

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 3, 2015**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 3, 2015, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman  
Bill Beam, Vice Chairman  
Martin Oakes  
Cecelia Martin  
Alex Patton

Planning Board Members Present:

Christine Poinsette, Chairman  
Dr. Crystal Mitchem, Secretary  
Jeffrey Todd Burgin  
John Dancoff  
Floyd Dean  
Jamie Houser  
Keith Johnson  
Greg Smith  
Andrew Robinson

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Vice Chairman Beam called the meeting to order in Chairman Mitchem's absence.

Duston Bartow, with Foothills Interfaith Assembly, gave the Invocation. Vice Chairman Beam led in the Pledge of Allegiance.

**Adoption of Agenda:** Vice Chairman Beam presented the agenda for the Board's approval.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, August 3, 2015**  
**6:30 PM**

**James W. Warren Citizens Center  
115 West Main Street  
Lincolnton, North Carolina**

Call to Order

Invocation - Duston Barto, Foothills Interfaith Assembly

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - CDBG (Community Development Block Grant) Status Updates
  - Releases over \$100 - June 16- July 15, 2015
  - Minutes for Approval
  - Budget Ordinance Amendment #1
  - Waived Fees - Benefit Concert for Western NC Alzheimer's Association
  - Motor Vehicle Tax Refunds for May, 2015
3. Public Hearing Concerning the Proposals to purchase the assets utilized in the operation of the County's Medicare-certified home health agency, Lincoln County Home Health Agency
4. Zoning Public Hearings - Randy Hawkins
  - UDO Proposed Amendments #2015-3 Lincoln County Planning and Inspections Department, applicant
  - ZMA #619 Kenneth Pope, applicant (Parcel ID# 33101) A request to rezone 1.2 acres from R-SF (Residential Single-Family) to B-G (General Business).
  - CZ #2015-1 KTR Motorsports, Inc., applicant (Parcel ID# 34015) A request to rezone 1.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle and boat sales.
  - PCUR #165 Prestige Corporate Headquarters, LLC (Parcel ID# 33266) A request for a parallel conditional use rezoning of 5.7 acres from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit a self-storage facility to be expanded with the addition of storage areas for recreational vehicles and boats.
- 4a. Resolution #2015-20: Resolution for the Appointment of the Tax Administrator for Lincoln County, North Carolina and Employment Contract for Ms. Susan Sain
5. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
6. Motion to Adopt Resolution #2015-21: Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium - David Hollars

7. Motion to Enter into an Agreement with the City of Lincoln Regarding Split Utility Service Customers - Don Chamblee
8. Motion to Approve the Sole Source Purchase of four LP15 Defibrillators from Physio Control in the amount of \$205,283.87 - Ron Rombs
9. Motion to Approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$268,533 (\$89,511 each) and allow from trade in of old ambulance chassis - Ron Rombs
10. Motion to Approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of One Replacement Ambulance from Northwestern Emergency Vehicle in the amount \$157,912 - Ron Rombs
11. Forest Oaks Subdivision Request for County Water - Richard Smith
12. Forest Oaks Water Findings - Scott Sneed and Don Chamblee
13. Fairfield Forest Subdivision's Request - Don Chamblee
14. Proposed Policy Regarding Private Sewer Systems - Commissioner Oakes
15. Other Business

Adjourn

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to adopt the agenda as presented reversing Item 11 and 12 and appointments under Other Business.

**Consent Agenda:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Consent Agenda, removing Budget Ordinance #1.

- CDBG (Community Development Block Grant) Status Updates
- Releases over \$100 - June 16- July 15, 2015
- Minutes for Approval – May 18, 2015; June 1, 2015; June 8, 2015; July 20, 2015
- Budget Ordinance Amendment #1
- Waived Fees - Benefit Concert for Western NC Alzheimer's Association
- Motor Vehicle Tax Refunds for May, 2015

\*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

**Budget Ordinance Amendment #1:** Commissioner Oakes asked Deanna Rios questions concerning the budget ordinance amendment. Mr. Rios explained the budget amendment.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance Amendment #1.

Chairman Mitchem arrived and took over as Chair of the meeting.

**Public Hearing Concerning the Proposals to purchase the assets utilized in the operation of the County's Medicare-certified home health agency, Lincoln County Home Health Agency:** Chairman Mitchem opened the public hearing on the proposals to purchase the assets utilized in the operation of the County's Medicare-certified home health agency. He said at this time, all interested persons are invited to be heard.

No speakers came forward so Chairman Mitchem closed the public hearing.

**New Business/Advertised Public Hearings:** Randy Hawkins presented the following:

**UDO Proposed Amendments #2015-3 - Lincoln County Planning and Inspections Department, applicant**

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 3.2 to delete façade requirements for side and rear walls of nonresidential and multi-family buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.
- 2) Amend Section 2.5.1 (Eastern Lincoln Development District standards) to add the current façade requirements of Section 3.2.

Amendment No. 1 is part of a set of UDO revisions proposed by the Lincoln-Lincoln County Chamber of Commerce. The other parts of the Chamber's proposal were approved by the Board of Commissioners on May 18, but the part regarding Section 3.2 was tabled, with the board directing staff to bring it back in conjunction with a proposal to add the façade requirements to the regulations that apply in the Eastern Lincoln Development District (ELDD).

**Current countywide requirements for facades**

Section 3.2 is part of the UDO's General Development Standards, which apply countywide. Section 3.2 currently includes the following façade standards:

- 1) Building facades facing a road must be constructed of the following materials: masonry (including brick, stone, architectural concrete or stucco), any type of fiber cement siding such as HardiePlank, wood or glass (at least 10 percent of the façade must be glass).
- 2) Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area (i.e., a parking area) must consist of the same facing materials as the building front.

- 3) Corrugated metal may not be used on any façade that's visible from a public road.
- 4) Building facades facing a road may not have a blank wall area that extends more than 15 feet in the vertical direction or more than 40 feet in the vertical direction. In other words, facades facing a road must be accented by architectural features.

### **Effect of proposed changes**

In areas outside the Eastern Lincoln Development District, this proposal would limit the façade requirements to one side of a building, the "road yard" façade.

Under the General Development Standards, the "front" of a building, or the side with the primary entrance, doesn't have to face the road. A building may be placed with the longer side that functions as the front facing a parking area rather than the road. In that case, only the shorter side of the building facing the road would have to meet the façade requirements.

Similarly, in the case of a corner lot, the longer side of a building, the side featuring the main entrance, could face the main road and not have to meet the façade requirements, while the short side facing a side road would have to comply. The required building setbacks for the "road yard" and "side yard (road)" are different, and a developer has a choice of which side to designate as the road yard, provided a building would fit inside either of the building envelopes formed by the different setbacks.

### **Staff's recommendation**

Staff recommends that the façade requirements under Section 3.2 apply to any side facing a public right-of-way or a parking area that's located in a side yard.

This would avoid situations in which the standards would not apply to the side of a building that functions as its front, the side where the public parks and enters. It would also deal with the issue of corner lots.

For a small business that's not located on a corner lot and that only requires a parking area in front of the building (and possibly employee parking behind the building), the façade standards would apply only to the road yard façade.

With this revision, the current façade requirements of the General Development Standards would not need to be added to the ELDD standards. This revision, in conjunction with the ELDD's current regulations regarding façade materials, would serve a similar purpose.

Chairman Mitchem opened the public hearing concerning UDO Proposed Amendments #2015-3 – Lincoln County Planning and Inspections Department, applicant.

Being no speakers, Chairman Mitchem declared the public hearing closed.

### **ZMA #619 – Kenneth Pope, applicant:**

The applicant is requesting the rezoning of a 1.2-acre lot from R-SF (Residential Single-Family) to B-G (General Business).

#### Site Area & Description

The property is located at 2948 N. NC 16 Hwy., on the east side of N.C. 16 Business about 1,000 north of Webb's Road. It is adjoined by property zoned R-SF, CZ B-G (Conditional Zoning General Business) and B-N (Neighborhood Business). County water and sewer are available at this location. Land uses in this area include business and residential. The NC 16 Corridor Vision Plan recommends that commercial activities be concentrated in nodes.

#### Additional Information

##### **Permitted uses**

Under current zoning: single-family dwelling.

Under requested zoning: Retail sales, offices, services, etc.

##### **Adjoining zoning and uses**

East: zoned CZ B-G, approved site for shopping center.

South: zoned CZ B-G, approved site for shopping center.

West (opposite side of N.C. 16 Business): zoned B-N, residences.

North: zoned R-SF, residence

Chairman Mitchem opened the public hearing concerning ZMA #619 – Kenneth Pope, applicant.

Being no speakers, Chairman Mitchem closed the public hearing.

#### **CZ #2015-1:KTR Motorsports, Inc, applicant:**

The applicant is requesting the rezoning of a 1.2-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle and boatsales. KTR Motorsports currently operates a vehicle and boat dealership and provides boat service on the adjoining parcel to the east. The requested rezoning would allow a portion of the subject property to be used to display no more than 10 cars and no more than 20 boats (see site plan). Vehicle and boat sales are a conditional use in the B-G district and in the Eastern Lincoln Development District. The rezoning is requested for the entire parcel because the Unified Development Ordinance requires that, if a rezoning boundary stops short of a property line, it must be possible to subdivide the property. If a portion of the subject lot were to be rezoned to CZ B-G, it would not be possible to subdivide the lot.

#### Site Area & Description

The property is located at 3866 N. NC 16 Hwy., on the north side of N.C. 16 Business about 800 feet west of Campground Road. The site contains a building that formerly housed a dry cleaning business and now serves as the property owner's office. The adjoining parcel to the east was rezoned from B-N to CU B-G (Conditional Use General Business) in 2012 to permit vehicle and boat service and sales. The subject property is adjoined on other sides by property zoned R-SF (Residential Single-Family) and B-N.

Land uses in this area include business, residential and institutional (church). This property is located in an area identified by the NC 16 Corridor Vision Plan as the “Downtown” Denver community center, a service area for the neighborhoods in the surrounding area.

#### Ordinance Requirements

This property is located in the Eastern Lincoln Development District. The ELDD standards require that any outdoor sales area for vehicles and boats be separated from the edge of the road right-of-way by a Class A vegetative buffer and a fence constructed of ornamental iron or other metal works.

#### Additional Information

##### **Permitted uses**

Under current zoning: retail sales, offices, personal services, restaurant, etc.

Under proposed zoning: display area for vehicle and boat sales.

##### **Adjoining zoning and uses**

East: zoned CU B-G, boat service, boat and vehicle sales.

South (opposite site of N.C. 16 Business): zoned B-N and B-G, residence, wrecker service and garage building.

West: zoned R-SF, residence.

North: zoned R-SF, church ballfield.

#### Planning Staff’s Recommendation

Chairman Mitchem opened the public hearing concerning CZ#2015-1 – KTR Motorsports, Inc., applicant.

Todd Reynolds, owner of KTR Motorsports, said he has been in the business for 17 years and has decided to open his own business.

Rudy Bauer, 8252 Blades Trail, Denver, said there are too many used car lots and storage buildings and these lots could be used for JCPenny or other stores.

Being no additional speakers, Chairman Mitchem closed the public hearing.

#### **PCUR #165 – Prestige Corporate Headquarters, LLC:**

The applicant is requesting a parallel conditional use rezoning of a 5.7-acre parcel from B-N (Neighborhood Business) to CU B-G (Conditional Use General Business) to permit a self-storage facility to be expanded with the addition of storage areas for recreational vehicles and boats. A site plan has been submitted as part of the application. The existing self-storage buildings on this site are a nonconforming use under the property’s current zoning. Under the Unified Development Ordinance, a nonconforming use cannot be expanded. A self-storage facility, which may include vehicle storage, is a conditional use in the B-G district and in the Eastern Lincoln Development District (ELDD).

#### SITE AREA AND DESCRIPTION

The property is located at 445 N. NC 16 Hwy., on the west side of N.C. 16 Business and north side of Forest Oak Drive. In addition to three self-storage buildings, this property contains a car wash, an auto sales lot and office, and a vehicle service garage. This property is adjoined by property zoned B-N, I-G (General Industrial), CU I-L (Conditional Use Light Industrial) and R-SF (Residential Single-Family). A Duke Energy transmission right-of-way runs across the rear of this property and across the rear of the adjoining residential property. Land uses in this area include business, industrial and residential. The NC 16 Corridor Vision Plan recommends that commercial activity be concentrated in nodes.

#### **ADDITIONAL INFORMATION**

##### **Permitted uses**

Under current zoning: Continued operation of existing self-storage facility, car wash, auto sales lot and vehicle service garage.

Under requested zoning: Expansion of existing self-storage facility, continued operation of carwash, auto sales lot and vehicle service garage.

##### **Adjoining zoning and uses**

South (opposite side of Forest Oak Drive): zoned B-N and CU I-L, medical offices and site of rubber fabrication facility that was destroyed by fire and is planned to be rebuilt.

West: zoned R-SF, residence.

North: zoned I-G and B-N, self-storage facility and pool and spa business.

East (opposite side of N.C. 16): zoned B-N, office building and convenience store/gas station.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the rezoning request. See proposed statement on following page for rationale.

Chairman Mitchem opened the public hearing concerning PCUR #165 – Prestige Corporate Headquarters, LLC.

Rudy Bauer, 8252 Blades Trail, said the sign out front of the business says coming soon, so they assume they already have this.

Lee Caldwell, 7784 Deer Track Drive, said their neighborhood, Forest Oaks, is having problems with their wells and asked the Board to postpone this request at this time. Their reasons were the RVs and boats dumping and further polluting their drinking water. She asked if the drains have been updated at the car wash.

Robert Siler said they understand there will be access to this property through their subdivision. He said this just does not make sense. He asked the Board to consider this.

Lisa Wendell, 7847 Deer Track Drive, said this is the entrance to their neighborhood of 62 homes. She said they want to keep this neighborhood business. She said this is just not acceptable.



Being no additional speakers, Chairman Mitchem closed the public hearing.

The Planning Board reconvened to the second floor balcony to deliberate the cases.

**Resolution #2015-20: Resolution for the Appointment of the Tax Administrator for Lincoln County, North Carolina:** UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Resolution #2015-20.

**RESOLUTION #2015-20: A RESOLUTION FOR THE APPOINTMENT OF THE  
TAX ADMINISTRATOR FOR LINCOLN COUNTY, NORTH CAROLINA**

THAT WHEREAS, North Carolina General Statutes require the appointment of a County Assessor and a tax collector for either a four-year or two-year term; and

WHEREAS, one appointee may concurrently hold the positions of county assessor and tax collector;

WHEREAS, Lincoln County has combined both positions into one position of Tax Administrator, in which one person performs the official duties of both positions; and

WHEREAS, the Lincoln County Board of Commissioners had previously appointed Mr. Clyde Andrew Kepley to the position of Tax Administrator for a term running from March 4, 2013, through June 30, 2017; and

WHEREAS, Mr. Kepley resigned June 19, 2015, and the Board of Commissioners appointed Ms. Susan Sain as the Interim Tax Administrator effective on June 20, 2015 to fill a portion of the unexpired four-year term, until a permanent Tax Administrator was appointed; and

WHEREAS, Ms. Susan Sain has received her certification for County Assessor from the North Carolina Department of Revenue, and meets all the requirements of N.C.G.S. § 105-294 to be appointed to serve a regular term of four (4) years; and

WHEREAS, Ms. Sain meets the qualifications listed in N.C.G.S. § 105-349 for appointment as County Tax Collector;

WHEREAS, Ms. Sain has furnished bond conditioned upon her honesty and faithful performance in the amount prescribed by the Board of Commissioners; and

WHEREAS, the Board of Commissioners wishes to appoint Ms. Sain as Tax Administrator based upon her professional qualifications and work experience in Lincoln County, North Carolina;

NOW THEREFORE BE IT RESOLVED by the Lincoln County, North Carolina Board of Commissioners that Ms. Susan Sain be and is hereby appointed, effective as of July 21, 2015, as Tax Administrator for Lincoln County to fill the current unexpired four (4) year term commencing on July 1, 2013 and ending on June 30, 2017, together with an additional term that shall begin on July 1, 2017, concurrent with the end of the unexpired term, and end on June 30, 2019. Ms. Sain's appointment as Interim Tax Administrator shall end on July 20, 2015, pursuant to the further terms and conditions of that Employment Agreement entered into by the parties of even date, a copy of which is attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED that the position of Tax Administrator in Lincoln County shall, and hereby does, include all of the duties and responsibilities, and rights and privileges of the County Assessor and Tax Collector as those are set out in State statutes and administrative regulations; and that it is the intent of this Board that Ms. Sain shall be the County Assessor and the Tax Collector for Lincoln County, North

Carolina, and shall be entitled to exercise all of the rights and privileges, and to fulfill all of the duties and responsibilities of those two offices, in her capacity as Tax Administrator for Lincoln County.

BE IT FURTHER RESOLVED that the Lincoln County Tax Administrator shall report to the Lincoln County Manager and be subject to his direction and supervision to the extent that it is not inconsistent with North Carolina law applicable to the roles of Tax Collector and County Assessor, and Ms. Susan Sain's obligations therewith.

Passed and adopted this 21st day of July 2015.

By: \_\_\_\_\_  
Carrol D. Mitchem, Chairman  
Lincoln County Board of Commissioners

Attest: \_\_\_\_\_  
Amy S. Atkins,  
Clerk to the Board

#### **EXHIBIT "A"**

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

Rudy Bauer said it is time to take away the East Lincoln Sewer District taxes. He said it's time to sell extra buildings, including the old hospital, and use that money to lower taxes.

Robert Avery, 4466 Hwy 182, Crouse, spoke concerning the need to update the Schedule of Values.

Being no additional speakers, Chairman Mitchem declared the Public Comments section closed.

**Motion to Enter into an Agreement with the City of Lincolnton Regarding Split Utility Service Customers:** Don Chamblee presented the following:

The City of Lincolnton and Lincoln County have overlapping service areas. The City provides sewer services and the County provides water services.

This agreement provides combined invoice for customers that are currently split with two utilities. The City of Lincolnton will be the lead agency for providing the billing of the services as outlined in the agreement.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve an Agreement with the City of Lincolnton Regarding Split Utility Service Customers.

**Motion to Approve the Sole Source Purchase of four LP15 Defibrillators from Physio Control in the amount of \$205,283.87:** Ron Rombs presented the following information:

The Lincoln County Board of Commissioners has approved money in the capital improvement account for the purchase of six LP15 defibrillators. This purchase shall be a sole source based upon availability only from one manufacturer. The public hearing notice was published in the Lincoln Times New. These devices are equipped with Masimo RAD57 devices.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Sole Source Purchase of four LP15 Defibrillators from Physio Control in the amount of \$205,283.87.

**Motion to Approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$268,533 (\$89,511 each) and allow from trade in of old ambulance chassis** - Ron Rombs presented the following information:

The Lincoln County Board of Commissioners has approved money in the capital improvement account for the purchase of three remount Type III GMC Cutaway Chassis. This purchase shall be from HGAC Cooperative Purchasing Contract. These units will be equipped with newly required environmental temperature controlled units for medication storage and includes trade in of old chassis.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to Approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$268,533 (\$89,511 each) and allow from trade in of old ambulance chassis.

**Motion to Approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of One Replacement Ambulance from Northwestern Emergency Vehicle in the amount \$157,912:** - Ron Rombs presented the following information:

The Lincoln County Board of Commissioners has approved money in the capital improvement account for the purchase of one replacement Type III GMC Cutaway Chassis Ambulance. This purchase shall be from the DGAC Cooperative Purchasing Contract. This unit will be equipped with newly required environmental temperature controlled units for medication storage.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the HGAC (Houston Galveston Area Council) Coop Contract Purchase of One Replacement Ambulance from Northwestern Emergency Vehicle in the amount \$157,912.

**Resolution #2105-21: Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium:** The Board agreed to place this item on the consent agenda at the next meeting.

**Forest Oaks Water Findings:** Scott Sneed gave a summary of the water findings at Forest Oaks Subdivision after the fire at Universal Rubber. These findings indicated hexavalent chromium levels above the State Toxicologist's recommended level.

Chairman Mitchem asked what the chromium 6 level is in county and city water. Mr. Chamblee said the county level is .12 and the City of Lincolnton is .21.

Commissioner Oakes showed a reverse osmosis filter system which removes 95 to 98% of chromium.

**Forest Oaks Subdivision Request for County Water:**

Robert Siler spoke concerning the chromium in the wells at Forest Oaks Subdivision. He said the fire probably had very little to do with the well contamination in Forest Oaks. He said retesting probably will not do much good. Seventeen of twenty five wells tested show chromium 6. He asked for an investigation into the source of contamination before the business is rebuilt.

The Board discussed the possibility of hooking the neighborhood onto county water.

Mr. Chamblee was directed to hold a community meeting to discuss the desire for county water in the Forest Oaks neighborhood.

Tony Luckey said their property value is diminished because of the water quality. He said they are not supposed to use their water to drink or wash in. He said Mr. Oakes' filter system wastes a lot of water and recontaminates the land. He said they cannot sell their homes because of disclosure. Mr. Luckey said that Universal Robber's site says they are a manufacturer, which is not allowed

Brenda Smith asked questions about the rezoning issue and was told she would be able to speak at the rezoning public hearing.

Sharon Black presented a petition from her neighbors who would like to hook onto county water.

Mr. Atkins said he will have Josh Grant look into the grant program and bring back a report to the Board.

Commissioner Oakes said he would like to do more well testing to get a baseline. The Board discussed and decided to hold off on additional well testing.

**Fairfield Forest Subdivision's Request:** Don Chamblee spoke on Fairfield Forest's request

Mr. Deaton gave an overview of the agreement, documents and restrictive covenants. . He said they all show that the developer never intended for that private sewer infrastructure to be conveyed over to the county. The agreement never said that the county agreed to take over this sewer system, it said the developer, on the same date that the agreement was made would convey the infrastructure to the county. That same day, the developer signed a quit claim deed and bill of sale and it did not include that private system. Furthermore, the restrictive covenants for Fairfield Forest made it clear that the private sewer system was not meant to be taken over by the county. It's covenants specifically envisioned that the association was eventually going to try and turn the water over to the county, but not the private sewer. In fact, the covenants went further and attached as exhibits the service agreements for the different parts of the sewer system. The developer always envisioned that the sewer system was to remain private and the documents reflect that.

Commissioner Oakes asked about the fairness of residents of Fairfield Forest residents for paying sewer taxes and fees and the extra maintenance fees for a sewer system similar to others in the district.

Mr. Deaton said the restrictive covenants that control the development say the sewer lines will remain private and the association shall use reasonable, good faith efforts to maintain the sewer system to satisfy the requirements of some exhibits attached. By contrast, the section before that which dealt with the public water system said the declarant (developer) shall use reasonable, good faith efforts to dedicate the water system to Lincoln County or other governmental authority.

Commissioner Oakes said he feels the county should take the system over and he has a proposed policy regarding private sewer systems. Commissioner Oakes gave an overview of his proposal, which is detailed as follows:

#### County Policy -- Integrating 'Private' Sewer Systems

Henceforth, the County Sewer System and the Planning & Inspections Department shall NOT approve a private sewer system which connects to the county sewer system. All proposed sewer systems shall be built, under county supervision, to county standards and ownership turned over to the County when complete. Grinder pumps, where used, shall remain owned and maintained by either the property owner or a Home Owners Association.

Low pressure systems should be discouraged, and only approved where the geography does not permit gravity systems (normally along Lake Norman)

A private sewer system MAY be integrated into the County's Sewer System IF the following conditions are met (or already exist):

- 1) The private sewer system is already connected to the county sewer system.
- 2) The engineering plans for the system are available and copies provided to the county public works department, and an engineer's certificate confirming the design is provided by the original engineer, and is reviewed as to whether the design meets county standards by an engineer certified by the county perform such a review. This review shall be performed at the expense of the owners of the private sewer system.

3) All maintenance and inspection records shall be provided to the county. All maintenance shall have been provided by a licensed ORC.

4) The original system installation was done by a contractor certified to the same level as a contractor who would be employed by the county.

5) At least one 3-foot section of pipe per 1,000 feet shall be exposed for inspection by a county engineer. The county may choose to have an outside engineer inspect the pipe. All costs of this inspection, including the engineer, shall be borne by the private sewer system.

~~6) The pump station, if any, not owned and operated by the county, shall similarly be inspected under the same terms as in (4) and will be taken over only when it meets county standards.~~

7) The private sewer system amends its DENR permits to be in current and in compliance, with any grinder pumps removed from the permit and the ownership of those pumps moved (as necessary) to the home owners or the Home Owners Association.

8) The county sewer system will NOT own or maintain grinder pumps.

9) The private sewer customers have paid and are current with: a. Tap fees on the county schedule b. Capacity fees on the county schedule c. Current sewer charges d. East Lincoln Sewer District taxes. If not, such amounts shall be collected in arrears plus the same interest rate charged by the tax department for late payments.

10) IF the county public works department can document that the sewer lines are more expensive to maintain than SIMILAR lines installed by the county, a surcharge may be applied in future years to recover any additional costs.

Commissioner Patton asked Mr. Chamblee his feelings on this matter. Don Chamblee said they don't accept those systems into the district right now. He said there is a cost difference and there are a lot of thing that should be vetted before something is approved. He said there are a lot of things that should be looked at with the low pressure systems.

**A MOTION BY Commissioner Oakes** to direct the County Public Works Director and Attorney to generate a draft policy concerning taking in all low pressure sewer systems and bring it back in 60 days.

VOTE: 1 – 4 AYES: Oakes

NOES: Patton, Beam, Mitchem, Martin

### **Other Business:**

Commissioner Oakes presented the following reappointments:

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to make the following appointments for the Board of Adjustment:

Move Ron Smolen from Alternate to Regular Member

Move Keith Gaskill from Regular Member to Alternate.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to make the following appointments for the Region F Aging Advisory:

Moving Elizabeth Mize up to delegate from alternate term ending 6/30/17  
Charles Mize from delegate to alternate to a term ending 6/30/16  
Reappointment Richard Sides and Sue Jane Sides, terms ending 6/30/17.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to reappoint Dr. Jermeliah Martin to the Board of Health to a term ending 8/31/18.

Mr. Atkins reminded the Board of the joint work session with the Planning Board on August 31, 2015 at 6:30 p.m.

Commissioner Patton spoke concerning the Invocation Policy and the fact that very few Pastors have signed up to give the Invocation.

**A MOTION** by Commissioner Patton to move to a Moment of Silence for future agendas.

**VOTE:** 4 – 1                      AYES: Patton, Beam, Oakes, Martin  
   NOES: Mitchem

**Adjourn:** Chairman Mitchem adjourned the meeting.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners