

The Lincoln County Board of County Commissioners met as the governing body of the East Lincoln County Water and Sewer District at the Citizens Center, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. on March 21, 2005. The following were present:

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

Jeff Taylor, County Attorney  
Stan Kiser, County Manager

Also present were Steve Gilbert, Director of Public Utilities and Amy S. Long, Clerk to the Board.

**CALL TO ORDER**

Chairman Anderson called the March 21, 2005 meeting of the East Lincoln County Water and Sewer District Board to order.

**INVOCATION**

Rev. Franklin Lowery of Gold Hill Missionary Baptist Church gave the Invocation.

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to adopt the agenda as presented.

**Agenda**

**EAST LINCOLN COUNTY WATER AND SEWER DISTRICT  
BOARD OF COUNTY COMMISSIONERS  
GOVERNING BODY  
LINCOLN COUNTY, NORTH CAROLINA**

**MARCH 21, 2005  
6:30 PM**

6:30 PM Call to Order

6:31 PM Invocation – Rev. Franklin Lowery

Gold Hill Missionary Baptist Church

	6:33 PM	Pledge of Allegiance
	6:34 PM	Adoption of Agenda
1.	6:35 PM	Approval of Minutes - December 20, 2004
2.	6:40 PM	Annexation Hearing – Eastwind Cove Development
3.	6:45 PM	Annexation Hearing – LakeWood Development
4.	6:50 PM	Involuntary Annexation Resolutions – Barry McKinnon
5.	6:55 PM	Public Hearing Date for Voluntary Annexation – Barry McKinnon
6.	7:00 PM	Sewer Easement on South Little Egypt Road – Barry McKinnon
7.	7:10 PM	New WWTP Design Contract Amendment No. 2 – Steve Gilbert
8.	7:20 PM	Quotes for New Entrance Road to Forney Creek WWTP Steve Gilbert
9.	7:30 PM	Capital Project Reports – Steve Gilbert
10.	7:35 PM	Financial Report – Leon Harmon
11.	7:40 PM	Other Business
12.	7:45 PM	Adjourn

**Approval of Minutes:** UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the minutes of the December 20, 2004 meeting as presented.

**Annexation Hearing – Eastwind Cove Development:** Chairman Anderson opened the public hearing concerning Eastwind Cove Development.

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

**Annexation Hearing – LakeWood Development:** Chairman Anderson opened the public hearing concerning LakeWood Development..

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

**Voluntary Annexation Resolutions:** UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Voluntary Annexation Resolutions for Annexation of Eastwind Cove and LakeWood Subdivisions.

**Public Hearing Date:** Barry McKinnon stated that Riverwalk Apartments has requested annexation into the East Lincoln Sewer District. This 13 acre tract has 144 apartment units that are already on Lincoln County Water and Sewer. Due to an oversight in 2003, the parcel was never formally adopted into the Sewer District. In order to settle this issue, the owners are now requesting annexation into the district. Public Works recommended scheduling the public hearing for June 20, 2005.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to set the public hearing for Riverwalk Apartments Annexation for June 20, 2005 at 6:30 p.m.

**Sewer Easement on South Little Egypt Road:** Barry McKinnon, Utility Engineer, presented the following information concerning the Sewer Easement on South Little Egypt Road.

On June 3, 2004 a section of SR 13876 – South Little Egypt Road, from NC Highway 16 to South Pilot Knob Road was formally abandoned by NC DOT. The Lincoln County Public Works Department was not made aware of this abandonment until after the process was completed. On this former right-of-way, there is a local, low pressure sewer line; a sewer force main running from Waterside Crossing to the Waste Water Treatment Plant, and an Air Relief Valve in a man hole. All are owned and operated by the East Lincoln Sewer District.

Public Works contacted the two owners of the property where the lines cross on December 12, 2004. At the time David and Sheryl Nixon and Wayne E. Nixon gave us verbal permission to survey the property and locate the sewer lines crossing their property.

On February 7, 2005, Mr. McKinnon contacted the property owners to see if they were interested in allowing us to purchase an easement for our lines. They wanted time to discuss the issue and said they would call him back. When they called back, they stated that they would prefer the line be relocated along South Pilot Knob Road and back up Highway 16. They also stated that it is their belief that there was never any formal right-of-way on the section of unpaved road formerly claimed by NC DOT and therefore, felt they were entitled to damages by the East Lincoln Sewer District. They felt these damages could be paid by allowing them to have free water and sewer for life.

If an agreement can not be worked out with the property owners, Public Works suggests that this case be turned over to the county attorney to pursue condemnation of the property for the sewer line easement.

The Board discussed the easement and asked the County Attorney to conduct discussions with the DOT District Engineer before the Board proceeds.

UPON MOTION by Commissioner Moore, the Board voted unanimously to table pending discussions with the County Attorney and DOT.

**New Wastewater Plant Design Contract Amendment No. 2:** Steve Gilbert presented the following information concerning the new wastewater plant design contract amendment 2.

Amendment No. 2 is necessary to move forward from the Preliminary Design phase to the preparation of a “201 Facilities Plan” which is required for the project to be eligible for funding from the NC State Revolving Fund. It also includes preparation of an Environmental Report, both for the new plant and for the expansion to the existing plant at Forney Creek, as well as the effort to prepare permit applications for the new plant and the application for funding that is required. With the Board’s approval, this amendment will add up to \$102,400 to Dickson’s contract.

Chairman Anderson asked Steve Gilbert to contact Patrick McHenry’s office to see if any federal funding was available. He stated that Catawba County continues to have interest in acquiring capacity at this plant. He asked Mr. Gilbert to set up a meeting with Catawba County.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Contract Amendment No. 2 to the Services Contract with WK Dickson.

**Quotes for New Entrance to Forney Creek WWTP:** Steve Gilbert presented a price quote of \$21,548 from Asphalt & Concrete Repair, Inc. of Mount Holly for a new entrance road at the Forney Creek WWTP. This is one of the two quotes received, and it is several thousand dollars under the other quote. The need for this road arises from the ever-increasing need for sludge removal from the plant. The sludge is hauled from the plant in large tank trucks by private haulers who apply the sludge to privately owned land through a stringently regulated state program. There is not adequate room for these trucks to execute a turn-around maneuver that is necessary without considerable disruption of the operation at the plant. Also, the tight turns they are making are causing accelerated deterioration to the asphalt pavement at the plant, particularly in hot weather. Since the flows through the plant have doubled in the last three years, sludge hauling has become a very regular occurrence – every three or four weeks. By construction of a second entrance, the trucks will be able to make a loop, and will not need the maneuvering space they are using now. They will no longer need to make the tight turns that are tearing up the pavement, and there will be room in the upper part of the loop for the trucks to park while they are waiting in line to be filled. For security reasons, this entrance will only be used while the sludge is being hauled. It will be gated and locked during normal operations at the plant.

The quote is for \$21,548 and \$15,000 was allocated for the work in this year’s budget. The sewer camera was approved in September at a savings of nearly \$10,000. With this savings, these two budget figures will still be under budget.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the \$21,548 quote from Asphalt & Concrete Repair, Inc. of Mt. Holly for construction of a new entrance road at Forney Creek WWTP.

**Capital Project Reports:** Steve Gilbert presented capital project reports.

**Financial Report:** Leon Harmon gave the financial report for the sewer district.

**Adjourn:** UPON MOTION by Commissioner Patton, the Board voted unanimously to adjourn the March 21, 2005 meeting.

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Amy S. Long, Clerk to the Board  
Board of Commissioners

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Thomas R. Anderson, Chairman  
Board of Commissioners