

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 16, 2005**

The Lincoln County Board of County Commissioners met in regular session on May 16, 2005 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
Carrol D. Mitchem, Vice Chairman  
James Buddy Funderburk  
Marie Moore  
Alex E. Patton

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board

**Call to Order:** Chairman Anderson called the May 16, 2005 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Rev. Randy Powell, of McKendree Methodist Church, gave the Invocation and Chairman Anderson led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to adopt the agenda adding City Funding under Other Business.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MAY 16, 2005**

- |            |  |
|------------|--|
| 6:30 PM    | Call to Order  |
| 6:31 PM    | Invocation – Rev. Randy Powell<br>McKendree Methodist Church |
| 6:32 PM    | Pledge of Allegiance   |
| 1. 6:33 PM | Adoption of Agenda   |

2. 6:34 PM Approval of Minutes  
- May 2, 2005
3. 6:35 PM Consent Agenda  
- Budget Adjustments 84, 86, 91-96, 102, 105, 106  
- Tax Requests for Refunds – More Than \$100  
April 18 – May 1, 2005
4. 6:40 PM Public Comments
5. 6:55 PM Recommendations from Planning Board  
  
ZTA #496 Lincoln County, applicant  
ZTA #497 Lincoln County, applicant.  
CUP #257 Rodney and Amy Gragg, applicants  
PCUR #76A Regent Builders LLC  
PCUR #113 William and Chandra Clark, applicants  
PCUR #114 Johnny Lane, applicant  
PCUR #115 Norman Pointe LLC, applicant  
PCUR #116 Jeffrey Chrisco, applicant
6. 7:20 PM Memorandum of Understanding – NC 73 Transportation/Land Use  
Study – Brad Dyer
7. 7:30 PM Condemnation Appeal – Former Rhyne Mills Property – Wayne  
Godfrey
8. 7:45 PM CATS Agreement – Larry Kopf
9. 7:55 PM Insurance Estimates – Leon Harmon
10. 8:05 PM Engineering Contract Amendment No. 1 – Lincoln County  
Industrial Park Sewer – Steve Gilbert
11. 8:15 PM Approval of Water Tank Maintenance Contract - Steve Gilbert
12. 8:25 PM Wastewater System to Serve Elementary School on Rock Dam  
Road – Steve Gilbert
13. 8:35 PM Change Order No. 1 for Water Plant Improvement Project – Steve  
Gilbert
14. 8:45 PM Morris Lane Construction Observation Services – Steve Gilbert
15. 8:55 PM Dump Truck Piggy Back Purchase – Steve Gilbert
16. 9:05 PM Public Works Capital Project Reports – Steve Gilbert
17. 9:10 PM Recommendations from Redistricting Subcommittee –  
Commissioner Mitchem and Commissioner Moore

18. 9:20 PM Recreation Proposal – Commissioner Moore
  19. 9:30 PM Discussion Concerning Meeting in Different Areas of County – Commissioner Moore
  20. 9:40 PM Finance Officer’s Report
  21. 9:45 PM County Manager’s Report
  22. 9:50 PM County Commissioners’ Report
  23. 9:55 PM County Attorney’s Report
  24. 10:00 PM Vacancies/Appointments
  25. 10:05 PM Calendar
  26. 10:10 PM Other Business
- Adjourn

**Approval of Minutes – May 2, 2005:** Chairman Anderson presented the minutes of the May 2, 2005 meetings for approval.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the minutes as modified.

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

Budget Adjustment No. 84 to budget for school bonds issued September 2004 and allocate to approved projects.

Budget Adjustment No. 86 to move funds to Historical Association line item to be used for jail renovation into museum.

Budget Adjustment No. 91 to increase revenue and expense to account for more ABC per bottle tax used for Alcohol Rehab.

Budget Adjustment No. 92 to adjust budget to cover expenses for Law Enforcement Fund.

Budget Adjustment No. 93 to adjust budget to cover expenses for Law Enforcement Federal Fund.

Budget Adjustment No. 94 to adjust Emergency Telephone System to cover expenses.

Budget Adjustment No. 95 for Elections for a grant received from the State to complete list maintenance as part of federal Help America Vote Act Funds sent to state.

Budget Adjustment No. 96 to increase revenue collected to cover cost of County Tax Service.

Budget Adjustment No. 102 to increase the CIP budget to cover expenses related to Health Building Renovations.

Budget Adjustment No. 105 to budget for restricted funds transferred to fund 22 in current year that were collected during 03-04.

Budget Adjustment No. 106 to budget for refund to NCDOT Public Transportation for unspent Work First and RGP funds received during fiscal year 03-04.

Tax Requests for Refunds - April 18 – May 1, 2005

NAME	YEAR	DISTRICT	A/C#	AMOUNT
Chevy Chase Bank FSB	2003/04	ELFD/ELSD	0145861	\$315.75
Masis, Alejandro	2004	CITY	0179268	\$118.03
		TOTAL		\$433.78

**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. He advised that 15 minutes was allotted for public comments and asked each speaker to limit their comments to 3 minutes.

**Dr. Thomas Smith** stated that he has been in Lincoln County for 28 years as a physician and has been with the Health Department and Home Health as medical advisor for 25 years. He stated that he has been told a study was done on home health for four months and he was never questioned about any workings of the Home Health Agency and neither was Karen Gregory, Supervising Nurse. He stated that he is offended by this. He stated that this is the people's money. He stated that it is nice as a physician to know that they can trust these nurses and it is a blessing for the people.

**Emily Robinson** stated that the Home Health Agency has been in existence 34 years serving homebound, sick, and elderly in Lincoln County. She stated that this action was a slap in the face to many citizens in Lincoln County. She stated that Home Health is a service that citizens deserve. She stated that the Board does not even know the savings from such a move.

**Frances Goins** questioned the way the Board handled the closing of Home Health. She stated that Tom Anderson notified employees at 4:15 on Monday that the agency was closing. The Commissioners did not approve the resolution until 9:00 that night. Lincoln Medical Center was at the Home Health Office Tuesday morning to talk about a smooth transition. Mrs. Goins asked why the Board of Commissioners made this decision instead of the Board of Health. She presented a petition with 1200 signatures.

**Barbara Hoover Baker** stated that she is appalled as a taxpaying citizen of Lincoln County. She stated that this hurried decision does not benefit the citizens of Lincoln County. She stated that that Board should rethink the decision.

**Cynthia Jones** spoke concerning the Duke Power Relicensing Process. She stated that there are no Lincoln County citizens in the Land Study Groups to recommend protected land areas in Lincoln County. She asked the Board to draft a letter saying they are interested in this.

**Sylvia Holmes** stated that she is working with Cynthia Jones on the list of areas for Duke Power. She asked the support of the Board to add authority to the request.

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

**Recommendations from the Planning Board:** Randy Hawkins. Zoning Administrator presented the following recommendations from the Planning Board.

**Zoning Text Amendment No. 496 – Lincoln County, applicant:** The Planning Board voted 4 – 2 to recommend approval with an additional requirement that the minimum area for any lot containing a winery shall be ten (10) acres.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Patton against) to approve Zoning Text Amendment No. 496 – Lincoln County, applicant, based on the recommendation of the Planning Board.

**Zoning Text Amendment No. 497 – Lincoln County, applicant:** The Planning Board voted 6 – 0 to table ZTA No. 497 for further study.

**Conditional Use Permit No. 257 – Rodney and Amy Gragg, applicant:** The Planning Board voted 6 – 0 to recommend approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Conditional Use Permit No. 257 – Rodney and Amy Gragg, applicants, and accept the findings of fact.

**Parallel Conditional Use Rezoning No. 76A – Regent Builders, LLC, applicant:** The Planning Board voted 6 – 0 to recommend approval.

Jeff Taylor, County Attorney, stated that the board may impose additional conditions at this time. The application has changed substantially from the original application, so it is essentially a new application.

Chairman Anderson stated that the discussion about conditions came about concerning an updated traffic study on this.

Application # PCUR #76A Date 5/2/2005

Applicant's Name Regent Builders LLC  
17720-A Kings Point Drive  
Cornelius, NC 28037

Property location: Fairfield Forest Road  
Existing Zoning: P-MU

Proposed Conditional Use 52 town homes and 27 SF homes (instead of 122 town homes)

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO  
Factual Reasons Cited: Revised plan will result in less traffic.
2. The use meets all required conditions and specifications. YES X NO  
Factual Reasons Cited: Revision meets all required conditions and specifications for a planned district.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO  
Factual Reasons Cited: Will enhance property based on decrease in density.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.  
YES X NO  
Factual Reasons Cited: No change that will detract from original proposal

After having held a public hearing on May 2, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's recommendation and approve Parallel Conditional Use Rezoning No. 76A – Regent Builders, LLC, applicant.

**applicants:** The Planning Board voted 6 – 0 to recommend that the rezoning request be denied.

Randy Hawkins stated that the Planning Board was concerned that this request would set precedence.

**A MOTION** by Commissioner Moore to accept the Planning Board's recommendation and deny the request.

**Vote: 2 – 3    AYES: Moore, Anderson**  
**NOES: Mitchem, Patton, Funderburk**

The Board discussed doing this without the full 10 acres. Randy Hawkins showed on the map a way to approve the request with a smaller parcel of the property.

**A MOTION** by Commissioner Patton to approve the rezoning with the exception that the amount of land included be reduced from the 10.6 acre parcel and that the zoning line would extend from the southeast corner (corner on George D. Boyles property) to the northwest property and that the Board go through the findings of fact.

Commissioner Moore asked if this parcel of land is on the highway.

Randy Hawkins stated that it is not on the highway.

Chairman Anderson asked if the Board would like to table this until the next meeting and let Randy Hawkins come back with a recommendation.

**Vote: 3 – 2    AYES: Mitchem, Patton, Funderburk**  
**NOES: Moore, Anderson**

Application # PCUR 113 Date 5/2/2005

Applicant's Name William and Chandra Clark  
905 Tower Road  
Vale, NC 28168

Property location: Tower Road  
Existing Zoning: R-SF

Proposed Conditional Use	Class E mobile home
--------------------------	---------------------

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual Reasons Cited: The use will not endanger the public health or safety in no way, shape, or form.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to find fact 1 in the affirmative for the factual reasons cited.

2. The use meets all required conditions and specifications. YES X NO

Factual Reasons Cited: Will meet specifications of rezoning.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to find fact 2 in the affirmative for the factual reasons cited.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO

Factual Reasons Cited: Already mobile homes in area, don't see that another would harm property values.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to find fact 3 in the affirmative for the factual reasons cited.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES X NO

Factual Reasons Cited: Adjacent mobile homes already there and will be developed according to plan submitted.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Anderson against) to find fact 4 in the affirmative for the factual reasons cited.

After having held a public hearing on May 2, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

**UPON MOTION** by Commissioner Patton, the Board voted 4 – 1 (Anderson against) to accept the Planning Board's recommendation and approve Parallel Conditional Use Rezoning No. 113 – William and Chandra Clark, applicant.

**Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant:** The Planning Board voted 4 – 2 that the rezoning request be denied.

Commissioner Patton stated that he finds it difficult when a person owns property, telling this individual he cannot put a mobile home there when there are neighboring mobile homes.

**UPON MOTION** by Commissioner Patton, the Board voted 4 – 1 (Moore against) to grant the rezoning in connection with Parallel Conditional Use Permit No. 114 – Johnny Lane, applicant.

Chairman Anderson read a portion from the Planning Board minutes explaining the Planning Board's decision to deny the request.



Commissioner Funderburk stated that if cases are similar, but sworn testimony is different, there can be different findings.

Application # PCUR 114

Date 5/2/2005

Applicant's Name Johnny Lane  
4096 Randleman Road  
Iron Station, NC 28080

Property location: Randleman Road  
Existing Zoning: R-SF

Proposed Conditional Use Class A (doublewide) mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO  
Factual Reasons Cited: Will not endanger public health or safety.  
**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to find fact 1 in the affirmative for the factual reason cited.
2. The use meets all required conditions and specifications. YES X NO  
Factual Reasons Cited: Based on rezoning being approved and it will meet all conditions.  
**UPON MOTION** by Commissioner Patton, the Board voted unanimously to find fact 2 in the affirmative for the factual reason cited.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO  
Factual Reasons Cited: There is already a mobile home there and this will not injure adjoining or abutting property  
**UPON MOTION** by Mitchem, the Board voted unanimously to find fact 3 in the affirmative for the factual reason cited.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.  
YES X NO  
Factual Reasons Cited: will be in harmony with the area located.  
**UPON MOTION** by Commissioner Patton, the Board voted unanimously to find fact 4 in the affirmative for the factual reason cited.

After having held a public hearing on May 2, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Rezoning No. 114 – Johnny Lane, applicant, based on the findings of fact.

**Parallel Conditional Use Permit No. 115 – Norman Pointe, LLC, applicant:** Randy Hawkins stated that the Planning Board voted 4 – 1 to defer a recommendation until it reviews erosion/sedimentation control plan.

**Parallel Conditional Use Permit No. 116 – Jeffrey Chrisco, applicant:** Randy Hawkins stated that the Planning Board voted 6 – 0 to recommend approval with the condition that a Grade C screen consisting of trees and shrubs be provided between the shop and the adjoining property to the north.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact with the condition stated.

**Memorandum of Understanding – NC 73 Transportation/Land Use Study:** Brad Dyer stated that in the summer of 2004, the engineering firm HNTB Inc., completed the NC 73 Transportation/Land Use Study. In October 2004, the Lincoln County Board of Commissioners executed and adopted a memorandum of understanding that called for a NC 73 Council of Planning. Due to some typos and mistakes, Centralina has asked that all partners resign the MOU. The changes will have no effect on the original intent and purpose and will change no perimeters originally agreed on.

Chairman Anderson asked the County Attorney if he could sign a document dated October 18, 2004, since he was not the chair at the time.

Jeff Taylor stated that this is a present statement of a past event and it will be fine for the Chair to sign it.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to authorize the Chairman to sign this document.

**Condemnation Appeal:** Wayne Godfrey, Chief Building Inspector, stated that he is here tonight to speak on the appeal by Timothy Dalton. He stated that he has condemned the Old Rhyne Mill building, which is owned by Timothy Dalton. Mr. Dalton has appealed under G.S. 153A-370. BALD issued a demolition permit for the building to be torn down in October 2003. There were some problems between Mr. Dalton and the salvaging contractor and the demolition stopped. Complaints were received and the building was condemned. A hearing was held on March 2, 2005 and an issue was ordered for the building to be torn down in 60 days.

Mr. Timothy Dalton stated that he purchased this property to salvage it, he sells heart pine, antique brick, metals and such out of antique buildings. He stated that he was in an auto accident and was out of commission for several months. A contractor obtained a building permit and started taking the building down. Mr. Dalton stated that while he was in the hospital, this contractor stole \$85,000 from him and got a court order from Judge Forrest Bridges that says that he cannot do anything on the property. He stated that with this 60 day timeline, he has to get into court and then get the building torn down piece-by-piece to get the salvage material. Mr. Dalton asked for the Board to table this matter to take it before the Judge so he can be allowed back on the property.

Jeff Taylor asked Mr. Dalton if any effort has been made to get the injunction removed.

Mr. Dalton stated that he has talked to the guy's attorney in Gastonia. He stated that the paperwork can be done within 2 weeks. He stated that his investor won't do anything based on the 60 days.

Jeff Taylor stated that he reviewed the injunction before the hearing in March. There was a 10 day order placed and when the 10 day hearing was held, the Judge did not allow Mr. Dalton to go back on the property. The other party did not post bond on one account and on the other, the check bounced.

Mr. Taylor stated that his advice to Wayne Godfrey, dealing with a building that is obviously a significant hazard to public safety, was to issue the condemnation order that Mr. Dalton could probably use to get leverage with the court.

Mr. Taylor stated that the Board can grant Mr. Dalton additional time or go with Wayne Godfrey's decision.

Mr. Godfrey stated that the property is secured at this time, there are gates and no trespassing sign up on the property.

Mr. Dalton stated that it would take 120 days to take the building down.

Commissioner Moore stated that she thinks Mr. Dalton could use more time, but the Board needs to put a stipulation that Mr. Dalton has to immediately initiate progress.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to defer this issue until July 18.

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

**CATS Agreement:** Larry Kopf, presented the Board with an agreement for Lincoln County Regional Transit Service. He presented ridership for CATS, which has been picking up lately. Average ridership is in the forties. The CATS Board has come up with a new formula for funding, in which the cost for Lincoln County will go down. The new formula cost will be \$34,523 and will share revenue 50/50. Currently, Lincoln County is

paying \$40,572. The contract will maintain service and does not include CMAQ funds. If CMAQ funds are approved, an addendum will be added to the contract. The contract is for 3 years with a 60 day termination clause.

Chairman Anderson stated that Lincoln County has been approved for the CMAQ funds, which will allow another route in the morning and afternoon.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the agreement to extend the existing service for 3 years subject to a 60 day termination.

**Insurance Estimates:** Leon Harmon stated that Lincoln County has participated in the North Carolina County Commissioners Association (NCACC) insurance pools for years. The NCACC started the insurance pools in response to increased cost and lack of coverage that was available to counties. The insurance market has fluctuated greatly over the years and many companies dropping coverage for local governments. The NCACC currently offers coverage for Property and General liability, Workers Compensation and Health Insurance.

Our Property General Liability and Workers Compensation policies renew July 1 each year. This year the estimated cost of this coverage is decreasing for Property and General Liability from \$580,849 to \$452,965 and Workers Compensation is decreasing from \$668,091 to \$480,166 for a total decrease of \$315,809. These amounts will vary some due to actual exposures for the year.

This year the NCACC is requesting resolutions from the Boards of Commissioners approving participation in the insurance pools through and interlocal agreement.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the Resolutions.

**Engineering Contract Amendment No. 1:** Steve Gilbert presented the following information concerning Engineering Contract Amendment No. 1, which is for design of the sewer system to serve the Lincoln County Industrial Park. This amendment reflects a change in scope from the original route approved in September to provide a pump station, force main and outfall sewer along Finger Mill Road and US 321 Business, as previously discussed at the planning workshop in February. The revised scope is explained in detail on page one of the amendment. This amendment adds \$23,600 to the design for Force Main and Sewer Field Surveys, \$5,500 for Pump Station Field Surveys, as well as \$46,200 for Force Main and Sewer Design and \$16,300 for Pump Station Design. Total increases to the design contract from this amendment add up to \$91,600. The estimated cost of construction for this route is \$1,331,750 with a new pump station vs. modifying the existing one, and the cost of purchasing the existing station, being unknown, is not included. Therefore, it seems more feasible and more expedient to provide a new pump station in the revised design.

Public Works recommends approval of Contract Amendment No. 1 for the Lincoln County Industrial Park Sewer with WK Dickson for the total amount of an additional \$91,600.00.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Amendment No. 1 for the Industrial Park Sewer.

**Approval of Water Tank Maintenance:** Steve Gilbert presented the following information concerning a Water Tank Maintenance contract.

In April, the Public Works Department sent out Requests for Proposals to provide ongoing Maintenance Service for our three oldest water storage tanks, Denver, Pumpkin Center and Northbrook. Requests were sent to four firms, and two responded. After a thorough review of the proposals, in which we looked at the cost of the services, the frequency of services provided and verbal references from the current customers of each firm, we are making the recommendation that a contract be approved with Utility Service Company of Perry, GA. Utility Service has a regional office in Madison, NC. The contract will be for a one-year duration, renewable annually for up to ten years. The first year cost will be \$67,384.00, which will continue for 4 years, and will then drop to \$36,746 for three years, and the last three years will cost \$40,421.00. Over the ten year life of the contract, this represents a savings of a total of \$88,384.00 over the other proposal, from Southern Corrosion of Roanoke Rapids, NC. Utility Service also provides more frequent wash-outs of the tanks and a slightly accelerated painting schedule. This money to cover this contract was included in this year's Public Works budget, and will be budgeted each year accordingly.

Utility Service's services include interior painting of the tanks on a prescribed schedule, and will also cover repairs when necessary and painting over graffiti as needed. This is the same firm that provides these services to the City of Lincolnton, who are pleased with their work.

Public Works recommends approval of Maintenance Agreement for Three Water Tanks with Utility Service Company of Perry, GA in the first-year contract amount of \$67,384.00.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Maintenance Agreement for 3 water tanks with Utility Service Company of Perry, GA.

**Wastewater System to Serve Elementary School on Rock Dam Road:** Steve Gilbert presented the following information concerning Wastewater System to Serve the Elementary School on Rock Dam Road.

Steve Gilbert presented a copy of the proposed Professional Services Contract Proposal with Campco Engineering, Inc. of Rock Hill, SC. They propose to provide a design for a sewer system that will serve the new elementary school that is planned for Rock Dam Road. This design will include a combination of gravity sewer and force main that will

connect to a sewer pump station owned and operated by the City of Lincoln near the Winn Dixie store on NC 27 West. The scope of work includes preparation of sufficient information to design future capacity in to the system to accommodate growth in the NC 27 West corridor, as well as mapping for acquisition of land for a Pump Station and assistance in receiving and evaluation of bids at the appropriate time. Campco is the engineer selected by the School System for the site utility design for the new school, and this design will simply be a continuation of what they are already doing. Their fee to provide these services is \$54,500.00.

This project will not involve the East Lincoln Sewer District, and the cost for this project is expected to be covered by Economic Development Funds.

Public Works recommends the Engineering Services Contract Proposal with Campco Engineering, be approved as submitted in the amount of \$54,500.00.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Engineering Services Contract with Campco Engineering in the amount of \$54,500.00.

**Change Order No. 1 for Water Plant Improvement Project:** Steve Gilbert presented information concerning Change Order No. 1 for the Water Plant Improvement Project. The reason for this request is that certain pipes that were installed through a wall in 1991 when the water plant was built are out of level, and the connecting pipes that are a part of the current project must be modified in order to fit. These are 20-inch steel pipes, and the pipe flanges must be sent to a machine shop to have the flange holes slotted out. The cost of this work is \$2,565.00 and the work will add 7 days to the Contract Time, pushing the completion date from July 23 to July 31, 2005. This method of making the flanges fit is much simpler and less expensive than trying to remove and reset the pipe through the concrete wall.

Public Works recommends approval of Change Order No. 1, in the amount of \$2,565.00, and adding 7 days to the contract time.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Contract No. 1 for the Water Plant Improvement Project.

**Morris Lane Construction Observation Services:** Steve Gilbert presented information concerning Morris Lane Construction Observation Services.

Mr. Gilbert stated that at the last meeting, he brought a proposal to have WK Dickson provide full-time Construction Observation services for the Morris Lane Water Line project. The suggestion was made that these services be shared between WK Dickson and our staff. Mr. Gilbert presented a proposal from Dickson to provide part-time services for a not-to-exceed fee of \$9,000.00. Public Works staff will observe construction on a routine basis, with Dickson providing these services as we need them, with a minimum billing increment of ½ day being billed at \$300.00. Additional

Engineering Services such as preparation of as-built plans and final project close-out documentation is unchanged at \$1,500.00.

Public Works recommends approval of Contract No. 2 from WK Dickson in not-to-exceed amount of \$10,500.00 for Construction Observation Services.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Contract No. 2 for Construction Observation Services.

**Dump Truck Piggy Back Purchase:** Steve Gilbert presented the following information concerning the dump truck purchase.

Public Works has received a price quote for a 20 ton tandem axle dump truck from the Volvo GMC Truck Center of Charlotte. This is a GMC truck with a Caterpillar engine and Allison transmission. A nearly identical truck was purchased three years ago for the sewer district from the same dealer, and it has served the county well. This truck will replace a 16 year old truck of questionable reliability and safety. By piggybacking this purchase to a bid already received by the City of Greenville, NC, the truck will be purchased for \$79,508.36, which is below the budgeted amount of \$80,000.00. Delivery time is expected to be 90 to 120 days

Public Works recommends approval of the Resolution to approve the purchase of the vehicle.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Resolution for Purchase of Vehicle.

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

**Recommendations from Redistricting Subcommittee:** Commissioner Mitchem submitted the Lincoln 5 Commish 2 map for the Board to review. This map has 5 districts. This is the map he proposes to present to the public for the referendum on redistricting. Each sitting Commissioner is in a different district on this map.

Commissioner Moore stated that she is not for district elections, due to the fact that Board members may not take the best interest of the county as a whole into account. She stated that her proposal is for 3 districts and 2 at large. She stated that if the citizens want district elections, it should be true electoral votes, with the 2 at-large seats voted on county-wide. Commissioner Moore presented the Lincoln 3 Commish map.

Commissioner Funderburk stated that he does not see a problem with 5 districts, anyone that lives in these districts will be represented.

Commissioner Patton stated that Commissioner Moore has made some good points. He stated that there is a lot of diversity on Lincoln 3 Commish map. He stated that he is in favor of the Lincoln 5 Commish 2 map, to be voted on by the entire county.

Chairman Anderson stated that he has agonized over this for a long time and not just a couple years. Going back 6 or 7 years, there was a great deal of discussion in east Lincoln concerning the fact that there was not representation on the Board from the eastern part of the county. He stated that at that time, he felt that electoral districts would remedy this. He stated that he has gotten involved with the Lincoln County Electorate, one way to look at it is ensuring representation from geographical areas. Another way to look at it is that you are taking away some voter's choice, which troubles him. He stated that if the Board would go to district representation, there is a strong possibility that there could be 2 top vote getters in one district. The second candidate in that district would not be elected and the will of Lincoln County voters would be thwarted.

**UPON MOTION** by Commissioner Patton, the Board voted 3 – 2 (Moore, Anderson against) to place before the voters of Lincoln County in the form of Referendum the change from election of Commissioners at large to election by residence districts.

**UPON MOTION** by Commissioner Patton, the Board voted 4 – 1 (Moore against) to adopt Lincoln 5 Commish 2 map with five districts for presentation to voters in a referendum.

The Board had a discussion concerning a date for the Referendum.

Commissioner Patton stated that he is in favor of November 8, when the City holds a General Election. He suggested districts 1 and 3 for election in 2006 and 2, 4, and 5 in 2008.

Commissioner Mitchem agreed with Commissioner Patton.

Commissioner Moore stated that she does not think this should be held in a off-year as the only thing on the ballot. She stated that the earliest this should be on the ballot should be November of 2006, when the Recreation Tax is on the ballot.

Judy Caudill, Director of Elections, stated that it would take 90 days to get ready for an election. She stated that if it were on the city election, it would cost \$16,000 to \$17,000.

Commissioner Funderburk stated that he would rather have the election this year so the voters can make the decision.

Chairman Anderson stated that it is his feeling that this Board will not address an issue that has the impact that this has. He stated that he feels it would be in the best interest of voter participation if held at a time when county-wide issues were on the ballot. The first time for this would be in the November 2006 election. He stated that it may be pushing the envelope a little bit to have something so important on the ballot for a city election. He stated that scheduling this at a time when county-wide issues are not on the ballot troubles him and the Board may miss an opportunity for maximum participation from voters.



**UPON MOTION** by Commissioner Patton, the Board voted 3 -2 (Anderson, Moore against) to ask counsel to prepare a Resolution to bring back before the Board with the date of November 8, 2005 (City election) for the redistricting referendum.

Commissioner Moore stated that it is irresponsible of the Board to pay \$17,000 to do this referendum this year.

**Recreation Proposal:** Commissioner Moore stated that there has been a lot of discussion lately about recreation. She stated that under North Carolina Recreation Enabling Law, there are several alternatives to organizing a county park and recreation system. By the County establishing a line department within the county government years ago, it has been established and there is a Lincoln County Parks and Recreation. She stated that the County Manager is responsible for the budget and the Board has appointed a Recreation Commission.

Commissioner Moore proposed changing the operation of the way Lincoln County does Parks and Recreation in combination with the City. She proposed to separate Lincoln County Parks and Recreation from the City. Commissioner Moore presented a budget proposal for the new Lincoln County Parks and Recreation.

The Board discussed this matter and said they would like to discuss it further at a budget work session.

**Discussion Concerning Meeting in Different Areas of County:** Commissioner Moore stated that she will bring before the Board next month a motion to hold meetings in different areas of the county, one month in the east, one in Lincolnton, and one in the west.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Moore against) that all official meetings be held in Lincolnton and 5 meetings per year be held (2 in east, 2 in west, and 1 in Lincolnton) to get input from citizens.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the budget performance report for April, 2005.

It was the consensus of the Board to sale \$28 million school bonds in September and to proceed with the borrowing of the QZAB funds.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Reimbursement Resolution for the Sheriff Computer System.

**County Manager's Report:** Stan Kiser presented the County Manager's Report.

**County Attorney's Report:** Jeff Taylor, County Attorney, spoke concerning Courthouse Security. He stated that the transaction was closed for the Airport t-hangars. He reported on foreclosures and Home Health.

**Vacancies:** Commissioner Funderburk presented the following vacancies.

## **VACANCIES**

Nursing and Adult Care Home Community Advisory Committee 6  
Recreation Commission – Ironton 1  
Library Board  
Lincolnton 1  
Historic Properties Commission 1  
Future Forward 1  
Pathways 1

**Calendar:** Chairman Anderson presented the calendar for June 2005.

**Other Business:** **UPON MOTION** by Commissioner Patton, the Board voted 3 – 2 (Anderson, Moore against) to add \$3000 back to the funding for the City of Lincolnton Fireworks Celebration.

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

---

Amy S. Long, Clerk  
Board of Commissioners

---

Thomas R. Anderson, PE, Chairman  
Board of Commissioners