 2007

In County Rates

Minimum Billing (0-2,500 gallons)	\$20.00
Each additional 1,000 gallons	\$ 4.72
Each additional 1,000 gallons (over 200,000 gallons, industrial use only)	\$ 4.22
*Each additional 1,000 gallons (over 10,000 gallons)	\$ 5.72
*Each additional 1,000 gallons (over 10,000 gallons – voluntary restrictions)	\$ 7.15
*Each additional 1,000 gallons (over 10,000 gallons – mandatory restrictions)	\$11.44
Interruptible Agricultural Rate per 1,000 gallons	\$ 4.00
Bulk Water Rate/1,000 gallons	\$ 8.00

*(Residential and Commercial only)

Out of County Rates

Minimum Billing (0-2,500 gallons)	\$40.00
Each additional 1,000gallons	\$ 4.72
*Each additional 1,000 gallons (over 10,000 gallons)	\$ 5.72
*Each additional 1,000 gallons (over 10,000 gallons – voluntary restrictions)	\$ 7.15
*Each additional 1,000 gallons (over 10,000 gallons – mandatory restrictions)	\$11.44

*(Residential and Commercial only)

Monthly Sewer Billing Rates
Residential and Non-residential

Minimum Billing (0-2,500 gallons)	\$20.00
Each additional 1,000 gallons	\$ 4.72
*Each additional 1,000 gallons (over 10,000 gallons)	\$ 5.72
*Each additional 1,000 gallons (over 10,000 gallons – voluntary restrictions)	\$ 7.15
*Each additional 1,000 gallons (over 10,000 gallons – mandatory restrictions)	\$11.44

*(Residential and Commercial only)

LINCOLN COUNTY WATER DEPARTMENT
WATER CONNECTION FEES
EFFECTIVE JULY 1, 2007

TABLE 1 - CAPACITY DEVELOPMENT FEES FOR ALL WATER CONNECTIONS

<u>WATER METER SIZE</u>	<u>RESIDENTIAL AND COMMERCIAL FEE</u>	<u>INDUSTRIAL</u>
3/4-inch	\$ 4,000.00	\$ 4,000.00
1-inch	\$ 10,000.00	\$ 5,000.00
2-inch	\$ 32,000.00	\$ 8,000.00
3-inch	\$ 64,000.00	\$ 16,000.00
4-inch	\$100,000.00	\$ 25,000.00
6-inch	\$200,000.00	\$ 50,000.00
8-inch	\$320,000.00	\$ 64,000.00
10-inch	\$460,000.00	\$ 69,000.00
12-inch	\$620,000.00	\$ 93,000.00

TABLE 2 - TAP FEES AND METER FEES

3/4-inch Irrigation Tap and Meter (See Note 5)	\$ 550.00
3/4-inch Water Tap and Meter	\$1,100.00
1-inch Water Tap and Meter	\$1,350.00
2-inch Water Tap and Meter	\$5,100.00
3/4-inch Meter Only	\$ 175.00
1-inch Meter Only	\$ 250.00
2-inch Meter Only	\$1,750.00

Notes:

1. Capacity Development Fee is based on a gallons-per-minute ratio per meter size as shown in Table 1. Applicants shall also pay any applicable tap or meter fees included in Table 2.
2. Capacity Development Fees will be charged on a per – meter basis.
3. New Non-Profit Organization Capacity Development Fee up to 2" meter - \$4,000.00
4. All "Out of County" fees are double the "In County" fees..
5. Residential installation only. Special conditions apply. Residential Capacity Fee will apply.
6. Capacity Development Fee for a residence existing prior to July 1, 2007 - \$2,000.00
7. Capacity Development Fee for an existing residence may be waived upon documentation by Lincoln County Health Department of a non-repairable contaminated well.
8. ALL FEES ARE SUBJECT TO CHANGE WITHOUT NOTIFICATION

**LINCOLN COUNTY PUBLIC WORKS
SEWER CONNECTION FEES
EFFECTIVE JULY 1, 2007**

**TABLE 1 - CAPACITY DEVELOPMENT FEES
FOR INDIVIDUAL RESIDENCES OR BUILDINGS**

<u>WATER METER SIZE</u>	<u>FEE</u>
3/4-inch	\$ 6,000
1-inch	\$ 9,000
2-inch	\$ 18,000
3-inch	\$ 28,800
4-inch	\$ 57,600
6-inch	\$ 90,000
8-inch	\$180,000

**TABLE 2 - CAPACITY DEVELOPMENT FEES
FOR MULTIPLE DWELLING UNITS OR BUILDINGS**

<u>NUMBER OF UNITS</u>	<u>FEE</u>
2-3	\$6,000/unit
4-7	\$6,000/unit
8-20	\$6,000/unit
21-43	\$6,000/unit
44 and over	\$6,000/unit

TABLE 3 - SEWER TAP FEES

1-1/2-inch Low Pressure Sewer Tap	\$1,100
2-inch Low Pressure Sewer Tap	\$1,650
4-inch Gravity Sewer Tap	\$1,875
6-inch Gravity Sewer Tap	\$3,000

Notes:

1. Sewer Capacity Development Fee is based on water meter size for individual residences and buildings as shown in Table 1. For applicants located where water service is not available, fees are based on equivalent water meter size. Applicants shall also pay any applicable tap fees included in Table 3.
2. Existing residential homes and any active residential building permits prior to July 1, 2007 will be charged a Capacity Development Fee of \$3,000 based on a residential 3/4" water meter installation and any applicable sewer tap fees included in Table 3.
3. Applicants with multiple dwelling units, multiple unit businesses, or multiple buildings on an individual tract of land may apply for one sewer tap to serve all units. Applicant shall pay capacity development fees shown in Table 2, or fee shown for water meter size shown in Table 1, whichever is greater, in addition to any applicable tap fees included in Table 3. All lines connecting more than one building to a single

sewer tap shall be permitted by the North Carolina Department of Environment and Natural Resources.

4. Simplex grinder pump units shall only serve structures with 6 or less water closets, structures with more than 6 water closets will require a duplex pump unit. All pump units shall be approved by Lincoln County Public Works prior to installation.
5. ALL FEES ARE SUBJECT TO CHANGE WITHOUT NOTIFICATION

Chairman Anderson stated that anyone living in the district for some period of time could have paid the capacity development fee to lock in the cost at any time they wanted to do that, even if they chose not to connect at that time.

UPON MOTION by Commissioner Klein, the Board voted unanimously to accept the sewer portion of the rate sheet revision.

UPON MOTION by Commissioner Moore, the Board voted 4 – 1 (Commissioner Patton against) to treat the water like the sewer, one-half of the rate for existing homes.

UPON MOTION by Commissioner Patton, the Board voted unanimously to waive the capacity fee in situations where Environmental Health deems a well contaminated and that well cannot be put back into service. In this situation, the citizen would still pay the tap and meter fee.

Capital Project Report – Steve Gilbert: Steve Gilbert presented the Public Works Capital Project Reports.

Commissioner Patton spoke concerning people in the pipeline when we stopped issuing sewer capacity. He stated that there should be a policy in place as to what will happen with these folks. Commissioner Patton asked Mr. Gilbert to contact Carolina Lands and discuss this situation with them.

Chairman Anderson asked Mr. Gilbert to have in the Capital Projects Report for the new wastewater treatment plant to have the newest numbers from the design firm.

Public Hearing – Rural Operating Assistance Program (ROAP) Application – Ron Rombs: Ron Rombs presented information regarding the Rural Operating Assistance Program.

Chairman Anderson opened the Public Hearing concerning the ROAP Application.

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

UPON MOTION by Commissioner Moore, the Board unanimously approved the Rural Operating Assistance Program.

Finance Officer's Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for June 2007.

Chairman Anderson asked Mr. Harmon to prepare a synopsis of the impact of the decision of the legislature concerning Medicaid to the county's budget.

Report on Status of GPS System: Stan Kiser, County Manager, presented a summary of the GPS system. After a recent incident with a car from the Sheriff's Department, Mr. Kiser found out that there were originally 53 Sheriff's Department cars hooked up to GPS and now there are only 7.

Commissioner Moore stated that she would like to see the GPS used for what they were bought for.

Chairman Anderson stated that he serves on the Board of Trustees for the NCACC Board of Trustees for Risk Management, the group that we get worker's compensation and property and liability insurance from. He stated that GPS can become extraordinarily important if a county vehicle is involved in an accident so that you are able to know what that vehicle was doing and where it was doing it prior to the accident.

Chairman Anderson stated that he will draft a letter to the Sheriff asking that he take whatever steps necessary to put these units back into service.

County Manager's Report: Stan Kiser presented the County Manager's Report. He advised of a meeting with the Catawba/Lincoln County Line Committee on August 3 at 10:00 a.m.

County Commissioners' Report: There was no County Commissioners Report.

County Attorney's Report: Jeff Taylor updated the Board in regards to a False Alarm Ordinance and the IBT.

Vacancies/Appointments: Commissioner Klein presented the vacancies/appointments:

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the appointment of Kathy Casem to the DSS Board, Pam Royal to the Recreation Commission, Karen Cook to JCPC to fill an unexpired term, Mike Jones and Lee Garrison to the Environmental Review Board, Susan Gentry to the Workforce Development Board and reappoint Tony Carpenter to the Pathways Board.

Calendar: Chairman Anderson presented the August 2007 calendar calling the Board's attention to the NCACC Annual Conference August 15 – 18.

Other Business:

Closed Session: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to enter closed session pursuant to NCGS 143-318.11 (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

UPON MOTION by Commissioner Carlton, the Board voted unanimously that the County Manager's contract be terminated effective July 16, 2007 pursuant to the terms and conditions of that contract.

Recess: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to recess the meeting to Friday, July 20, 2007 at 3:00 p.m. for the purposes of beginning the process of selecting a manager for Lincoln County.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners