

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JANUARY 4, 2010**

The Lincoln County Board of County Commissioners met on January 4, 2010 at the Citizens Center, Board of Commissioners Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

**Commissioners Present:**

Alex E. Patton, Chairman  
Bruce Carlton, Vice Chair  
George Arena  
James A. Klein  
Carrol Mitchem

**Planning Board Members Present:**

Louis McConnell, Chairman  
Gary Garlow, Vice-Chairman  
Tom Campbell  
Karl Dearnley  
Jeff Frushtick  
Keith Johnson  
Shelly Johnston  
James Mauney

**Others Present:**

George A. Wood, County Manager  
Martha W. Lide, Assistant County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Planning and Inspections Director  
Randy Hawkins, Zoning Administrator  
Andrew Bryant, Planner  
Burns Whittaker, Public Works Director  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the January 4, 2010 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

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

## AGENDA

### LINCOLN COUNTY BOARD OF COMMISSIONERS

**JANUARY 4, 2010**

6:30 PM Call to Order

6:31 PM Invocation – Commissioner Carlton

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:35 PM Consent Agenda

- Approval of Minutes
  - November 2, 2009
  - November 16, 2009
- Tax Requests for Releases – More than \$100
  - November 16 - December 15, 2009
- Sponsored Group Status
  - Lincoln County Concert Association
  - Lincoln County Republican Party
- Waived Fees
  - Piedmont Council Boy Scouts of America
- Tax Requests for Refunds
  - November 30 - December 13, 2009
- Community Development Block Grant Scattered Site Housing Project  
Program Implementation Manual
  - Approval of WIC Breastfeeding Funds

3. 6:40 PM Lake Norman Bicycle Plan - Bjorn Hansen

4. 6:50 PM Lincolnton Textile Mill - Wayne Godfrey

5. 7:00 PM Letter of Interest - Carolina Thread Trail Implementation Grant - Randy Williams

6. 7:15 PM Walmart - Approval of Purchase from Lincoln County Board of Education

- Resolution #2010-2: Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, Declining to Exercise its Right to Obtain Certain Property Offered by the Lincoln County Board of Education
  - Lincoln County Board of Education Minutes - May 13, 2009
  - Recombination Plat for Wal-Mart
  - Legal Description

7. 7:30 PM Public Comments

8. 7:45 PM Change in Landfill Fees Related to Banned Items - Burns Whittaker  
Resolution #2010-01: A Resolution Amending the Fee Schedule at the Landfill

9. 7:55 PM Grant to Replace Aging Diesel Engines (GRADE) - Burns Whittaker  
 10. 8:05 PM J.M. Pease Bid for Waterline Relocation on Hwy. 27 - Burns Whittaker  
 11. 8:15 PM Motion to authorize the approval of purchase of land for the new elementary school and water tank site - George Wood  
 12. 8:25 PM Other Business

Recess until January 11, 2010 at 6:30 p.m. in BOC Room for Space Needs Study Assessment

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

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

- Approval of Minutes
  - November 2, 2009
  - November 16, 2009
- Tax Requests for Releases – More than \$100
  - November 16 - December 15, 2009

NAME	YEAR	A/C NO	AMOUNT
Canady, Jeffrey Howard	2009	0134393	\$213.75
CLT Express Livery LLC	2009	0201563	\$318.76
Daus, Alexander James	2009	0179531	\$103.36
Gerlits, John C	2009	00924	\$294.84
Hammett Construction Company	2009	0207192	\$151.73
Holder, Benjamin Shelly	2009	0209051	\$240.99
Joy, Bryan F	2009	0195956	\$225.34
Jude, Andrea	2009	0202779	\$116.34
Lease Plan USA Inc	2008	0072505	\$152.67
Little, Tench Devon	2008	0218392	\$132.33
Micciche, Mark Gerard	2009	0222763	\$338.09
Nalley, Donald Buford	2009	0205630	\$109.16
Nicholson, Phillip Hue	2009	0200207	\$135.16
Obrien, Michael Dennis	2009	0179314	\$269.52
Page, Kim	2009	0170487	\$225.74
Rivera, William Jorge	2009	0112212	\$176.72
Rogers, Debra Michelle	2009	0222443	\$278.43
Sain, Kevin Edward	2009	0221383	\$114.35
US Bank Leasing LT	2009	0170597	\$102.66
Whitener, Melvin Jacob	2009	0078473	\$111.21

NAME	YEAR	A/C NO	TOTAL	\$3,811.15
Baugh, Donald s	2008	0147296		\$146.82
Blontnick, Charles	2009	0154535		\$166.74
Chop, Micalene W	2009	0202235		\$237.84
	2008-			
Clayton, Michael D	2009	0159822		\$126.28
	2008-			
Fiorella, Mike	2009	0154561		\$158.57
Fowler, James	2009	0189024		\$140.84
Hickory Auto Recovery Inc.	2009	0218704		\$364.11
Hilton, Kent A	2009	0222855		\$193.75
Stegal, Tommy	2009	10935		\$8,090.10
Taylor, Gary Sain	2009	01363		\$192.09
		<b>TOTAL</b>		<b>\$9,817.14</b>

- Sponsored Group Status
  - Lincoln County Concert Association
  - Lincoln County Republican Party
- Waived Fees
  - Piedmont Council Boy Scouts of America
- Tax Requests for Refunds
  - November 30 - December 13, 2009

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (NOVEMBER 30, 2009-DECEMBER 13, 2009)

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

NAME	YEAR DIST	A/C#	AMOUNT
Surratt, Grace	2005-09 SFFD	16556	402.28
		<b>TOTAL</b>	<b>\$ 402.28</b>

- Community Development Block Grant Scattered Site Housing Project  
Program Implementation Manual
- Approval of WIC Breastfeeding Funds

**Lake Norman Bicycle Plan – Bjorn Hansen:** Bjorn Hansen, Transportation with Centralina gave a Power Point Presentation on the Lake Norman Regional Bicycle Plan.

The Lincoln County Planning Board is being asked to consider recommending the route, recommended improvements, and project prioritization for the Lake Norman Regional Bicycle Plan to the Lincoln County Board of Commissioners at their January 25 meeting. I am the manager for this project, which was initiated in 2008 by the NCDOT's Division of Bicycle and Pedestrian Transportation. The NCDOT chose Lake Norman to be the location for the first regional bicycle route in North Carolina because of previous planning efforts, history of coordination, and the attractive natural and built environment surrounding the lake. Centralina began work on this project approximately one year ago, and worked closely with your planning staff to identify existing bicycle and recreation plans for the area in order to build upon prior work.

#### Schedule of Adoption

The NCDOT Board of Transportation will review the Plan in March 2010, and will likely approve it in April 2010. The NCDOT has asked that all participating municipalities, counties, and transportation planning organizations review the Plan and consider endorsing it, but not approving it, since the Plan is technically created for the NCDOT. The NCDOT understands that the Plan cannot be implemented without the support and assistance of the affected local governments and transportation planning organizations.

#### Effects of Endorsing Plan

One implication of endorsing the Plan is that the resolution makes reference to a "Task Force" that will be created after the Plan is approved by the NCDOT. The Task Force will be made up of staff from all participating municipalities, counties, and transportation planning organizations. It will function as a review board for any future updates to the Route, coordination of grant applications for implementing segments, and serve as the sanctioning body for use of the approved logo for organized bicycle events along the Route. This Task Force will be staffed by the Centralina Council of Governments. There will not be an annual fee to participate in the Task Force.

The second impact of approving the Plan is the installation of route signage. Upon approval, the NCDOT intends to install Bicycle Route signage along the Initial Route shown in the attached map. The NCDOT would provide signage and materials and would ask the municipalities to install signage on the affected municipally-maintained roads or greenways.

#### **Lincoln County**

The Lake Norman Regional Bicycle Route in Lincoln County utilizes exclusively on-road facilities in its Initial configuration, but incorporates some additional off-road facilities in its Ultimate alignment. Below are brief descriptions of both the Initial and Ultimate Routes.

#### **Initial Route**

A variety of improvements are recommended to upgrade existing roads in Lincoln County to meet the needs of the Design Cyclist. There are a total of 21.7 miles of Initial Route in the County. A direct ride from the northern to southern end is 13 miles long. This direct route includes segments along Slanting Bridge Road from Catawba County, Campground Road, Old NC 16, Hagers Ferry Road, Club Drive, and NC 73 into

Mecklenburg County. The additional 8.7 miles is a loop leaving east from NC 16 on Webbs Road, and following Burton Lane, Blades Trail, and Lakeshore Drive back to NC 16. This circuitous alternative route on low volume roads directs cyclists through a quiet residential area that offers periodic views of the Lake. Cyclists are encouraged to pay attention because some of the roads are winding. This loop, together with portions of the primary route along old NC 16 starting in Denver, and Hagers Ferry Road terminating at the Cowan's Ford Country Club, comprises the **West Shore Wiggle** signature route.

Conditions along Old NC 16 were evaluated as preferable for the major north-south segment compared to the alternative of St. James Church Road and Little Egypt Road. The presence of "superstreet" design of St. James Church Road at new NC 16 makes this road less hospitable for bicycle use.

### **Ultimate Route**

The Ultimate Route in Lincoln County employs a combination of existing roads and future sections of the Carolina Thread Trail. Approximately 16 miles (or about two-thirds) of the Initial Route in Lincoln County will remain on the Ultimate Route. An additional 9.8 miles of off-road trail will be incorporated to give the Ultimate Route in Lincoln County a total length of close to 26 miles. The Ultimate Route will include sections to allow cyclists to visit county parks, including Beatty's Ford Park and the planned Rock Springs Park.

The Ultimate Route will cross the Catawba River along NC 73, but recommended improvements will need to wait until the NC 73 bridge is replaced, which is not expected until after 2030. The primary off-road corridor of the Ultimate Route will run through largely undeveloped areas between northern and southern Lincoln County, roughly parallel to NC 16. Off-road sections are intended to be multi-purpose paths, but some may be unpaved facilities.

The Lake Norman Regional Bicycle Plan is the culmination of years of work. The concept it describes was first envisioned nearly seven years ago as a means for bicyclists to travel around Lake Norman through Mecklenburg, Iredell, Catawba and Lincoln Counties. NCDOT contracted with Centralina Council of Governments (CCOG) in early 2009 to write a regional bicycle plan for the Lake Norman area. This was to be the first plan of its type in North Carolina.

The process used for its development is intended to serve as a model for the creation of similar plans in other portions of the State. Participating communities involved in the Study included:

- Catawba County
- Town of Cornelius
- Town of Davidson
- Town of Huntersville
- Iredell County

- Lincoln County
- Mecklenburg County
- Town of Mooresville
- Town of Troutman

Also deeply involved in the development of the Study were the regional transportation organizations that serve these communities. Those organizations included (1) Unifour Rural Planning Organization (Catawba County); (2) Lake Norman Rural Planning Organization (Iredell and Lincoln Counties, Mooresville and Troutman), NCDOT Division 10 and Division 12 and Mecklenburg-Union Metropolitan Planning Organization (Cornelius, Davidson, Huntersville and Mecklenburg County). Carolina Thread Trail staff also served on the Steering Committee. Thread Trail plans were being developed for Lincoln and Mecklenburg Counties at roughly the same time as this Plan was being written and their input was incorporated into the Plan.

The plan was written in 2009, with adoption by NCDOT in 2010. Centralina staff assembled a Steering Committee of representatives from transportation, land use, recreation, and environmental perspectives. Interested citizens were also given an opportunity to attend and participate in Study discussions. Ultimately, 120+ persons showed interest in the Study's development and asked to be included on the distribution list for Steering Committee meetings.

The Steering Committee met monthly throughout 2009. They assisted in the development and review of background information, text for the plan, and route recommendations.

The actual route chosen to circumnavigate Lake Norman was split into *Initial* and *Ultimate* routes. The *Initial Route* includes those segments that are already appropriate for bicyclists, or will be with limited improvements. The NCDOT Division of Bicycle and Pedestrian Transportation intends to install signage along the *Initial Route* in 2010. The *Ultimate Route* includes future segments of the Carolina Thread Trail and improved roads, such as NC 150 and Perth Road that together create the ideal route around the Lake. The two routes are shown on the Recommended Routes map.

The Initial and Ultimate Routes together contain approximately 50 segments that will require many years and millions of dollars to construct. To focus limited resources, the Plan prioritizes these segments and identifies a high priority list that represents moderate cost capital projects for communities to reference when applying for grants. Total cost for implementation of each of the nine high priority projects is currently estimated to be approximately \$15 million. The Plan includes a range of funding strategies to implement the Route. Some of these strategies involve coordination with private development, NCDOT road widenings and resurfacings, grant applications, and local funding.

In recognition of the many years likely to be required to implement the Plan, and the number of local governments and organizations necessarily involved, NCDOT asked that an enduring organization be created to sustain interest and coordinate activities among each of the affected parties. The Lake Norman Regional Bicycle Route Task Force was created to provide a forum for those parties to meet periodically after the Plan's adoption and to coordinate efforts on the Route, including recommending route amendments and

sanctioning bicycling events along the route. The Task Force includes each of the organizations and communities directly affected by the Plan.

The Lake Norman Regional Bicycle Plan could not have been developed without the continued participation by each of the communities and organizations involved. Their comments helped to develop an informed and practical bicycle route plan that reflects the needs of those communities while providing specific guidance to all affected entities on how to implement its recommendations.

Commissioners Carlton and Mitchem expressed concerns about putting signs up before bicycle lanes are constructed and about putting all the resources into people who ride bicycles. Commissioner Carlton expressed concerns about the Westport section, as this is a dangerous road already.

**Lincolnton Textile Mill – Wayne Godfrey:** Wayne Godfrey and Kelly Atkins presented the following information on the Lincolnton Textile Mill.

### **Background**

Mr. Timothy Dalton purchased the property from Carolina Mills, Inc. in 1997. In earlier years, the mill operated as a cotton/yarn plant. In its last 30 years of operation the facility produced synthetic fibers (polyester, rayon, etc.) In 2003, Mr. Dalton applied for and received a demolition permit to raze the mill that is located at 589 Charlottes Lane. After receiving a complaint that the demolition appeared to have subsided, staff sent several certified letters asking the owner to complete the project. In 2005, staff posted a condemnation notice on the property and contacted Mr. Dalton. After conducting the condemnation hearing, it was determined that the owner would be required to finish the demolition within a prescribed time period. Mr. Dalton appealed the decision to the Board of Commissioners and the board unanimously agreed with the decision of the chief building official and did not allow additional time as requested. Mr. Dalton sought injunctive relief from the courts; however, the judge dismissed the case.

### **Existing Conditions**

The property is located inside a flood plain and flood way and is physically within 20 feet of South Fork River. It is evident from the high water markings on the wall that that portions of the building has been exposed to flooding. Structures that are located in a flood way are subject to significant flooding every five years. This area is traveled by those who walk and bike as there is a greenway trail that runs adjacent to the property. The building has been partially demolished; however, most of the building is still intact. Staff has determined that the roof and floor members are in very poor condition; thus the building presents several life and safety issues. There is also evidence of vandalism and graffiti throughout the structure and the property.

Most recently, Lincoln County contracted with Crossroads Environmental to conduct an environmental study to test for any hazardous material that may be located within or near the building. Test results came back positive for asbestos, lead paint, and mercury. Following a meeting with the county manager, staff and Crossroads Environmental

prepared the bid advertisement and the bid packet. The bid announcement was advertised on November 13, and 20, 2009. A pre-bid construction meeting was held on December 3, 2009. The closed bids were accepted until December 18, 2009 at 2:00 PM. After reviewing the bids, the lowest bid came in at \$179,000.00 which was submitted by Neo Corporation.

If the Board of Commissioners chooses to proceed with the demolition project, the demolition would commence in January 2010 and conclude by June 2010. The county attorney would place a lien on the property in the event the owner does not reimburse the county for the demolition.

Commissioner Carlton expressed concerns that this money would be spent on a piece of property that is worth \$80,000. He said a chain link fence should be put up around the building.

Chairman Patton asked if the County would be liable if someone gets hurt there. Jeff Taylor said probably not since the county has been through the proper procedures to condemn the property.

**A MOTION** by Commissioner Klein to reject the bids.

Vote: 3 – 2

AYES: Klein, Carlton, Mitchem

NOES: Arena, Patton

**Letter of Interest – Carolina Thread Trail Implementation Grant – Randy Williams:**

On November 16, 2009, the Board of Commissioners adopted the Carolina Thread Trail Plan for Lincoln County Communities by resolution. The adoption included several stipulations which did not make the map a part of the plan, did not allow the County to use eminent domain to acquire property and did not permit County funds to be used to develop the trail network. The Carolina Thread Trail Foundation offers grants to design, acquire and construct trails through a 2-step process annually. The first step is the submittal of a Letter of Interest, followed by a grant application for specific funding.

The Lincoln County Plan includes several types of pathways including sidewalks, paved, and natural-based trails and serves as a guide when opportunities emerge. The plan identifies several options for implementation.

Staff has identified a potential project that will connect the East Lincoln Community Center and the site for Sally's YMCA for a proposed trail segment length of approximately 1.7 miles. This potential project will require the acquisition of approximately 700 feet of right-of-way along Optimist Club Road from private land owners. The remainder of the proposed trail will be located on

land owned by Lincoln County, East Lincoln Optimist Club and Catawba Lands Conservancy. See the attached map which depicts the proposed trail segment. It is anticipated that the trail on the Community Center and Optimist Club properties will be gravel based, the portion along Optimist Club Road and crossing the railroad will be a paved section, and the portion on the CLC property be natural base. A preliminary cost analysis anticipated the construction to be approximately \$350,000. The Carolina Thread Trail Implementation Grant includes funds for design (\$20,000), property acquisition or construction (\$150,000).

One of the primary reasons the trail segment was identified as a potential project was the planned business park south of Optimist Club road and east of new NC16. This proposed trail segment could be part of the entrance to the business park and become an amenity to those companies locating in the park. Furthermore this project will also serve as a safe off-road alternative to connect 3 recreation facilities and a demonstration project for potential future trail segments. This demonstrates that a relatively long trail segment can be constructed without major land acquisition and reasonable construction costs.

#### **STAFF RECOMMENDATION**

The Lincoln County Planning and Inspections staff has worked closely with the Carolina Thread Trail Foundation, LNRC and the City of Lincolnton during this process. In order to apply for CTT grant funding, the Letter of Interest must be submitted by January 15, 2010. The Letter of Interest is the first step in the application process, but DOES NOT OBLIGATE Lincoln County to proceed with

In light of the opportunities that this proposed project will bring, including:

- connecting 3 recreation facilities (East Lincoln Community Center, Optimist Club and Sally's YMCA),
- a future amenity to a proposed business park,
- a trail segment using multiple types of surfaces,
- the use of publicly owned lands for the majority of the trail segment, and
- a comparatively short segment of land to acquire,

It is requested that the submittal of the attached map and Letter of Interest for grant funding to design and property acquisition to the Carolina Thread Trail Foundation be approved by the Board of Commissioners.

**A MOTION** by Commissioner Arena to approve the Letter of Interest.

VOTE: 3 – 2 AYES: Arena, Patton, Klein  
NOES: Carlton, Mitchem

#### **Wal-Mart – Approval of Purchase from Lincoln County Board of Education:**

- **Resolution #2010-2: Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, Declining to Exercise its Right to Obtain Certain Property Offered by the Lincoln County Board of Education**

- **Lincoln County Board of Education Minutes – May 13, 2009**
- **Recombination Plat for Wal-Mart**
- **Legal Description**

Amanda Mann, Attorney, presented the Board with information concerning property Walmart is purchasing from the Board of Education. She said in 2007, the Board of Education entered into an option agreement for up to 1.5 out of 5 acres for \$106,000 per acre. The actual property needed is 0.61 acres, which comes to a purchase price of \$65,296. The Board of Education declared this property surplus per the North Carolina General Statutes in May and she is requesting that the Board of Commissioners to decline to exercise the right to purchase the property.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-2.

**RESOLUTION #2010-2:**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
COUNTY OF LINCOLN, NORTH CAROLINA, DECLINING TO  
EXERCISE ITS RIGHT TO OBTAIN CERTAIN PROPERTY OFFERED  
BY THE LINCOLN COUNTY BOARD OF EDUCATION**

**WHEREAS**, Lincoln County is a political subdivision organized and existing under the laws of the State of North Carolina; and

**WHEREAS**, the Lincoln County Board of Education (the “School Board”) has entered into an Option Agreement (the “Option”) to sell certain of its property located in Lincoln County, being more particularly described as follows (the “Property”):

Commencing at an iron pin located along the eastern right of way of Newbold Street (50' R/W) being a common corner of Randolph M. and Vickie Patterson (Deed Book 611, Page 857); thence leaving said eastern right of way and with the common line of said Patterson N 67-39-32 E for 169.20 feet to an iron pin; thence with the common line of East Park Subdivision (Plat Book B, Page 32) N 09-28-54 W for 64.70 feet to an iron pin; thence N 10-12-45 W for 359.40 feet to an iron pin; thence N 10-06-50 W for 64.74 feet to an iron pin; thence N 13-17-35 E for 70.00 feet to an iron pin being the **Point of Beginning**; thence N 13-17-35 E for 70.18 feet to an iron pin; thence N 13-15-09 E for 69.26 feet to an iron pin; thence N 13-01-59 E for 158.70 feet to a point; thence S 82-21-47 E for 29.44 feet to a point; thence S 13-20-49 E for 126.58 feet to a point; thence S 31-04-33 E for 128.40 feet to a point; thence S 74-31-22 W for 199.72 feet to the **Point of Beginning** containing 0.616 acres more or less; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 115C-518(a), on May 13, 2009, the School Board determined that the property is unnecessary for public school purposes and therefore has offered the Property to the Board of Commissioners (the “Board”); and

**WHEREAS**, the School Board has offered the Property to the Board at a fair market price or at a price negotiated between the two boards; and

**WHEREAS**, the Board has determined that it does not want to exercise its statutory right to obtain the Property.

**NOW THEREFORE, BE IT RESOLVED AND IT IS RESOLVED AS FOLLOWS:**

1. The foregoing recitals are true and correct and are hereby incorporated into the body of this Resolution as if fully set forth herein.
2. The Board hereby declines its right to obtain the Property as offered as set forth in N.C. Gen. Stat. § 115C-518(a).
3. The Board hereby agrees that the School Board may dispose of the Property as provided by law and in accordance with the Option.
4. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2009.

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Alex E. Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins  
Clerk to the Board

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

JC Beaver, Highland Bluff Court, stated that he wants to be treated fairly and wants something in writing as to why he isn't treated fairly.

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

**Motion to authorize the approval of purchase of land for the new elementary school and water tank site – George Wood:** Mr. Wood stated that this for the purchase of 33.48 acres, up to 3 acres will be for the County for the water tank site. The property is located at the intersection of Old Plank and Mount Zion Church Roads. The purchase price for the property is \$20,000 per acre. This will be paid for with bonds.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the motion to authorize the approval of purchase of land for the new elementary school and water tank site.

**Change in Landfill Fees Related to Banned Items – Burns Whittaker:** Mr. Whittaker stated that we have been told we cannot put the following banned items in the landfill:

Used oil filters  
Wooden pallets  
Plastic bottles, #1 through #7 type  
Used motor oil  
Whole scrap tires  
Yard trash  
Lead acid batteries  
ABC beverage containers  
Antifreeze  
Aluminum cans  
Oyster shells  
Appliances

He presented Resolution #2010-01: A Resolution Amending the Fee Schedule at the Landfill for the Board's approval.

**RESOLUTION #2010-01: A RESOLUTION AMENDING THE  
FEE SCHEDULE AT THE LANDFILL**

THAT WHEREAS, the State of North Carolina has imposed a ban on several items being disposed of in landfills, and Lincoln County needs some mechanism to enforce this ban so that we are in compliance with these provisions; and

WHEREAS, the Public Works Director has recommended higher fees for loads that enter the landfill if they are carrying the banned items; and

WHEREAS, he has proposed a period of time for notification of the garbage collection firms and citizens of this procedure; and

WHEREAS, the Board of Commissioners wishes to enforce this ban and increase the fees for any load that is carrying these banned items as proposed by the Public Works Director;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners as follows:

Section 1. That the following items are hereby immediately banned from disposal in the Lincoln County landfill and construction and demolition landfill:

Used oil filters  
Wooden pallets  
Plastic bottles, #1 through #7 type  
Used motor oil  
Whole scrap tires  
Yard trash

Lead acid batteries  
ABC beverage containers  
Antifreeze  
Aluminum cans  
Oyster shells  
Appliances

Section 2. That effective March 1, 2010, any load coming into either facility with a contamination of these banned materials of more than 25% of the total load will be charged double the current rates. The rates would increase from \$32 to \$64 a ton for disposal in the landfill, and from \$16 to \$32 a ton for disposal in the construction and demolition landfill.

Violators will be given an opportunity to clean up their loads to avoid the penalty. However, on the third violation the Public Works Director is authorized to suspend the permit to use either facility for up to one month. The Public Works Director is authorized to permanently rescind any landfill use permit or privileges for continued violations beyond the one month suspension.

Section 3. That this Resolution is adopted this 4<sup>th</sup> day of January, 2010.

By: \_\_\_\_\_  
Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

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

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-01.

**Grant to Replace Aging Diesel Engines (GRADE) – Burns Whittaker:** Mr. Whittaker stated that Lincoln County Solid Waste has applied for and has been selected to receive funding from the Grants to Replace Aging Diesel Engines. All applications were judged on their cost effectiveness, total tons of nitrogen oxide pollution reduced and geographic area of impact. Based on these criteria, the 615C Cat Scrapper Repower #09GP20B9933 was approved for funding of \$18,176.00, which represents fifty (50%) percent of the funding. Mr. Whittaker requested approval of the funding.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve a Grant to Replace Aging Diesel Engines (GRADE).

**J.M. Pease Bid for Waterline Relocation on Hwy. 27:** Mr. Whittaker stated that on June 11, 2009, he attended a meeting at NC DOT Division 12 headquarters in Shelby with several other utility representatives who had been invited. In this meeting they were informed that NC DOT was planning a road widening project for Highway 27 from the Boger City four lane to just past Asbury Church Road. They were told that all utilities

within this right of way would have to be relocated out from under the proposed road way before the project starts. They are projecting to start in the summer of 2010. The Division 12 representatives also stated that each utility would bear the financial responsibility of moving their equipment.

This project will require the county to relocate about 2400 feet of 12" waterline, approximately 750 feet of this water line makes up a critical link between Asbury Church Road and Hill Road, a line that serves all customers west of this area. In evaluating the options, they considered putting out a RFQ, inviting different firms to bid the project, or to work with the City of Lincolnton, who is also having to relocate water lines for this project. In the end, they chose to work with Pease Engineering, who is doing the design for the city's utility relocation there. He said they felt it would give them a better price, since they were already working with Lincolnton, and they could move quickly since they were already working here and familiar with the area.

The proposed contract from Pease Engineering has a maximum design cost of \$18,228.

**UPON MOTION** by Carlton, the Board voted unanimously to accept the \$18,600 to move the waterline.

**Other Business:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to appoint Candi Burgin to the City Planning Board ETJ.

Jeff Taylor gave an update on the case involving the Sheriff.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to recess until January 11, 2010 at 6:30 p.m. in the Board of Commissioners Room for the Space Needs Study Assessment.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners