

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, JUNE 16, 2008**

The Lincoln County Board of County Commissioners met in regular session on June 16, 2008 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:35 P.M.

Commissioners Present:

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

Others Present:

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building and Land Development  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Planner  
Steve Gilbert, Director of Public Works  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the June 16, 2008 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 16, 2008**

- |    |         |                              |
|----|---------|------------------------------|
|    | 6:35 PM | Call to Order                |
| 1. | 6:36 PM | Adoption of Agenda           |
| 2. | 6:37 PM | Consent Agenda               |
|    |         | - Approval of Minutes        |
|    |         | - June 2, 2008               |
|    |         | - Budget Adjustments 106-125 |

- Requests for Tax Refunds
    - May 19 – June 1, 2008
  - Sponsored Group Status
    - Dream Pageant (Benefit for American Cancer Society)
  - Land Conveyance to Pumpkin Center Volunteer Fire Department for New Station
  - Pathways Resolution
  - Resolution in Support of the Resource Conservation and Development (RC&D) Program
3. 6:40 PM Public Comments
  4. 6:55 PM Recommendation from Planning Board – Randy Hawkins
    - ZMA #562 - Steve Dellinger, applicant
    - CUP #285 – Jerry Bolick, applicant
    - Proposed amendment to Planning Board Ordinance
  5. 7:15 PM Update from Lake Norman Marine Commission – Samuel Ausband
  6. 7:30 PM Budget Ordinance
  7. 7:40 PM Participant Records – Erma Deen Hoyle
  8. 7:50 PM Request from Board of Education Regarding Adequate Public Facilities Ordinance – George Wood
  9. 8:00 PM Recommendation on Architectural Firm to Conduct Space Needs Assessment – George Wood
  10. 8:10 PM Reimbursement Resolution – George Wood
  11. 8:20 PM Radio Communications System Study – George Wood
  12. 8:30 PM Request from Board of Education to Use \$1,500,000 of Earned Interest on the 2004 School Bond – George Wood
  13. 8:40 PM Request to Extend Contributions for the Interbasin Transfer Lawsuit – George Wood
  14. 8:50 PM Renewal of CATS Transit Agreement – George Wood
  15. 9:00 PM Capital Project Ordinance – Water Line Construction Hwy 16 & 73 – Leon Harmon
  16. 9:05 PM Drought Update – Steve Gilbert

- 17. 9:10 PM Update on Sewer Plant – Steve Gilbert
- 17a. Update on the C&D at Convenience Sites
- 18. 9:15 PM Capital Project Reports – Steve Gilbert
- 19. 9:20 PM Finance Officer’s Report
- 20. 9:25 PM County Manager’s Report
- 21. 9:30 PM County Commissioners’ Report
- 22. 9:35 PM County Attorney’s Report
- 23. 9:40 PM Vacancies/Appointments
- 24. 9:45 PM Calendar
- 25. 9:50 PM Other Business

Adjourn

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adopt the agenda as modified.

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

- Approval of Minutes
- Budget Adjustments 106-125

- No. 106: To increase revenues/expenditures for UASI Grant
- No. 107: Increase in revenue to cover cost of county tax service
- No. 108: Transfer additional funds from Water Fund to Water CIP to cover cost of water line construction Hwy 16/73 project
- No. 109: Budget for additional restricted sales tax collections/transfer of restricted portion to capital reserve fund
- No. 110: Cover expenses of Historical Coordinator
- No. 111: Budget to cover Scattered Housing Assistance Grant
- No. 112: Cover expenses for economic incentives
- No. 113: Cover expenses of Centralina COG CONNECT planning initiative
- No. 114: Cover expenses for legal services
- No. 115: Cover expenses related to renovations at courthouse/security expenses/juvenile housing/furniture related to renovations using additional court facility & utility franchise revenues to cover cost
- No. 116: Budget fire tax funds to cover estimated revenues and expenses for year
- No. 117: To cover additional consulting fees (needed due to permit requirements & changes determined for sewer/splashpad permitting) for the new parks
- No. 118: To recognize revenue/related expenses for Beattys Ford Park, funds from grants/contributions
- No. 119: Used the increase in revenue to offset increases in expenses for Sheriff’s office line items
- No. 120: Used increase in revenue to offset increase in expenses for Animal Control
- No. 121: Increases to cover overages in revenue/expense accounts as a result of increased revenue

- No. 122: 1) Increase in revenues resulting from increased call volume/Medicare settlement/ASPR Grant  
 2-10) Increase in personnel costs to cover shortages/FMLA vacancies/major event coverage  
 14) Several major repairs to apparatus due to deer strikes/transmissions/turbo chargers/fuel  
 33) Increase in billing charges relating from increased call volume/maintenance cost on all equipment/all operational costs
- No. 123: 1) Increase in revenues resulting from increased call volume/Medicare/Medicaid/EDTAP/ROAP  
 2-10) Increase in personnel costs to cover shortages/vacancies/increase in transports  
 14) Several major repairs to apparatus due to transmissions/engines/fuel; Increase in maintenance costs on all equipment; Increase in all operational costs
- No. 124: Cover expenses in Law Enforcement Fund
- No. 125: Cover expenses Law Enforcement Fund Federal
- Requests for Tax Refunds
  - May 19 – June 1, 2008

LINCOLN COUNTY TAX DEPARTMENT  
 ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (May 19, 2008 – June 1, 2008)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Brisco, John	2003-2007	N321	0090946	229.35
<b>TOTAL</b>				<b>\$229.35</b>

LINCOLN COUNTY TAX DEPARTMENT  
 MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (May 19, 2008-June 1, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
DCFS Trust	2007	DFD	0190726	397.77
<b>TOTAL</b>				<b>\$397.77</b>

- Sponsored Group Status
- Dream Pageant (Benefit for American Cancer Society)
- Land Conveyance to Pumpkin Center Volunteer Fire Department for New Station

**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.

Jamey Barnes played a tape of dogs barking for two minutes stating that this is what he heard for six hours on Father's Day. He stated that this is since the Ordinance took effect that nobody will enforce. He asked why something could not be done.

Commissioner Moore asked Jeff Taylor about the recourse Mr. Barnes has. Mr. Taylor stated that this is another case for injunctive relief like the one with Tri County Animal Rescue. He said this will be filed in the next several days.

Commissioner Moore asked what other counties do, what kind of Ordinances we are missing or should have in place to protect the citizens in cases like this. She stated that surely a lawsuit is not filed in every county for massive amounts of dogs. Mr. Taylor stated that most every county has a form of an Animal Control Ordinance, but he is not aware of any type of ordinance that we do not have. He stated that the types of penalties vary, but some people are just not phased by that.

Commissioner Moore asked if there is anything we can do or if they are allowed to go on indefinitely. Mr. Taylor stated that the result of the injunctive relief in court, there will presumably be an order from the Judge to authorize the Sheriff to take immediate action to remedy the situation. He stated that this should be heard by late July.

Chairman Anderson declared the public comments section closed.

**Recommendation from Planning Board – Randy Hawkins:**

**Zoning Map Amendment #562 – Steve Dellinger, applicant:** The Planning Board voted 7-0 to recommend approval.

Zoning Amendment No. 562 – Statement of Consistency and Reasonableness

Case No. ZMA #562  
Applicants: Steve Dellinger  
Parcel ID#: 23937 (0.77-acre portion)  
Location: Kara Lane  
Proposed  
Amendment: Rezone from B-N to R-S

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: The Land Use Plan classifies this area as residential.

This proposed amendment is reasonable and in the public interest in that: This property is adjoined on three sides by property zoned residential. Land uses in the area are primarily residential.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to concur with the Planning Board’s recommendation and the Statement of Consistency and Reasonableness, and approve Zoning Map Amendment No. 562 – Steve Dellinger, applicant.

**Conditional Use Permit No. 285 – Jerry Bolick, applicant:** The Planning Board voted 9-0 to recommend approval, with the following condition:

1. That the applicant obtain the required Environmental Health and building permits.

FINDINGS OF FACT

Application #: CUP #285 Date: June 2, 2008  
Applicant Name: Jerry Bolick  
Applicant Address: 2884 Cansler Rd., Vale NC 28168  
Property Location: New lot just south of 2884 Cansler Rd. Existing Zoning: R-R  
Proposed Conditional Use: Class D Mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES \_\_\_7-0\_\_\_ NO \_\_\_\_\_  
FACTUAL REASON CITED: No public health or safety issues.
2. The use meets all required conditions and specifications. YES\_\_\_7-0\_\_\_ NO \_\_\_\_\_  
FACTUAL REASON CITED: R-R is district that allows mobile homes by right, a pre-1976 mobile home requires a conditional use permit.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES \_\_\_7-0\_\_\_ NO \_\_\_\_\_  
FACTUAL REASON CITED: Based on proposed location.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES \_\_\_7-0\_\_\_ NO \_\_\_\_\_  
FACTUAL REASON CITED: Other mobile homes are located in the area, use is in conformity with Land Use Plan.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to concur with the Planning Board for the factual reasons cited, as well as the condition noted, and approve Conditional Use Permit No. 285 – Jerry Bolick, applicant.

**Proposed amendment to Planning Board ordinance to re-establish appointments so that terms are equally staggered, and end on June 30, rather than December 31:** The Planning Board voted 8-0 (on 5-14-08) to recommend approval.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to concur with the Planning Board’s recommendation to approve the proposed amendment in regards to staggering terms to end on June 30 rather than December 31.

**Update from Lake Norman Marine Commission – Samuel Ausband:** Samuel Ausband thanked the Board for approving the extra \$4500 to match the other counties from last year’s budget. He gave an update from the Lake Norman Marine Commission saying their number one issue is boater safety. Maintenance of the navigation system is one of the top priorities. He stated that they are still focusing on replacement and repair of defective markers, the purchase of new pilings, lights, signboards, all the components that make up some of the navigational markers. He stated that there is some theft of this

equipment, such as the no-wake buoys at Highway 150. He stated that they are constantly building their inventory of components so when something is broken or stolen, it can be replaced quickly. One of his goals is to develop a better inventory system. Another priority is to develop rules governing the placement of buoys and markers on the lake, the placement of unauthorized buoys and markers needs to be addressed. Mr. Ausband stated that before somebody places a bird pole (osprey nest) in the lake, you have to come before the Marine Commission to let them know and law enforcement has to sign off on it. Boater education is vital and the LNMC mentions it on their website. There have been articles in the newspapers about this as well. He stated that himself, along with several other LNMC members, have a meeting with the Wildlife Resource Commission officials on July 18 to talk about boater education and boater licensing. He said that it is not cost effective or practical to develop plans for boater education for just Lake Norman. He stated that it is vital to work with the state to come up with reasonable requirements for those who use our waters. Mr. Ausband said they continue to see careless boating and boating while intoxicated.

Mr. Ausband stated that at his last report, there were six charter boats on Lake Norman, unfortunately due to the tragic events last week, we are down to five. He said they consider several things before permitting a charter boat such as: evidence the Captain is satisfactorily qualified to run a charter boat, evidence of sufficient insurance, a boat inspection by someone qualified, and that the vessel has a berth appropriate to safely boarding and discharging passengers without disruptions to people who live on the lake.

Mr. Ausband spoke concerning hydrillia and sterile grass carp.

**Budget Ordinance:** Chairman Anderson asked Mr. Wood to explain the memo from Susan McCracken. George Wood stated that this is a substitution and will not effect the dollar figures. He recommended approval of this.

## LINCOLN COUNTY

### BUDGET ORDINANCE FY 2008-09

**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, 2008 and ending June 30, 2009, in accordance with the chart of accounts heretofore established for Lincoln County:

**GENERAL GOVERNMENT**

Governing Body	\$ 210,531
Administration and Finance	937,248
Safety & Training	46,482
Information Technology	531,187
Elections	431,240
Tax Department	1,323,910

Revaluation	486,933
Legal	180,235
Register of Deeds	972,934
Public Buildings	1,323,861
District Court	107,217
Central Services	370,600
Special Grants	137,965
	<u>\$ 7,060,343</u>

**PUBLIC SAFETY**

Sheriff	\$ 7,596,895
Jail	2,872,659
Communications	1,179,148
Emergency Management	443,634
Emergency Services	260,360
Animal Control	571,005
Forestry	57,833
Medical Examiner	41,000
Emergency Medical	4,852,563
	<u>\$ 17,875,097</u>

**TRANSPORTATION**

Mass Transit	52,057
Airport Authority	77,141
Transportation TLC	645,566
	<u>\$ 774,764</u>

**ENVIRONMENTAL PROTECTION**

Soil Conservation	257,439
	<u>\$ 257,439</u>

**ECONOMIC AND PHYSICAL DEVELOPMENT**

Cooperative Extension	\$ 266,412
Building and Land Development	1,550,264
Economic Development	1,811,513
Community Development	400,000
	<u>\$ 4,028,189</u>

**HUMAN SERVICES**

Health Department	\$ 5,354,081
Mental Health	373,589
Social Services	16,116,082
Veterans Service	96,394
Senior Services	495,576
Juvenile Crime Prevention	98,486

**Gaston Skills**

65,775  
\$ 22,599,983

**CULTURAL AND RECREATION**

Recreation	\$ 1,123,767
Historic Properties	7,225
Historical Coordinator	60,910



Cultural Grants	114,080
Library	<u>878,039</u>
	<b>\$ 2,184,021</b>
<b>EDUCATION</b>	
Lincoln Center Gaston College	\$ 135,406
Schools Current Expense	16,181,363
Schools Capital Outlay	1,669,500
Communities in Schools	<u>55,000</u>
	<b>\$ 18,041,269</b>
<b>DEBT SERVICES</b>	
General County	\$ 1,632,393
School System	<u>11,770,875</u>
	<b>\$ 13,403,268</b>
<b>TRANSFER TO CAPITAL PROJECT FUND</b>	<b>\$ 1,856,428</b>
<b>TRANSFER TO CAPITAL RESERVE FUND</b>	<b>\$ 3,619,072</b>
<b>CONTINGENCY</b>	<b>\$ <u>368,547</u></b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 92,068,420</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

<b>AD VALOREM TAXES:</b>	
Current Year	\$ 45,499,598
Prior Years	984,400
Local Option 1 cent Sales Tax	6,183,720
Local Option 1 <sup>st</sup> 1/2 cent Sales Tax	3,810,000
Local Option 2 <sup>nd</sup> 1/2 cent Sales Tax	3,835,000
Local Option 3 <sup>rd</sup> 1/2 cent Sales Tax	1,907,000
Beer & Wine Tax	275,000
Excise Tax Stamps	810,000
Franchise Tax	220,000
Interest on Investment	725,000
ABC Revenues	50,000
Rents	190,700
Tax Refunds	185,000
Local Occupancy Tax	61,000
Vehicle Rental Tax	<u>24,000</u>
	<b>\$ 64,760,418</b>
<b>STATE AND FEDERAL GRANTS:</b>	
Law Enforcement	\$ 203,579
Emergency Management	73,000
Veterans Service	12,000
Senior Services	329,676

Transportation Services	220,850
Juvenile Crime Prevention	94,882
Soil Conservation	37,769
Community Development	<u>400,000</u>

**\$ 1,371,756**

**HEALTH DEPARTMENT PROGRAMS** **\$ 3,067,009**

**SOCIAL SERVICE PROGRAMS** **\$ 10,825,099**

**FEES**

Tax Department	\$ 1,400
Election	300
Register of Deeds	489,700
Sheriff	168,200
Jail	170,500
Building and Land Development	1,834,559
Library	26,300
Court Facilities	180,000
Animal Control	25,000

**Tax Collection** **220,550**

Recreation 36,000

Emergency Medical 2,211,000

Emergency Management 19,500

Transportation Services 260,000

Soil Conservation 136,500

**\$ 5,779,509**

**CITY-COOPERATIVE PAYMENTS**

Animal Control	\$ 6,300
Communications	<u>50,000</u>
	<b>\$ 56,300</b>

**TRANSFERS FROM OTHER FUND**

<b>Capital Reserve Fund</b>	<b>\$ 4,829,154</b>
<b>Water Fund (Repayment of Loan)</b>	<b>\$ 1,087,114</b>
<b>Indirect Cost (Admin – Enterprise Funds)</b>	<b>\$ 212,061</b>

**Miscellaneous** **\$ 50,000**

<b>SALE OF ASSETS</b>	<b>\$ 30,000</b>
<b>FUND BALANCE APPROPRIATED</b>	<b>\$ 0</b>
<b>TOTAL REVENUES</b>	<b>\$ 92,068,420</b>

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 as continuing multi-year projects in the School Capital Projects Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2008:

East Middle School (Water Line)	\$ 1,300,000
Improvements (2008 Bond Sale)	15,000,000
Transfer to School Capital Reserve	<u>1,680,720</u>
<b>Total School Capital Projects Improvement Project Fund Expenditures</b>	<b>\$ 17,980,720</b>

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

Fund Balance Appropriated	\$ 2,980,720
Proceeds Sale of Debt	15,000,000
<b>Total School Capital Projects Improvement Project Fund Revenues</b>	<b>\$ 17,980,720</b>

**Section 4.** The following amounts are hereby appropriated or reserved in the Capital Reserve Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Reserve (Future Debt)	\$ 1,991,150
Transfer to General Fund (Debt Service)	<u>4,829,154</u>
<b>Total School Capital Reserve Fund Appropriations/Reserve</b>	<b>\$ 6,820,304</b>

It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Interest on Investment	\$ 150,000
(30% 1st ½ cent)	1,143,000
(60% 2nd ½ cent)	2,301,000

State School Building	770,512
Lottery Proceeds	600,000
Transfer from School CIP	1,680,720
General Fund Appropriation	<u>175,072</u>

**Total School Capital Reserve Fund Revenues           \$ 6,820,304**

**Section 5.** The following amounts are hereby appropriated in the Law Enforcement Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Operating Expense	\$ 4,620
Capital Outlay	<u>\$ 62,209</u>
<b>Total</b>	<b>\$ 66,829</b>

It is estimated that the following revenues will be available in the Law Enforcement Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Controlled Substance Excise Tax	\$ 16,548
Interest on Investment	200
Fund Balance	<u>50,081</u>
<b>Total</b>	<b>\$ 66,829</b>

**Section 6.** The following amounts are hereby appropriated in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Capital Outlay	\$ 31,898
<b>Total</b>	<b>\$ 31,898</b>

It is estimated that the following revenues will be available in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Federal Forfeited Property	\$ 5,849
Fund Balance	<u>25,849</u>
<b>Total</b>	<b>\$ 31,898</b>

**Section 7.** The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Operating Expenses	\$ 608,000
<b>Total Emergency Telephone Fund</b>	<b>\$ 608,000</b>

It is estimated that the following revenues will be available in the Emergency Telephone Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Phone Service Charges	\$ 400,000
Wireless 911	200,000
Interest on Investments	<u>8,000</u>
<b>Total Emergency Telephone Fund</b>	<b>\$ 608,000</b>

**Section 8.** The following amounts are hereby appropriated in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Operating Expenses	\$ 2,593,014
Debt Service & Capital Construction	<u>1,108,027</u>
<b>Total Landfill Enterprise Fund Appropriation</b>	<b>\$ 3,701,041</b>

It is estimated that the following revenues will be available in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Availability Fee	\$ 2,341,342
Tire Disposal Tax	60,000
Tipping Fees	320,000
White Goods Disposal Tax	26,000
Sales Tax Refund	75,000
Interest	200,000
Rent Income	4,800
Recyclables	270,000
Fund Balance	<u>403,899</u>
<b>Total Landfill Enterprise Fund Revenues</b>	<b>\$ 3,701,041</b>

**Section 9.** The following amounts are hereby appropriated in the Water and Sewer (Operations) Enterprise Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Water System Operation	\$ 1,874,948
Water Debt Principal	1,056,086
Water Debt Interest	176,797
Water Treatment Operation	862,400
Sewer System Operation	1,423,303
Loan Repayment General Fund	1,087,114
Transfer to Water/Sewer Capital Projects	2,702,500
Transfer to East Lincoln Sewer District	<u>1,773,295</u>
<b>Total Water &amp; Sewer Enterprise Fund Expenditure</b>	<b>\$ 10,956,443</b>

It is estimated that the following revenues will be available in the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Water Sales	\$ 4,900,000
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Water Tap Fees	300,000
Other Revenues	221,000
Water Capacity Development Fees	1,200,000
Sewer Fees	1,892,500
Sewer Capacity Fees	1,200,000
Fund Balance	1,142,943
Interest on Investment	<u>100,000</u>

**Total Water & Sewer Enterprise Fund Revenues \$ 10,956,443**

**Section 10.** 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, 2008 and ending June 30, 2009:

Airport	126,250
Animal Control	1,255,000
Buildings & Grounds	2,467,003
Building & Land Development	75,250
Communications	600,000
Economic Development	800,000
Elections	25,000
Emergency Medical Services	738,500
Health	86,880
Information Technology	40,560
Jail	123,590
Recreation	182,000
Sheriff	475,244
Transportation	110,000
Contingency	<u>150,151</u>

**Total General County Capital Improvement Project Fund Expenditures \$ 7,255,428**

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, 2008 ending June 30, 2009:

Estimated Revenues	
Transfer from General Fund	\$ 1,856,428
Grants	99,000
Debt Proceeds	5,150,000
Interest on Investment	<u>150,000</u>

**Total General County Capital Improvement Project Fund Revenues \$ 7,255,428**

**Section 11.** The following amounts are hereby appropriated as continuing multi-year projects in the Water and Sewer Capital Improvement Project Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Vehicles and Equipment	\$ 245,000
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Water System Improvements	838,500
Sewer System Improvements	827,000
Killian Creek WWTP Interceptors	4,637,700
Killian Creek WWTP	17,362,300
Contingency	<u>792,000</u>
<b>Total Water and Sewer Capital Improvements Project Fund Expenditures</b>	<b>\$ 24,702,500</b>

It is estimated that the following revenues will be available in the Water and Sewer Capital Improvement Project Fund for the fiscal year beginning July 1, 2008 ending June 30, 2009:

Estimated Revenues	
Transfer from Water Fun	\$ 2,702,500
Loan Proceeds	22,000,000
<b>Total Water and Sewer Capital Improvements Project Fund Expenditures</b>	<b>\$ 24,702,500</b>

**Section 12.** The following amounts are hereby appropriated in the Health Benefits Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Health and Consultant Fees	\$ 578,826
Health and Workers Compensation Claims	4,719,108
Reserve	438,166
<b>Total Health Benefits Fund Expenditures</b>	<b>\$ 5,736,100</b>

It is estimated that the following revenues will be available in the Health Benefits Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Estimated Revenues	
Health Premiums Employer	\$ 4,404,400
Health Premiums Employee	569,500
Flex Account	7,200
Workers' Compensation Premiums	745,000
Interest Income	10,000
<b>Total Health Benefits Fund Revenues</b>	<b>\$ 5,736,100</b>

**Section 13.** There is hereby levied a unified tax at the rate of 57.0 cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2008, 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 \$8,167,329,888 and an estimated collection rate of 97.72 percent. The estimated rate of collection is based on the fiscal 2006-07 collection rate of 97.72 percent.

**Section 14.** 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, 2008; 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:

<b>Fire District</b>	<b>Assessed Value</b>	<b>Rate</b>	<b>2008-09 Tax Revenue</b>	<b>2008-09 Tax Expend.</b>
Alexis	\$ 297,659,157	\$ 0.1142	339,927	\$ 339,927
Boger City	715,296,381	0.07	500,707	500,707
Crouse	170,564,193	0.06	102,339	102,339
Denver	1,811,205,694	0.0981	1,776,793	1,776,793
East Lincoln	2,039,488,074	0.0606	1,235,930	1,235,930
Howard's Creek	235,010,367	0.07	164,507	164,507
North 321	591,284,592	0.035	206,950	206,950
North Brook	325,557,638	0.06	195,335	195,335
Pumpkin Center	452,194,558	0.0951	430,037	430,037
South Fork	258,614,180	0.0776	200,685	200,685
Union	247,575,163	0.075	185,681	185,681

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 Lincoln for the collection of property taxes, as long as this is mutually agreeable between Lincoln 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 15.** Included in this budget is a transfer from the Water Fund to the General Fund for debt repayment. The General Fund had in the past loaned funds to the Water Fund for operating expenses and these funds have been repaid over the last several years. The payment in this budget is to complete the repayment of this loan and to clear up any outstanding balances between the two funds.

**Section 16.** 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 2008-09 the availability fee shall remain at the \$69 per unit rate.



**Section 17** This Budget Ordinance, effective July 1, 2008 authorizes the mileage reimbursement rate as the standard mileage rate set by Internal Revenue Service, which may be revised during the fiscal year.

**Section 18.** 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 19.** 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 20.** 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 21.** 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 16th day of June, 2008 .

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Thomas R. Anderson, Chairman  
Lincoln County

Board of Commissioners

**ATTEST:**

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Amy S. Atkins  
Clerk to the Board

**UPON MOTION** by Commissioner Patton, the Board voted to adopt the Budget Ordinance as presented, encompassing the substitution of personnel described in the June 5, 2008 memorandum from the Director of the Department of Social Services.

**VOTE:**       AYES: Anderson, Patton, Klein, Carlton  
              NOES: Moore

**Participant Records – Erma Deen Hoyle:** Chairman Anderson stated that this is a matter that was brought to the Commissioner’s attention last week. Board members were polled and had no objection to asking our Legislators to include Lincoln County as a part of this bill, which is entitled An Act to limit access to identifying information of minor participants in park and recreation programs of certain local governments. He stated that it was his understanding that enough counties and municipalities were being added to make this a state bill instead of a local bill.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to confirm the Board’s direction to the Parks and Recreation Director that Lincoln County be added to this Bill.

**Request from Board of Education Regarding Adequate Public Facilities Ordinance – George Wood:** Mr. Wood presented the following information concerning this request:

Dr. Martin objected to the language in the Certificate of Adequate Educational Facilities that the ordinance and our memorandum of understanding with the BOE requires. Meetings have been held with Jeff Taylor and Building and Land Development staff and suitable substitute language has been provided. Dr. Martin executed that certificate.

The second issue the Board would need to consider. Dr. Martin is essentially refusing to sign any further certificates until we sit down to re-write sections of the APFO. He stated that although neither Dr. Martin nor he were here when this ordinance and the MOU were adopted, he understands it was a very intensive effort that took many years, and compromises among not just the County and the Board of Education, but the Homebuilders Association, Board of Realtors, and other interested parties. He stated that he further understands that the Board had legal and planning advice from a consultant that has worked extensively in this area, and he advised that the Board use the CIP funding levels and time-lines ultimately selected.

Union County's APFO is currently undergoing a legal challenge in Superior Court. There currently is no case law on them in North Carolina, to our knowledge. It would seem that the best course of action for now is to leave the ordinance and MOU as they currently exist pending that case's outcome, so that we can see how the judiciary assesses this growth management tool.

Mr. Wood stated that we do not need to be the expensive test case for North Carolina by being more strict than other jurisdictions when we don't yet know whether its legality will be upheld by the courts.

Mr. Wood recommended that the Board decline to amend the APFO or the MOU at this time.

Chairman Anderson suggested getting in writing from the Superintendent his specific request for change and submit those to the counsel that drafted this to see if those changes can be made and what impact those will have.

**UPON MOTION** by Commissioner Carlton, voted unanimously to approve the recommendation from the County Manager.

**Recommendation on Architectural Firm to Conduct Space Needs Assessment – George Wood:** Barry McKinnon presented the recommendation from the Architectural RFQ Review Committee.

Mr. McKinnon stated that on February 25, 2008, a revised RFQ was sent out to several different Architectural firms requesting submittals for a "Space Allocation and Utilization Study". This submittal included the relocations of several County Departments along with, but not necessarily limited to, the Court House, Citizen's Center, Old Bank of America Building, and the Lincoln County Hospital buildings.

Those responding were Williams Design, P.A., Campbell Design and Stewart-Cooper-Newell.

A committee was set up to review these submittals, made up of representatives from some of the departments that will be impacted by this study.

After interviewing each firm, and lengthy discussion the committee unanimously recommends Stewart-Cooper-Newell as their first choice to do the study. Their second choice would be Williams Design, P.A.

The committee requested that the Board authorize them to meet with Stewart-Cooper-Newell's representatives to see if they can successfully negotiate a price for their services to do this study. If this is not successfully negotiated, they would like to move on to their second choice.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to authorize the committee to proceed as requested.

**Reimbursement Resolution – George Wood:** Chairman Anderson presented the Board with the Reimbursement Resolution due to the fact that the Board approved advancing \$1.2 million to the Board of Education on the \$44.6 million school bond so they could do work this summer. This Resolution would formalize the approval.

#### REIMBURSEMENT RESOLUTION

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

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

WHEREAS, the Issuer has paid on or after April 17, 2008, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the construction of a new elementary school along with expansions and renovations to various existing schools and facilities (the "Projects"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys advanced on and after April 17, 2008 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

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

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of Bond Funds for the Expenditures with respect to the Project made on and after April 17, 2008. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

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

Section 3. The maximum principal amount of the Bonds expected to be issued for the above Projects is \$44,600,000, of

which \$15,000,000 of bond funds is currently scheduled to be issued in the fall of 2008.

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

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

PASSED AND ADOPTED this 16<sup>th</sup> day of June, 2008.

\_\_\_\_\_  
Thomas R. Anderson, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board

#### EXHIBIT A

##### DESCRIPTION OF PROJECT

**Capital Improvement Program** - Construction of new New Elementary School along with the acquisition of land, equipment and furnishings necessary to provide a complete and furnished facility. Also includes renovations and expansions to existing schools and facilities.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Reimbursement Resolution as presented.

**Radio Communications System Study – George Wood:** George Wood presented a memo from Ron Rombs concerning the radio communications system study. He stated that he and Ron Rombs have researched securing a consultant to study the radio communications system.

Mr. Wood recommended employing Mr. Baucom to conduct a study of our UHF/VHF system, and the possible migration to an 800 MHz system available from the City of Charlotte and Mecklenburg County in our region. The cost of the study is approximately

\$5,800 and includes a complete assessment of adding Lincoln County to the newly constructed Regional 800 MHz that is being built.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to accept the Manager's recommendation to proceed with the radio communications system study as described.

**Request from Board of Education to Use \$1,500,000 of Earned Interest on the 2004 School Bond – George Wood:** Mr. Wood presented a letter from Dr. Martin requesting that the Board of Education be given the earned interest that accumulated on the 2004 School Bond. He stated that the Board determined at the last budget session that this money should be used to build the fund balance back up. He recommended denying this request.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to deny the request.

**Request to Extend Contributions for the Interbasin Transfer Lawsuit – George Wood:** Mr. Wood presented a letter from the Catawba Coalition, of which we are a member. They are requesting funding of \$20,000 per year for FY 2012 and 2013 to continue this effort to oppose interbasin transfers of water from the Catawba River basin.

Mr. Wood recommended making this additional commitment.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the request to extend contributions for the IBT lawsuit.

**Renewal of CATS Transit Agreement – George Wood:** Mr. Wood presented a memo from Ron Rombs explaining the annual contract with the Charlotte Area Transit System. The Lincoln County portion of the contract is \$52,057 and is budgeted under the Mass Transit account. This is a shared portion of the operational cost that is off-set by revenues collected by CATS from users of the system.

Mr. Wood recommended continuing this service.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve renewal of CATS Transit Agreement.

**Capital Project Ordinance – Water Line Construction Hwy 16 & 73 – Leon Harmon:** Mr. Wood presented the following Capital Project Ordinance for the Board's approval.

Capital Project Ordinance  
Water Line Construction Hwy 16 & 73  
Revised 6/16/08

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a new waterline in the along highway 73 from highway 16 to serve the citizens of the Lincoln County.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 65,000
Right of Way	10,000
Distribution Lines	1,029,900
Total	\$ 1,104,900

Section 4. The following revenues are anticipated to be available to complete this project:

Fund Balance	\$ 300,000
Transfer from Water Fund	804,900
Total	\$ 1,104,900

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 16<sup>th</sup> day of June, 2008

**UPON MOTION** by Commissioner Moore, the Board voted 4 – 1 (Klein against) to approve the Capital Project Ordinance for the Water Line Construction at Highways 16 and 73 as presented.

**Drought Update – Steve Gilbert:** Steve Gilbert gave a drought update saying we are 6.37 inches below the rainfall average for the year as of May.

**Update on Sewer Plant – Steve Gilbert:** Steve Gilbert gave an update on the sewer plant. He said from conversations he has had, review should begin in July. Hopefully authorization to construct will be issued in August.

**Update on C&D at Convenience Sites:** Steve Gilbert stated that bulk waste containers have been remarked 3 convenience sites, North Brook, Airport, and Webbs Road, to accept construction and demolition waste. Containers have also been placed at these sites for yard waste. Dennis Williams has given a proposal to do the design work to add additional containers in a permanent manner at these three sites.

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

Steve Gilbert stated that the representative from the firm that sold the odor control system was in town last week and looked at the site. He has given a proposal to revise and upgrade the capacity at this pump station. Mr. Gilbert stated that they have been in touch with Rock Hill, who use a chemical drip to control the odor. He said they are getting information on this as well.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the Budget Performance Report for May 2008.

**County Manager's Report:** George Wood congratulated Leon Harmon and the staff of the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting.

He presented a memo from Leigh Guth, of Cooperative Extension, asking the Board to consider putting flags out in the county for ozone quality at 5 or 6 sites. It was the consensus of the Board to proceed. There is no cost associated with this request due to the fact that we will be using flags provided by Gaston County.

**County Commissioners' Report:** Commissioner Klein stated that he participated in the Allied Waste Grant Committee meeting. At this meeting, 50 or so applications were reviewed and would up allocating funds to 18 different organizations. He stated that this group does a tremendous job of doing their homework and it has been a pleasure to have worked with them for the past few years. Commissioner Klein said they will have a luncheon to present the awards and the Commissioners will be invited.



**County Attorney's Report:** Jeff Taylor presented the agreement with Pumpkin Center Volunteer Fire Department.

RESOLUTION TO AUTHORIZE CONVEYANCE OF  
REAL PROPERTY TO PUMPKIN CENTER VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Pumpkin Center Volunteer Fire Department is in need of a site for a new station to allow it to better serve its district; and

WHEREAS, the tract of real property acquired by Lincoln County for the construction of the North Lincoln Middle School consists of approximately 111 acres and contains portions not needed for the school or its operations; and

WHEREAS, the North Lincoln Middle School site is ideally located from a geographic standpoint to allow the Pumpkin Center Volunteer Fire Department to serve its district; and

WHEREAS, the Fire Department has identified an area consisting of approximately three acres along Amity Church Road at the extreme northern edge of the overall NLMS tract that could serve as a site for its new facility; and

WHEREAS, preliminary plans drawn for the Fire Department have indicated that an additional area of approximately 2.2 acres will be needed in order to accommodate a detention pond to meet the requirements of the State of North Carolina; and

WHEREAS, it appears that the total area of approximately 5.2 acres will not be needed for the North Lincoln Middle School and that it would be appropriate to convey the same to the Pumpkin Center Volunteer Fire Department for its new facility as stated;

WHEREAS, the said area is a portion of the overall NLMS campus property currently owned by Lincoln County pursuant to deed recorded in Book 1824 at Page 576, Lincoln County Public Registry, and leased to the Lincoln County Board of Education pursuant to lease recorded in Book 1828 at Page 556, Lincoln County Public Registry; and

WHEREAS, upon the concurrence of the Lincoln County Board of Education and the holder of the deed of trust on the overall campus property, the Lincoln County Board of Commissioners would like to see the said area conveyed to the Fire Department for its use as stated;

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

1. That the Lincoln County Board of Commissioners gives its approval of the conveyance of a site consisting of approximately 5.2 acres along the northern boundary of the North Lincoln Middle School campus tract to the Pumpkin Center Volunteer Fire Department for the construction and operation of a new fire station.

2. That in consideration of the Pumpkin Center Volunteer Fire Department's agreement to construct and operate a new fire station for the benefit of the citizens of its district and the County generally, the Chairman and Clerk of the Lincoln County Board of Commissioners are hereby authorized to execute the necessary documents to convey the said 5.2-acre area to the Fire Department.

3. That the instrument of conveyance shall contain the requirement that the said property will revert to Lincoln County in the event that the Pumpkin Center Volunteer Fire Department ceases to operate, exist, or use the said site for a fire station and shall otherwise comply with the requirements of all agreements between Lincoln County and the Pumpkin Center Volunteer Fire Department.

This 16<sup>th</sup> day of June, 2008.

LINCOLN COUNTY

By: \_\_\_\_\_

Thomas R. Anderson, P.

E., Chairman

Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the  
Board of Commissioners

Jeff Taylor presented the Resolution to Confirm and Authorize Real Property Purchase by Pathways.

**RESOLUTION TO CONFIRM AND AUTHORIZE  
REAL PROPERTY PURCHASE BY PATHWAYS**

Gaston-Lincoln-Cleveland Area Mental Health/Developmental Disabilities/Substance Abuse Authority d/b/a Pathways request for authorization to purchase property located in the City block bounded by East Street, North Washington Street and Hudson Street located in Shelby, Cleveland County, North Carolina.

**WHEREAS**, Gaston-Lincoln-Cleveland Area Mental Health/Developmental Disabilities/  
Substance Abuse Authority d/b/a Pathways ("Pathways") desires to purchase and construct a facility upon property located in a part of a city block bounded by East Street, North Washington Street and Hudson Street in the City of Shelby, Cleveland County, North Carolina (the "Property") in order to construct a facility that will serve the mental health and substance abuse needs of persons in crisis or in need of detoxification among other medical related illnesses (the "Needs"); and,

**WHEREAS**, Pathways has determined that certain properties will be suitable for construction of a facility to meet the Needs; and,

**WHEREAS**, Pathways has requested that the Board of Commissioners authorize the purchase of the Property and further provide for the disposition of the proceeds in the event of a conveyance of the Property by Pathways or disposition of the Property or proceeds in the event of dissolution of Pathways.

**NOW, THEREFORE, BE IT RESOLVED** by the Lincoln County Board of Commissioners that:

1. Pursuant to North Carolina General Statute Section 122C-147(c) the County Commissioners of Lincoln County hereby confirm and authorize the action of Pathways in purchasing the Property and that title to the Property shall be vested in the name of Gaston -Lincoln-Cleveland Area Mental Health/Developmental Disabilities/Substance Abuse Authority d/b/a Pathways.
2. That the County Commissioners of Lincoln County hereby further provide that the Pathways Board shall decide how to distribute and use the proceeds from the Property in the event of a later conveyance of the Property.
3. That in the event that Pathways is dissolved or ceases to function at any time in the future and has not disposed of the Property, title shall vest in the Counties of Gaston, Lincoln and Cleveland as tenants in common, each holding an equal undivided interest.
4. That in the event that Pathways is dissolved or ceases to function at any time in the future and the Property is disposed of or upon any disposal of the Property by the three counties by joint action, the proceeds from the disposition shall be divided equally among the three counties of Gaston, Lincoln and Cleveland.
5. The County Commissioners of Lincoln County hereby authorize Pathways to convey the Property by deed executed by the Chairman of the Pathways Board and attested to by its secretary in the event a future conveyance to any other entity is necessary or desired. The Lincoln County Board of Commissioners further resolve that the Chairman of the Board of County Commissioners and the Clerk to the Board, being the same, are hereby authorized and directed to execute any such documents necessary to effectuate a desired or necessary conveyance in the future, if and only if, such execution by the Chairman of the Board is deemed necessary by a subsequent purchaser of the Property.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Chairman of the Board of Commissioners  
for Lincoln County

Seal

\_\_\_\_\_  
Thomas R. Anderson, P.E.

Attested by:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Clerk to the Board of Commissioners  
for Lincoln County

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Resolution to Confirm and Authorize Real Property Purchase by Pathways.

Jeff Taylor presented the Resolution to authorize conveyance of real property to YMCA for day camp.

**RESOLUTION TO AUTHORIZE CONVEYANCE OF  
REAL PROPERTY TO YMCA FOR DAY CAMP**

WHEREAS, the Lincoln County Family YMCA operates a highly successful recreation facility adjacent to the campus of Carolinas Medical Center-Lincoln; and

WHEREAS, as a part of its programming the YMCA operates a summer day camp for children; and

WHEREAS, the YMCA does not have a suitable site to accommodate its day camp on its property and therefore has been operating it on property owned by an adjacent owner across the street from the current YMCA facility; and

WHEREAS, the current siting of the day camp creates a dangerous situation in that the children using the camp must cross a busy street as they arrive and depart from the camp each day; and

WHEREAS, the YMCA and CMC-Lincoln have identified a self-contained area consisting of approximately 5.53 acres on the edge of the existing campus of CMC-Lincoln where a permanent day camp might be located and accessed more safely than the day camp site used previously; and

WHEREAS, the said area is on the extreme western edge of the CMC-Lincoln campus in a portion of the property that is adjacent to a creek and is not currently used by CMC-Lincoln; and

WHEREAS, CMC-Lincoln does not anticipate any future need for it to use the said area for its operations and would like to see it made available to the YMCA for its use for the day camp; and

WHEREAS, a portion of the said area comprises a part of the overall CMC-Lincoln campus property, identified as Lincoln County Tax Parcel ID # 01323, currently owned by LMC Properties, a North Carolina nonprofit corporation, pursuant to deed recorded in Book 1852 at Page 315, Lincoln County Public Registry, and leased to Lincoln Health System, a North Carolina nonprofit corporation, pursuant to lease recorded in Book 1852 at Page 325, Lincoln County Public Registry; and

WHEREAS, the remaining portion of the said area, identified as Lincoln County Tax Parcel ID # 72475, is currently owned by Lincoln Health System, successor by merger to Lincoln Medical Center, pursuant to deed recorded in Book 1008 at Page 24, Lincoln County Public Registry; and

WHEREAS, upon the concurrence of the appropriate authorities on behalf of LMC Properties and Lincoln Health System, the Lincoln County Board of Commissioners would like to see the subject property conveyed to the YMCA for its use as stated; and

WHEREAS, the YMCA of Greater Charlotte, Inc., is the entity that holds title to properties used by the Lincoln County Family YMCA since it is a constituent member of the YMCA of Greater Charlotte organization;

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

1. That the Lincoln County Board of Commissioners gives its approval of the conveyance of the site consisting of approximately 5.53 acres along the western boundary of the CMC-Lincoln campus to the YMCA of Greater Charlotte, Inc., for the use by the Lincoln County Family YMCA as a day camp, and hereby authorizes the conveyance of the said property to the YMCA as stated herein.

2. That upon the concurrence of the appropriate authorities for LMC Properties and Lincoln Health System and execution of the appropriate documents to return ownership of the property to Lincoln County, the Chairman and Clerk of the Lincoln County Board of Commissioners are hereby authorized to execute the necessary documents to convey the site to the YMCA of Greater Charlotte, Inc.

3. That in consideration of the conveyance authorized herein, the YMCA of Greater Charlotte, Inc., and the Lincoln County Family YMCA shall put the property to a public use pursuant to Section 160A-279(a) of the North Carolina General Statutes and that in the event that the YMCA fails or ceases to use the property as stated, it shall revert to Lincoln County.

This 16<sup>th</sup> day of June, 2008.

LINCOLN COUNTY

By: \_\_\_\_\_

Thomas R. Anderson, P.

Board of Commissioners

E.,Chairman

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the  
Board of Commissioners

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Resolution to authorize conveyance of real property to YMCA for day camp.

Jeff Taylor stated that enforcement with the Animal Control Ordinance in place now is similar to the other ordinances. Civil enforcement is a fee per day. Criminal enforcement is also an option. Civil injunctive relief is what we are pursuing in the Hager case and the Petite Lane Case. Other Boards in the state are adopting dog per lot limits and annual animal registration fees.

George Wood stated that the Board talked about having a graduated scale for multiple infractions. The problem is we have only been able to cite at \$50 per day.

He asked the Board to consider a policy at what point to move forward with lawsuits in these cases.

**Vacancies/Appointments:** **UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the appointment of Tom Anderson and Bo King to the LEDA Board.

Commissioner Carlton expressed concerns about the fact that Commissioners seem to stay on remain on boards when they go off the Commission or are appointed to spots when they lose an election. He stated that he knows Chairman Anderson and his integrity and he will serve this Board well.

Commissioner Patton stated that Chairman Anderson did not lose an election, he chose not to run.

Commissioner Klein presented the Board with applications received from citizens wishing to serve on the Planning Board for the 3 seats open. The Planning Board will discuss and make a recommendation on July 10. The recommendation will be brought back to the Board at the meeting in July.

Commissioner asked the rationale for the Planning Board to decide who succeeds Planning Board members. Commissioner Klein stated that we encourage all Boards, Committees, and Commissions to make a recommendation to him as to who they would like to serve.

**Calendar:** Chairman Anderson presented the July 2008 calendar, mentioning the Board will only meet on July 21<sup>st</sup>.

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

- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
  
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

No action was reported from Closed Session

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners