

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 18, 2007

The Lincoln County Board of County Commissioners met in regular session on June 18, 2007 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 7:25 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
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Andrew Bryant, Planner
Stacy Yates, Associate Planner
Maggie Dollar, Director of Health
Ron Rombs, Director of EMS
Leon Harmon, Director of Finance

Planning Board

John Pagel
Larry Craig
Darrell Harkey
Louis McConnell
Terry Whitener
Harold Howard, Jr.

Call to Order: Chairman Anderson called the June 18, 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

JUNE 18, 2007

7:25 PM Call to Order

1. 7:26 PM Adoption of Agenda

2. 7:28 PM Consent Agenda
- Approval of Minutes
- June 4, 2007
- Budget Adjustment No. 107 - 124
- Traffic Engineering Firm Selections
- Tax Requests for Releases
- April 16 – May 15, 2007

NAME	YEAR	A/C NO	AMOUNT
Aten, Samuel Jock	2006	0195798	\$ 196.91
Bartholomew, Shawn Patrick	2004	0181285	\$ 113.51
Beal, Janice Stamey	2006	0105604	\$ 136.20
Bowen, James Earl Jr.	2006	0195807	\$ 133.66
Denver Mechanical & Electric	2005	0132851	\$ 206.13
Feedor, Michelle L.	2006	0202638	\$ 234.00
Fishkin, Tom Joseph	2006	0193937	\$ 177.49
Frazier, Brandon Miguel	2004	0177282	\$ 122.84
Gonzalez, Miranda Jose	2006	0200963	\$ 423.54
Hardin, Brenda Neal	2006	0201074	\$ 349.71
Hester Seagle, Debra Lynn	2005	0188469	\$ 130.58
Leggette, Mark Gray	2006	0110257	\$ 152.33
Maners, Benny Daryl	2005/06	0078884	\$ 117.44
McFadden, Wilma Littlejohn	2006	0197030	\$ 286.53
Meixner, Selena Danielle	2006	0192167	\$ 208.38
Mosteller, Patricia Schronce	2006	0074063	\$ 108.01
Renfro, Roger Dale	2006	0201580	\$ 171.69
Sevilla, Eusebio Mark	2006	0189617	\$ 124.61
Smith, Phillip Alan	2005	0177345	\$ 107.52
USB Leasing LT	2006	0162709	\$ 393.28

Washburn, Lloyd Lee	2006	0202466	\$ 133.84
		TOTAL	\$ 4,028.20

NAME	YEAR	A/C NO	AMOUNT
Buck Saver #2	2006	0189748	\$ 1,055.97
Driscoll, Mike	2005/06	0177657	\$ 339.15
Friday, Elizabeth G.	2006	0121246	\$ 181.14
Hill, James Michael	2005/06 1998-	30635	\$ 144.01
Mace, Sharon Withers	06	0077797	\$ 654.60
NES Enterprises	2006	0144159	\$ 726.00
Nygard, Scott E.	2006	0152314	\$ 281.18
Rodgers, Exodus	2006	0064319	\$ 2,770.69
Taylor, Jonathan	2006	0196093	\$ 172.62
Van Wingerden Teunis	2006	0177429	\$ 30,702.92
		TOTAL	\$ 37,028.28

- Approval of FY08 County Funding Plan
- Sponsored Group Status
- Salem Baptist Church

3. 7:30 PM Public Comments
4. 7:45 PM Budget Public Hearing
5. 8:00 PM Public Hearing – Adequate Public Facilities Ordinance
6. 9:00 PM Recommendations from Planning Board
 - *ZMA #552 Alan and Virginia Jenkins, applicants*
 - *ZMA #553 Donald Rudisill Jr., applicant*
 - *PCUR #153 Signature Development Group – Willow Farms LLC, applicant*
 - *Revised Flood Damage Prevention Ordinance, Flood Insurance Study and Flood Insurance Rate Maps*
7. 9:20 PM Approval of JCPC Bylaws – Maggie Dollar
8. 9:30 PM Request for Purchase of Power Lift Stretchers – Ron Rombs
9. 9:40 PM Lincoln County Industrial Park Sewer Construction Bids – Steve Gilbert

10. 9:50 PM Tube Settler Purchase Recommendation for Water Treatment Plant
– Steve Gilbert

11. 10:00 PM Capital Project Report – Steve Gilbert

12. 10:05 PM Finance Officer's Report

13. 10:10 PM County Manager's Report

14. 10:15 PM County Commissioners' Report

15. 10:20 PM County Attorney's Report

16. 10:25 PM Vacancies/Appointments

17. 10:30 PM Calendar

18. 10:35 PM Other Business

Adjourn

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the agenda as amended adding items 4b – Resolution Authorizing Acceptance of Assets for East Lincoln County Water and Sewer District and 4c- Agreement Between ELWS and Lincoln County.

Consent Agenda:

- Approval of Minutes
- June 4, 2007
- Budget Adjustment No. 107 – 124

No. 107: Additional allocation of State Juvenile Crime Prevention funds for current year
– JCPC committee recommends additional funds to Equine Therapy

No. 108: Cover costs of medical examiner

No. 109: Cover economic incentives cost

No. 110: ABC .05 and .01 per bottle tax transferred to Pathways for alcohol rehab –
 Adjust budget to cover actual revenue and expense

No. 111: Expenses for utility reduction audit, county line facilitation and contract services

No. 112: Cover costs of Veteran's Office

No. 113: Budget restricted portion of ½% sales taxes and lottery revenue

No. 114: Re-allocate school construction costs

No. 115: Allocate additional revenue received for law enforcement fund – Revenue controlled sub tax from state restricted for law enforcement

No. 116: Budget federal funds received for law enforcement

No. 117: Re-allocate funds in CIP to cover engineering cost on sewer line 321 N. and 27 W. to new elementary school

No. 118: Budget for anticipated VFD tax collections

No. 119: Adjust budget sewer plant and force main projects to cover expenses

No. 120: Re-allocate water CIP expenses to cover costs

No. 121: Additional funds were allocated to In-Home Aide Program from Office on Aging

No. 122: Increase in revenue collected to cover cost of county tax service

No. 123: Increase in revenues resulting from increase call volume, Medicare settlement, HRSA Grant; Increase in personnel costs to cover shortages and FMLA vacancies; Several major body damages to apparatus due to deer strikes, several major ambulance repairs; Increase in billing charges relating from increase in call volume; Increase in maintenance contracts on additional ALS equipment; Increase in insurance rates

No. 124: New state monies to offset cost of accreditation provided from the state and incubator group project

No. 131: Correct allocation of sales tax to Capital Reserve Fund

No. 132: Cover landfill expenses

- Traffic Engineering Firm Selections
- Tax Requests for Releases
 - April 16 – May 15, 2007
- Approval of FY08 County Funding Plan
- Sponsored Group Status
 - Salem Baptist Church

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the consent agenda, with the addition of Budget Adjustment Nos. 131 and 132 and ROOM for sponsored group status.

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.

Robert Avery, Newton Lane, asked the Board to consider a citizens survey, similar to the one that Gaston Co. and other counties adopted. He stated that the Board has overlooked this in previous years and he hasn't seen the survey show up in his mailbox yet.

Chairman Anderson declared the public hearing closed.

Budget Public Hearing: Chairman Anderson declared the budget public hearing open.

Carl Robinson, 1093 Gamecock Lane, Denver spoke as a member of the Lincoln County Board of Education and parent of 5 children who either attend or have attended Lincoln County Schools. He stated that the Board of Education requested a \$2,115,300 increase for current expenditures and the BOC approved \$1,235,600 for the current expense, a difference of \$879,700. The amount approved will only cover mandated expenses and positions required to open Pumpkin Center Intermediate School. He said they are asking

for additional consideration for \$409,000 to fund the 1/4% increase in teacher supplement (\$209,000), 3 technology instructional specialists (\$150,000) and coaching supplements (\$50,000). Mr. Robinson stated that their fund balance is low and it's no longer an option to dip into this money. He asked the Board to reinstate the penny on the tax rate that was cut last year.

Mitchell Sherrill, Principal of West Lincoln High School, stated that there is a need for increasing the supplements for coaches and teachers. He stated that another need is becoming a global education for our high school students. We now have the opportunities to offer virtual high school and UNCG I-school classes to our students. This gives them high school and college credit. The increase requested by the School Board allows the schools to increase the technology. He asked the Board to consider the full funding of the Board of Education's request.

Scott Cloninger stated that he has been a teacher and coach for 28 years. He stated that it is very difficult to hire a coach with the pay we're giving. He stated that if a student is an athlete, he is going to have better grades, better attendance and better discipline. He asked the Board to support the School Board's request.

Wayne Navey stated that he has coached wrestling and football at West Lincoln High School for 29 years and is the Athletic Director there. He stated that it has been over 8 years since there has been a pay increase. He asked the Board to consider the important role coaches play in the lives of the children of Lincoln County.

Angie Harmon stated that she is a parent and volunteers at the school. She stated that she is on the school improvement team and said that the increase in teacher supplement pay is important to maintain the level of education afforded our children. Ms. Harmon said the technology funding is necessary.

Barry McKinnon, Utility Engineer and Special Projects Manager, spoke concerning salaries for county employees. He stated that this has been an issue under the radar. He stated that there are great people that work for the county and hope the Board remembers them in the budget.

Robert Avery stated that if the Board had mailed out the survey, it would give the citizens the opportunity to give more opinions and feedback on how the money should be invested in the community.

Mike Palmer stated that he is new to Commissioner's meetings, but has 2 children in public schools. He stated that from a taxpayer point of view, he hasn't seen a school desperately short on money.

Being no additional speakers, Chairman Anderson declared the public hearing on the budget closed.

Resolution Authorizing Acceptance of Assets of East Lincoln County Water & Sewer District By Lincoln County: UPON MOTION by Commissioner Klein the Board voted unanimously to approve the Resolution.

**RESOLUTION AUTHORIZING ACCEPTANCE OF ASSETS OF
EAST LINCOLN COUNTY WATER & SEWER DISTRICT BY
LINCOLN COUNTY**

WHEREAS, in 1996 the East Lincoln County Water & Sewer District began to construct a sewer system to serve the citizens of Lincoln County within the boundaries of the District; and

WHEREAS, the Lincoln County Board of Commissioners determined that it was in the best interests of the citizens of the County to expedite construction of the sewer system in order to increase the said tax base of the County; and

WHEREAS, growth patterns in Lincoln County since the sewer system has been in operation have shown that the sewer system is a benefit to the entire county; and

WHEREAS, if the sewer system were in the ownership and control of Lincoln County, the County would have greater flexibility to extend or expand the system as necessary or desirable to serve areas of the County outside the current boundaries of the District; and

WHEREAS, transferring the ownership and control of the sewer system to the County would relieve taxpayers in the District of the burden of being exclusively responsible for paying for future expansion of the system and would provide a basis for County participation in the costs of such expansion; and

WHEREAS, such a transfer would also relieve District taxpayers from the financial burden of owning and operating the sewer system, except to the extent of the unpaid debt of the District that remains as of the date of this resolution; and

WHEREAS, under current law the County has a greater range of available options for financing expansions to the sewer system than does the District; and

WHEREAS, the Lincoln County Board of Commissioners believes that it is in the best interests of both the District and the County to transfer ownership and control of the District's sewer system and all of its assets to Lincoln County;

NOW, THEREFORE, be it and it is hereby resolved that Lincoln County hereby approves the transfer of all of the assets of the District, including the sewer system and all lines and interests related thereto, to Lincoln County and authorizes the Chairman to sign the agreement attached hereto as Exhibit A and incorporated herein by reference. It is further resolved that from and after the date this agreement becomes effective, Lincoln County shall be responsible for the operation of the sewer system. This resolution and agreement shall become effective upon receipt of all necessary approvals from the State of North Carolina.

This resolution adopted this 18th day of June, 2007.

Thomas R. Anderson, P. E., Chairman
Lincoln County Board of Commissioners
acting as the governing body of the East
Lincoln County Water & Sewer District

ATTEST:

June 18, 2007
Regular Meeting

Amy S. Atkins
Clerk to the Board

Agreement Between East Lincoln County Water & Sewer District and Lincoln County: UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the Agreement.

NORTH CAROLINA

AGREEMENT

LINCOLN COUNTY

THIS AGREEMENT, made and entered into this the 18th day of June, 2007, by and between **EAST LINCOLN COUNTY WATER & SEWER DISTRICT**, a body corporate (hereinafter called the "District"), and **LINCOLN COUNTY**, a body corporate and politic (hereinafter called the "County");

W I T N E S S E T H :

WHEREAS, in 1996 the East Lincoln County Water & Sewer District began to construct a sewer system to serve the citizens of Lincoln County within the boundaries of the District; and

WHEREAS, the Lincoln County Board of Commissioners determined that it was in the best interests of the citizens of the County to expedite construction of the sewer system in order to increase the said tax base of the County; and

WHEREAS, growth patterns in Lincoln County since the sewer system has been in operation have shown that the sewer system is a benefit to the entire county; and

WHEREAS, if the sewer system were in the ownership and control of Lincoln County, the County would have greater flexibility to extend or expand the system as necessary or desirable to serve areas of the County outside the current boundaries of the District; and

WHEREAS, transferring the ownership and control of the sewer system to the County would relieve taxpayers in the District of the burden of being exclusively responsible for paying for future expansion of the system and would provide a basis for County participation in the costs of such expansion; and

WHEREAS, both the District and the County have authority to enter into an interlocal agreement for such transfer pursuant to Section 160A-274 of the North Carolina General Statutes; and

WHEREAS, such a transfer would also relieve District taxpayers from the financial burden of owning and operating the sewer system, except to the extent of the unpaid debt of the District that remains as of the date of this resolution; and

WHEREAS, under current law the County has a greater range of available options for financing expansions to the sewer system than does the District; and

WHEREAS, the Lincoln County Board of Commissioners, acting on behalf of Lincoln County and acting as the governing body of the East Lincoln County Water & Sewer District,

believes that it is in the best interests of both the District and the County to transfer ownership and control of the District's sewer system and all of its assets to Lincoln County; and

WHEREAS, it is the intent of the Lincoln County Board of Commissioners, acting on behalf of Lincoln County and acting as the governing body of the East Lincoln County Water& Sewer District, to maintain the tax rate for the District in future years at no more than the level reasonably necessary to generate sufficient revenue to maintain payments of principal and interest on the debt incurred by the District up until the date of this agreement until such debt is fully repaid; and

WHEREAS, it is the further intent of the Lincoln County Board of Commissioners, acting on behalf of Lincoln County and acting as the governing body of the East Lincoln County Water& Sewer District, to dissolve the District as soon as reasonably possible after the repayment of the aforesaid debt is completed;

NOW, THEREFORE, in consideration of the payment of \$1.00 and other good and valuable consideration, the County and the District hereby agree as follows:

1. That ownership and control of all assets of the District, including its plants, pump stations, lines, easements, equipment, and any other real or personal property shall be transferred to Lincoln County.
2. That from and after the effective date of this agreement, the County shall own and operate the sewer system that is currently being operated by the District and shall pay for any future expansions of the sewer system.
3. That the District shall incur no further debt or expense of owning and/or operating the sewer system beyond the unpaid debt that is existing as of the effective date of this agreement.
4. That it is the intent of both the District and the County that future tax levies on District taxpayers shall be no more than reasonably sufficient to maintain payments of principal and interest on the District's existing debt until such debt is fully paid.
5. That it is the further intent of both the District and the County that the District shall be dissolved as soon as reasonably possible after the District's existing debt has been fully repaid.
6. That the Chairman of the Board is hereby authorized to sign any additional or supplemental documents such as deeds to effectuate the purposes expressed in this agreement.
7. That this agreement shall become effective upon receipt of all necessary approvals from the State of North Carolina.

**EAST LINCOLN COUNTY
WATER & SEWER DISTRICT**

By: _____
Thomas R. Anderson, P. E., Chairman
Lincoln County Board of Commissioners
Acting as the governing body of the
East Lincoln County Water & Sewer District

ATTEST:

Amy S. Atkins
Clerk to the Board

LINCOLN COUNTY

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

ATTEST:

Amy S. Atkins
Clerk to the Board

Budget Ordinance

LINCOLN COUNTY

BUDGET ORDINANCE FY 2007-08

BE IT ORDAINED by the Board of County Commissioners of Lincoln County, North Carolina:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the County government and its activities for the fiscal year beginning July 1, 2007 and ending June 30, 2008, in accordance with the chart of accounts heretofore established for Lincoln County:

GENERAL GOVERNMENT

Governing Body	\$ 182,638
Administration and Finance	951,451
Safety & Training	44,806
Data Processing	427,955
Elections	426,822
Tax Department	1,301,219
Revaluation	459,288
Legal	100,200
Register of Deeds	1,035,958
Public Buildings	1,489,597
District Court	49,650
Central Services	511,004
Special Grants	130,491
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	\$ 7,111,079

PUBLIC SAFETY

Sheriff	\$ 6,970,941
Jail	2,839,738
Communications	1,072,217
Emergency Management	358,694
Emergency Services	261,400

Animal Control	454,684
Forestry	51,607
Medical Examiner	32,500
Ambulance Service	<u>4,018,829</u>
	\$ 16,060,610

TRANSPORTATION

Mass Transit	52,066
Airport Authority	70,241
Transportation TLC	<u>540,323</u>
	\$ 662,630

ENVIRONMENTAL PROTECTION

Soil Conservation	<u>274,501</u>
	\$ 274,501

ECONOMIC AND PHYSICAL DEVELOPMENT

Cooperative Extension	\$ 262,174
Building and Land Development	1,718,144
Economic Development	<u>1,344,771</u>
	\$ 3,325,089

HUMAN SERVICES

Health Department	\$ 5,038,479
Mental Health	293,480
Social Services	16,685,473
Veterans Service	80,620
Senior Services	432,011
Juvenile Crime Prevention	93,364

Gaston Skills

	<u>47,775</u>
	\$ 22,671,202

CULTURAL AND RECREATION

Recreation	\$ 934,288
Historic Properties	3,325
Historical Coordinator	53,287
Cultural Grants	75,700
Library	<u>769,109</u>
	\$ 1,835,709

EDUCATION

Lincoln Center Gaston College	\$ 111,517
Schools Current Expense	15,533,611
Schools Capital Outlay	1,464,500
Communities in Schools	<u>50,000</u>
	\$ 17,159,628

DEBT SERVICES

General County	\$ 1,488,351
School System	<u>11,257,265</u>
	\$ 12,745,616

TRANSFER TO CAPITAL PROJECT FUND	\$ 489,066
TRANSFER TO CAPITAL RESERVE FUND	\$ 10,181,721
CONTINGENCY	\$ <u>1,280,471</u>
TOTAL GENERAL FUND	\$ 93,797,322

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

AD VALOREM TAXES:

Current Year	\$ 37,954,200
Prior Years	1,020,100
Local Option 1 cent Sales Tax	5,500,000
Local Option 1 st 1/2 cent Sales Tax	3,600,000
Local Option 2 nd 1/2 cent Sales Tax	3,600,000
Local Option 3 rd 1/2 cent Sales Tax	2,800,000
Beer & Wine Tax	255,000
Excise Tax Stamps	900,000
Franchise Tax	190,000
Interest on Investment	1,200,000
ABC Revenues	38,500
Rents	187,700
Tax Refunds	170,000
Local Occupancy Tax	60,000
Vehicle Rental Tax	18,000
	\$ 57,493,500

STATE AND FEDERAL GRANTS:

Law Enforcement	\$ 170,670
Emergency Management	52,500
Veterans Service	2,000
Senior Services	286,825
Transportation Services	431,357
Juvenile Crime Prevention	89,969
Soil Conservation	67,811
Emergency Ambulance	<u>50,000</u>
	\$ 1,151,132

HEALTH DEPARTMENT PROGRAMS	\$ 2,880,296
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SOCIAL SERVICE PROGRAMS	\$ 10,027,692
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FEES

Tax Department	\$ 1,400
Election	7,450
Register of Deeds	510,500
Sheriff	136,000

Jail	326,658
Building and Land Development	1,718,144
Library	26,300
Court Facilities	110,000
Animal Control	15,000
 Tax Collection	 273,050
Recreation	30,000
 Emergency Ambulance	 1,950,000
 Emergency Management	 3,350
 Soil Conservation	 <u>86,000</u>
	 \$ 5,193,852

CITY-COOPERATIVE PAYMENTS	\$	
Animal Control	\$	6,300
Communications		<u>50,000</u>
	\$	<u>56,300</u>

TRANSFERS FROM OTHER FUND		
Capital Reserve Fund	\$	11,257,265
Water Fund (Repayment of Loan)	\$	400,000
Indirect Cost (Admin – Enterprise Funds)	\$	218,007
 Miscellaneous	\$	 50,000
 SALE OF ASSETS	\$	 45,000
 FUND BALANCE APPROPRIATED	\$	 5,024,278
 TOTAL REVENUES	\$	 93,797,322

Thirty percent (30%) of the proceeds of the first local half-cent sales and use tax and sixty percent (60%) of the proceeds of the second local half-cent sales and use tax are hereby declared to be included in the appropriation for school capital projects and/or debt service. The receipts shall be accumulated in the Capital Reserve Fund for Schools until such time as the funds are appropriated for specific projects or debt service.

The remaining proceeds from the two half cent sales and use taxes are hereby appropriated for other general county needs which may include but not be limited to debt service, capital projects, capital outlay and operating expenses.

Section 3. The following amounts are hereby appropriated or reserved in the Capital Reserve Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Reserve	\$ 366,028
Transfer to General Fund (Debt Service)	<u>11,257,265</u>

Total School Capital Reserve Fund Appropriations/Reserve	\$ 11,623,293
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It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Interest on Investment	\$ 100,000
(30% 1st 1/2 cent)	1,080,000
(60% 2nd 1/2 cent)	2,160,000
State School Building	741,572
Lottery Proceeds	600,000
General Fund Appropriation	<u>6,941,721</u>

Total School Capital Reserve Fund Revenues	\$ 11,623,293
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Section 4. The following amounts are hereby appropriated in the Law Enforcement Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Operating Expense	\$ <u>7,300</u>
Total	\$ 7,300

It is estimated that the following revenues will be available in the Law Enforcement Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Controlled Substance Excise Tax	7,000
Interest on Investment	<u>300</u>
Total	\$ 7,300

Section 5. The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Operating Expenses	\$ 579,000
Total Emergency Telephone Fund	\$ 579,000

It is estimated that the following revenues will be available in the Emergency Telephone Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Phone Service Charges	\$ 383,000
Wireless 911	192,000
Interest on Investments	<u>4,000</u>

Total Emergency Telephone Fund	\$ 579,000
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Section 6. The following amounts are hereby appropriated in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Operating Expenses	\$ 2,305,026
Debt Service & Capital Construction	<u>827,397</u>
Total Landfill Enterprise Fund Appropriation	\$ 3,132,423

It is estimated that the following revenues will be available in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Availability Fee	\$ 2,281,623
Tire Disposal Tax	60,000
Tipping Fees	360,000
White Goods Disposal Tax	26,000
Sales Tax Refund	40,000
Interest	250,000
Rent Income	4,800
Recyclables	<u>110,000</u>
Total Landfill Enterprise Fund Revenues	\$ 3,132,423

Section 7. The following amounts are hereby appropriated in the Water and Sewer (Operations) Enterprise Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Water System Operation	\$ 3,545,327
Water Debt Principal	1,465,830
Water Debt Interest	236,211
Water Treatment Operation	1,133,832
Sewer System Operation	3,000,000
Loan Repayment General Fund	<u>400,000</u>
Total Water & Sewer Enterprise Fund Expenditure	\$ 9,781,200

It is estimated that the following revenues will be available in the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Water Sales	\$ 4,600,000
Water Tap Fees	220,000
Other Revenues	206,200
Water Capacity Development Fees	1,680,000
Sewer Fees	1,450,000
Sewer Capacity Fees	1,500,000
Interest on Investment	<u>125,000</u>
Total Water & Sewer Enterprise Fund Revenues	\$ 9,781,200

Section 8. The following amounts are hereby appropriated as continuing multi-year projects in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2007 and ending June 30, 2008:

Recreation	45,000
Elections	25,000
Data Processing	99,844
Airport 127,222	
Emergency Ambulance	361,000
Historical Properties	<u>6,000</u>

Total General County Capital Improvement Project Fund Expenditures **\$ 664,066**

It is estimated that the following revenues will be available in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2007 ending June 30, 2008:

Estimated Revenues	
Transfer from General Fund	\$ 489,066
Interest on Investment	<u>175,000</u>
Total General County Capital Improvement Project Fund Revenues	\$ 664,066

Section 9. There is hereby levied a unified tax at the rate of 61.0 cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2007, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2. of this Ordinance.

This rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$6,373,856,426 and an estimated collection rate of 97.63 percent. The estimated rate of collection is based on the fiscal 2005-06 collection rate of 97.63 percent.

Section 10. There is hereby levied a tax at the rate shown below, per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2007; located within the eleven (11) special fire districts for the raising of revenue for said special fire districts. Estimated totals of valuation of property for the eleven special fire districts for the purpose of taxation are as follows:

Fire District	Assessed Value	Rate	2007-08 Tax Revenue	2007-08 Tax Expended.
Alexis	\$ 243,134,969	\$ 0.145	352,546	\$ 352,546
Boger City	612,889,977	0.07	429,023	429,023
Crouse	153,241,454	0.06	91,945	91,945
Denver	1,216,977,551	0.115	1,399,524	1,399,524
East Lincoln	1,443,430,974	0.065	938,230	938,230
Howard's Creek	204,991,860	0.05	102,496	102,496
North 321	455,290,564	0.035	159,352	159,352

North Brook	279,646,773	0.06	167,788	167,788
Pumpkin Center	358,961,861	0.10	358,962	358,962
South Fork	227,750,145	0.05	113,875	113,875
Union	216,046,732	0.065	140,430	140,430

There is appropriated to the special fire districts from the proceeds of this tax the amounts shown under the appropriation column, for use by the special fire districts in such manner and for such expenditures as is permitted by law from the proceeds of this tax. In the event the actual net proceeds from the tax levies exceed or fall short of the appropriated amounts, the actual net proceeds from the tax shall constitute the appropriation from the tax levy.

Lincoln County will continue to serve as collection agent for the City of Lincolnton for the collection of property taxes, as long as this is mutually agreeable between Lincolnton and Lincoln County. Lincoln County shall receive a three percent (3%) collection fee (1 1/2% fee for motor vehicles, for this service, plus unusual expenses as agreed by both parties.

Section 11. On October 8, 1990, the Board of County Commissioners adopted "An Ordinance for Lincoln County with respect to imposing a monthly enhanced 911 charge." As stated in this Ordinance, adjustments in the amount of the monthly charge for recurring costs may be made at any time by the Lincoln County Board of Commissioners. It has been determined by the Board of Commissioners that this monthly charge shall remain at the current charge of \$1.00 per month. These funds are needed in order to meet the expenses associated with the enhanced 911 system.

Therefore, effective August 1, 2007 the monthly charge is one dollar (\$1.00) for each exchange access facility subscribed to by a telephone subscriber whose exchange access line or lines are located in Lincoln County which are in the area served by the Enhanced 911 Service. The above monthly charge shall remain in effect until changed by the Lincoln County Board of Commissioners.

Section 12. On June 29, 1992, the Board of County Commissioners adopted "Ordinance for Availability and Use Fees for Solid Waste Disposal Facilities Lincoln County, North Carolina." As stated in the ordinance the fees for availability fees shall remain in effect until amended. The Landfill Availability Fees were last revised on June 28, 1995 at such time they were increased to \$69 per unit. For the fiscal year 2007-08 the availability fee shall remain at the \$69 per unit rate.

Section 13 This Budget Ordinance, effective July 1, 2007 authorizes the mileage reimbursement rate as the standard mileage rate set by Internal Revenue Service, which may be revised during the fiscal year.

Section 14. The funds that are used in this Budget Ordinance to fund certain elements in the Landfill and Water Works operations are non-property tax funds.

Section 15. The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. He may transfer amounts among objects of expenditure within a department.
- b. He may transfer amounts up to \$50,000 between departments of the same fund.
- c. He may not transfer any amounts between funds nor from the contingency or from any capital reserve appropriations.

Section 16. The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction, repair projects or design services requiring the estimated expenditure of less than \$50,000.
- b. He may execute contracts for: (1) purchases of apparatus, supplies, and materials, or equipment which are within budgeted appropriations, (2) leases of personal property for a duration of one year or less and within budgeted appropriations, and (3) services which are within budgeted appropriations.
- c. He may execute grant agreements to or from public and non-profit organizations, which are within, budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- d. He may execute contracts, as the lessor or lessee or real property, which are of one-year duration or less, if funds therefore are within budgeted appropriations.

Section 17. Copies of this Budget Ordinance shall be furnished to the County Manager, Clerk to the Board of Commissioners, Finance Director and the Tax Administrator for direction in carrying out their duties.

Adopted this 18th day of June, 2007 .

Thomas R. Anderson, Chairman
Lincoln County
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Commissioner Patton stated that when the Board discussed the education part of the budget, he was under the assumption that the proposal was a compromise between the school system and this board.

A MOTION by Commissioner Patton to approve an additional \$409,000 for Lincoln County Schools to cover the additional items discussed tonight: technology budget, teacher supplements and coach supplements.

Commissioner Carlton stated that the Board spent a lot of time on the budget in workshops and listening to the needs of the School Board and other departments. He stated that the Board decided not to move the tax rate and get additional lottery money. Commissioner Carlton suggested moving forward with the \$150,000 technology request and \$50,000 for coaching supplements without moving the tax rate. He stated that he would be willing to go to \$409,000 if the Board is willing to move the tax rate to 64 cents.

Commissioner Klein stated that he is not inclined to support the ordinance presented nor any amendments presented unless they discuss the entire revenue-expense side. He stated that instead of entertaining changes, it would be better to table it and discuss it at a later time.

Commissioner Moore stated that the Board spent much time in the budget sessions and came to a reasonable compromise. She stated that if the Board wants to add more money to it, it should be tabled and carried over to another time. She stated that she prefers to do what they originally agreed on.

Chairman Anderson stated that by State Statute, the Board must adopt a budget by June 30 and does not have the luxury of tabling this matter.

VOTE: 1 – 4 **AYES: Patton**
NOES: Anderson, Moore, Klein, Carlton

A MOTION by Commissioner Carlton to adopt budget at 61 cents as presented.

Discussion:

Commissioner Klein stated that he appreciates his colleagues and department heads who put the budget together, but cannot support a budget that allocates \$5 million of fund balance in order to break even.

VOTE: 3 – 2 **AYES: Anderson, Moore, Carlton**
NOES: Patton, Klein

Public Hearing – Adequate Public Facilities Program:

Tyson Smith gave a Powerpoint presentation concerning the Adequate Public Facilities Ordinance.

Chairman Anderson stated that the Planning Board will recess to the second floor balcony tonight to meet with Tyson Smith. The Planning Board will render their decision on July 9, 2007, which will be brought back for a recommendation on August 20, 2007.

Chairman Anderson opened the public hearing concerning the Adequate Public Facilities Program.

Cheryl Burgess, on behalf of the Lincoln County Home Builders Association, expressed concerns about the fairness of the APFP. She said the current draft can actually be considered palatable for their industry if it is truly applied as it is designed and that is to time infrastructure and growth as described within the draft in section 17.2.9.

Mitzi Malcom stated that it is clear from Tyson Smith's memorandum that changes have been made to prevent Lincoln County from experiencing some of the same issues that Union County is going through with their APFO. She stated that from a public policy standpoint, this type of ordinance still doesn't make sense and has major flaws, including the exemption for minimum standards. She stated that the Board of Realtors cannot and will not support any type of ordinance or program that will adversely affect either the homeowner, buyer, or builder in his ability to market or purchase homes in Lincoln County.

Charles Eurey stated that he lives in Lincolnton and is a native of Lincoln County. He stated that he fully supports the APFO, which is badly needed due to the tremendous growth. He urged the Board to adopt this program.

Martin Oakes, 8057 Luckey Creek Lane, stated that if there had been an APFO five years ago, there would not be a rush to build Pumpkin Center Intermediate School or wondering where to find the money to pay for it and we would have known we would be out of sewer capacity. He stated that realtors in opposition are short-sided, if we don't have adequate public facilities, homes will not sell as well. He suggested making the mitigation payable at closing.

Jeff Faucette, 4522 Morning Dove Ct., stated that UNC Charlotte's Urban Institute recently conducted a "Regional Growth and Open Space Survey", in which 84% of Lincoln County residents who participated and said we should "require developers to pay a portion of bringing existing local services such as roads, water, sewer, and schools to new developments." He presented facts concerning APF programs. He applauded the Board's consideration of this tool and encouraged the Board to implement it to better manage the growth needs of Lincoln County.

Gary Falkenberry spoke representing Piedmont Companies. He stated that there is a big misunderstanding, the County does not spend any money to put roads in a subdivision,

the County does not spend any money to put water or sewer lines in a subdivision. He stated that these costs come out of the developer's pockets.

Mike Palmer stated that what he is seeing here is a tax. He said that if the people in Lincoln County should call it that and if the taxes need to be raised, we should call it that. He said that these fees will reduce the price of land.

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

The Planning Board recessed to 2nd floor balcony

Chairman Anderson declared a five minute recess and called the meeting back to order.

Planning Board Recommendations:

Zoning Map Amendment #552 – Alan and Virginia Jenkins, applicants: The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Carlton, the Board voted 4 – 1 (Klein against) to concur with the Planning Board's recommendation to approve Zoning Map Amendment No. 552 and the Planning Board's statement of consistency and reasonableness.

Commissioner Klein stated that he voted against this due to the fact that he's not convinced that the new Land Use Plan will maintain Highway 16 and that corridor as a business corridor.

Zoning Map Amendment #553 – Donald Rudisill Jr., applicant: The Planning Board voted 9-1 to recommend approval.

Commissioner Klein stated that he is going to vote against this, due to the fact that this is the only property zoned R-SF from Hagers Ferry Road to Pilot Knob Road to Highway 73. He stated that some months ago, the Board rejected an encroachment in that area for a commercial establishment. He said that he sees this as spot zoning and will vote against it.

Randy Hawkins stated that in his view, this does join property zoned R-SF and unlike the case on Pilot Knob Road, this is going from Residential to a more strict Residential.

UPON MOTION by Commissioner Patton, the Board voted 4 – 1 (Klein against) to concur with the Planning Board's recommendation to approve Zoning Map Amendment No. 553 and the Planning Board's statement of consistency and reasonableness.

Revised Flood Damage Prevention Ordinance, Flood Insurance Study and Flood Insurance Rate Maps: The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Moore, the Board voted unanimously to concur with the Planning Board's recommendation.

Approval of JCPC Bylaws – Maggie Dollar: Maggie Dollar stated that the bylaws for the JCPC were revised in September and the Committee looks at them annually. The changes made include: a State Law that asks that Commissioners approve the bylaws. JCPC is asking the Board's approval for last year and this year.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the JCPC Bylaws as presented.

Request for Purchase of Power Lift Stretchers – Ron Rombs: Ron Rombs presented a request for the purchase of power lift stretchers. He asked for Lincoln County Emergency Medical Services (LCEMS) be allowed to lease/purchase 12, Stryker Power Pro XT Stretchers. This request is in response to the high rate of workman's compensation claims paid and excessively high premiums for paramedics.

Lincoln County recently received \$5,810 from the NCACC that will be applied toward this purchase. Payments shall be in the amount of \$26,857.74 per year for five years. The remaining amount may be funded from account 44-4370-5540 CO-Motor Vehicles. There is \$77,288 remaining in this account that was originally allocated to purchase wheelchair vans for EMS.

The lease/purchase price also includes a five year, 24 hour a day on-sight service agreement that includes all parts and labor and mandatory annual inspections. Presently, LCEMS pays \$1,622 plus parts per year for a maintenance contract stretchers.

This purchase will replace all manual lift stretchers on all of our apparatus and should greatly reduce lifting injury problems.

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the request for the purchase of power lift stretchers as described.

Lincoln County Industrial Park Sewer Construction Bids – Barry McKinnon: Barry McKinnon presented the bids for the Lincoln County Industrial Park Sewer Construction.

Bids were taken on June 8, 2007 for the construction of the pump station, force main and gravity sewer line to serve the Lincoln County Industrial Park. It is the recommendation of the Public Works Department to approve the construction contract with the successful low bidder. The contract is set to be completed within 168 calendar days of the Notice to Proceed that will be issued when all contracts are signed. Equipment bids have already been approved for the pumps, sewage grinder and backup generator for the project, and the equipment has been ordered.

UPON MOTION by Commissioner Patton, the Board approved the recommendation of the Public Works Department to award the contract to Ronnie Turner Construction Company in the amount of \$1,365,195.30.

Tube Settler Purchase Recommendation for Water Treatment Plant – Barry McKinnon: Barry McKinnon presented a recommendation for the purchase of a tube settler for the water treatment plant.

Last year the State allowed us to install tube settlers in one of the sediment basins at the water treatment plant to run a pilot study for increasing the capacity of the basins. The pilot study was successful, and we now need to proceed with purchase and installation of the tube settlers in the other basin. Quotes have been received for this work and public works requests approval of these quotes. Installation of this equipment and some relatively minor pump upgrades that are already underway will allow the plant to increase treatment capacity to 3.99 MGD from the current 3.0 MGD. This will greatly reduce the water that we have had to purchased from the City of Lincolnton during times of high demand over the last few months.

Mr. McKinnon presented a quote from Brentwood Industries, supplier of the equipment, for \$89,900.00. This is a sole source quote in order to match the equipment in the first basin, and sole source quotes are allowed under state statutes for purchases under \$90,000. The quote for installation was received from Kemp, Inc., in the amount of \$28,775.00. They installed the first set of equipment, and are familiar with the particulars of the installation.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the purchase of a tube settler for the water treatment plant in the amount of \$89,900 from Brentwood Industries and \$28,755 for the installation from Kemp, Inc.

Capital Project Reports: Barry McKinnon presented the Public Works Capital Project Report.

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

County Manager's Report: Stan Kiser presented the County Manager's Report. He reported that the old jail is used to store elections equipment. This building has started leaking and he has instructed Elections to seek other storage options. He spoke on the status of the Block Smith Gym and the McBee Park.

County Commissioners' Report: Chairman Anderson called the Board the NCACC's annual conference which will begin on August 15, 2007 in Cumberland County. He encouraged the Board to attend.

Chairman Anderson stated that he was at the Association Board of Directors meeting last weekend in Kitty Hawk, NC. He stated that one of the major topics of discussion was what is going on with the State Legislature regarding Medicaid.

County Attorney's Report: Jeff Taylor updated the Board in regards to the Interbasin Transfer Agreement and Senate Bill 1180.

Vacancies/Appointments: Commissioner Klein presented the following appointments:

LNRC:

Forrest Chambliss
Steve Gurley
Mike Thomas
Sylvia Wallace

Voluntary Ag. District:

John Beam
Rex Lynch

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the reappointments to the LNRC and Voluntary Ag. District Board.

Calendar: Chairman Anderson presented the July 2007 calendar.

Other Business: Commissioner Carlton presented the following Resolution

**RESOLUTION TO ADOPT POLICIES
AND PROVIDE STAFF DIRECTION RELATING TO
ILLEGAL RESIDENTS IN LINCOLN COUNTY**

WHEREAS, the United States now has a population in excess of 300 million people; and

WHEREAS, the 2000 Census estimated that between 8 and 11 million illegal aliens were living in the United States at that time, with the illegal population estimated to be increasing by about one million per year; and

WHEREAS, as one of the states with the highest influx of foreign-born population, both legal and illegal, North Carolina saw a 273.7-percent increase in foreign-born population from 1990 to 2000 and an increase of 58.1 percent (from 373,000 to 590,000) in the past five years; and

WHEREAS, North Carolina is home to some 300,000 illegal aliens, costing the State approximately \$250 million per year for education, health care, and social services, all paid for by the taxpaying citizens of the State; and

WHEREAS, like North Carolina and Lincoln County, communities throughout the nation are struggling to provide services to cope with the population explosion caused by illegal immigration; and

WHEREAS, the influx of illegals contributes to overcrowding in school classrooms, public parks, and recreational facilities; depletion of affordable housing, which was already in short supply for lower income citizens; havoc and death on our

highways; increases in the crime rate due to lack of comprehension of the English language and inability to read and follow established laws; and lack of social and personal health care standards; and

WHEREAS, the increased illegal population is drastically affecting the availability of jobs and rapidly creating a negative impact on the budget of our State; and

WHEREAS, in an effort to combat the extreme financial pressure being placed on local government, the Lincoln County Board of Commissioners deems it appropriate to take steps at the local level to provide a more secure environment for the health, education, and welfare of its people who support governmental operations through payment of their annual ad valorem taxes;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Lincoln County Board of Commissioners establishes the following policies with respect to illegal residents and directs County staff as follows:

1. To cease and desist local funding for any local programs to the extent that they serve illegal residents.
2. To reduce expenditures on all federally funded and state-funded non-mandated programs to the extent that they serve illegal residents.
3. To discontinue contracting with any local or out-of-county businesses employing or using identifiable illegal residents where county tax dollars are being expended.
4. To request the Sheriff to diligently battle the ever-increasing criminal element which is growing daily with the influx of illegal residents and to consistently check the immigration status of each undocumented resident upon his or her arrest by such available means as fingerprints, federally verified social security numbers, and other accessible data.
5. To allow the Sheriff to partner with Immigration and Customs Enforcement (ICE) officials to verify undocumented residents during the investigation or processing of any public safety infraction or offense and detain for deportation any illegal residents so identified.
6. To direct all county departments and agencies, to the extent that they are able to do so with available information, to begin expenditure reductions for discretionary services provided to illegal aliens.

This 18th day of June, 2007.

LINCOLN COUNTY

By: _____

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

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the Resolution to Adopt Policies to Provide Staff Direction Relating to Illegal Residents in Lincoln County.

Chairman Anderson thanked the Board for their hard work on the budget over the last six months. He said this was one of the most difficult budget years and each Board member went after this in a diligent fashion, and has given the time necessary to make an informed decision.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners