

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 18, 2011

The Lincoln County Board of County Commissioners met on July 18, 2011 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex Patton – Chairman
George Arena – Vice Chairman
James A. Klein
Carrol D. Mitchem
Carl E. Robinson, Jr.

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley Deaton, County Attorney
Amy S. Atkins, Clerk to the Board
Burns Whittaker, Public Work Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the July 18, 2011 meeting of the Lincoln County Board of Commissioners to order.

Pastor J.V. Allen gave the Invocation. Chairman Patton 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

JULY 18, 2011

- 6:30 PM Call to Order
 - Invocation - Rev. J.V. Allen, Boger City Wesleyan Church
 - Pledge of Allegiance
- 1. 6:32 PM Adoption of Agenda
- 2. 6:33 PM Consent Agenda
 - Approval of Minutes
 - Tax Requests for Refunds - More than \$100

- May 30 - June 12, 2011
- Tax Requests for Releases - More than \$100
 - May 16 - June 15, 2011
- Waived Fees
 - New Vision "Song of Praise" Fundraiser
 - Apple Queen Scholarship Pageant
- Resolution #2011-40: Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina
- Resolution #2011-41: Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina
- Surplus Property
- Lincoln County's Request for Continuation of Electing Status for Work First Program
 - Resolution Honoring Shane Campbell, Eagle Scout
 - Approval of Jail Health Plan

3. 6:35 PM Presentation to Shane Campbell, Eagle Scout
4. 6:40 PM Presentation from SSG Ronald Rhodes
5. 6:45 PM Public Comments
6. 7:00 PM LINCALERTS and LINCINFO Presentation - Martha Lide
7. 7:15 PM Road Naming Public Hearing - Netta Anderson
 - Edwards Farm Lane
 - Wylie Estates Lane
8. 7:25 PM Airlie Park, Phase 2 Engineering Contract - Burns Whittaker
9. 7:35 PM Appoint Voting Delegate for NCACC Annual Conference
10. 7:40 PM License Agreement with Howards Creek VFD - Martha Lide
11. 7:50 PM Motion to Adopt Resolution #2011-42: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator
12. 7:55 PM Motion to Adopt the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts
13. 8:10 PM Motion to Approve an Agreement Concerning Water Supply By and Between the City of Lincolnton and the County of Lincoln to Sell and/or Exchange Water Into the Respective Systems
14. 8:20 PM Finance Officer's Report - Leon Harmon
15. 8:25 PM County Manager's Report - George Wood
 - Update on Gaston-Lincoln Regional Library
 - Update on Survey Costs
 - Pre-Foreclosure/Foreclosure Update
16. 8:30 PM County Commissioners' Report
17. 8:35 PM County Attorney's Report
18. 8:40 PM Vacancies/Appointments

- 19. 8:45 PM Calendar
 - 20. 8:50 PM Other Business
 - 21. 8:55 PM Closed Session Pursuant to § 143-318.11(a) 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.
- Adjourn

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

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

- Approval of Minutes
- Tax Requests for Refunds - More than \$100
- May 30 - June 12, 2011

LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS
ANNUALS
 PERIOD COVERED (MAY 30, 2011-JUNE 12, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
PENA, MIGUEL A.	2010	CITY	0216626	411.47	OUT OF BUSINESS FOR 2010
				TOTAL \$ 411.47	

LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS
MOTOR VEHICLES
 PERIOD COVERED (MAY 30, 2011-JUNE 12, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Cooper, Miles A.	2010	N321	0078846	207.97	Pro-Rated Bill
				TOTAL \$207.97	

- Tax Requests for Releases - More than \$100
- May 16 - June 15, 2011

LINCOLN COUNTY
 TAX DEPARTMENT
 G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
 AND #105-325 INCLUDING (A) (6)

REQUEST FOR RELEASES
 PERIOD COVERED
 (May 16, 2011 - June 15, 2011)

NAME	YEAR	A/C NO	AMOUNT
Antolovich, Jason Dean Harry	2010	0217053	\$179.60
Dwight, Avery Grading Paving Elite Properties of Lake Norman	2010 2009- 2010 2008-	0191972 0207350	\$563.19 \$356.46
Huffman, David Alan	2010	0184158	\$183.35
Johnson Construction DBA	2010	0221459	\$310.75
		TOTAL	\$1,593.35

NAME	YEAR	A/C NO	AMOUNT
Black, Vera Jeanette	2010	0232411	\$324.85
Buchanan, Chadwick Lee	2010	0213301	\$163.63
Digh, Robert Edward	2010	0165879	\$151.33
Etheridge, Brian L	2010	0189901	\$151.57
Faircloth, Jarvis Herman Jr	2010	0173084	\$139.38
Hess, Teresa Ann	2010	0232364	\$157.90
Lopez, Andres	2009	0184412	\$226.96
Lovelace, Rhonda Whited	2010	0211313	\$107.78
Rogerson, Jesse Gray	2010	0224703	\$143.34
Smith, Kenneth David	2010	0229812	\$147.52
Tilley, Rumiko Kunkle	2010	0219263	\$168.75
Vasconcelo, Luis	2010	0225110	\$115.59
Weimer, Joyce Carleen	2010	0232604	\$186.11
		TOTAL	\$2,184.71

TOTAL \$1,593.35

- Waived Fees
 - New Vision "Song of Praise" Fundraiser
 - Apple Queen Scholarship Pageant
- Resolution #2011-40: Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina

RESOLUTION #2011-40
RESOLUTION TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR
LINCOLN COUNTY, NORTH CAROLINA

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and

WHEREAS, the Fire Marshal has proposed the attached revised job descriptions to better reflect the responsibilities and duties of the Deputy Fire Marshal position, and the changes have been reviewed with staff and approved by the County Manager.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Amend the job description of Deputy Fire Marshal to better reflect responsibilities and duties and add the requirement of must have Level 1 Fire Inspection Certification and that Level 2 and Level 3 Fire Inspection Certification are preferred.

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners



COUNTY OF LINCOLN, NORTH CAROLINA

115 WEST MAIN STREET, 3RD FLOOR CITIZENS CENTER • LINCOLNTON, NORTH CAROLINA 28092

OFFICE OF THE COUNTY MANAGER
GEORGE A. WOOD, COUNTY MANAGER
MARTHA W. LIDE, ASST. COUNTY MANAGER
(704) 736-8471
FAX (704) 736-8820

RESOLUTION #2011-41

RESOLUTION TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR LINCOLN COUNTY, NORTH CAROLINA

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and

WHEREAS, the Director of Public Works Department has proposed the revised job description to better reflect the responsibilities and duties of this position and better streamline the operation of the department. The changes have been reviewed with staff and approved by the County Manager.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Amend the job title from Senior Utility Technician to Utility Technician Crew Leader.

Amend the job description to include the additional duties of: Trains, directs, supervises, evaluates, and disciplines assigned personnel. Plans daily work schedule for assigned crew. Enforces County and OSHA safety regulations. Assists customers in the resolution of problems and concerns. Schedules and supervises daily meter read cycle every month.

Amend the Utility Technician Crew Leader job description to add the requirements of must have the following NCDENR Certifications: Meter Technician, Backflow/Cross Contamination, and Grade C Distribution.

Reclassify the Utility Technician Crew Leader job description from a pay grade 11 to pay grade 14 to maintain equality of this position in line with the Utility Crew Leader position.

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

- Surplus Property
- Lincoln County's Request for Continuation of Electing Status for Work First

Program

- Resolution Honoring Shane Campbell, Eagle Scout
- Approval of Jail Health Plan

Presentation from SSG Ronald Rhodes: Dale Punch thanked the Board for allowing waived fees for the deployment ceremony at the Citizens Center.

Staff Sergeant Ronald Rhodes thanked the Board for their support and said this county is by far the most patriotic in the state. He presented the Board with a plaque made by members of the NC National Guard in the shape of Lincoln County for their support before, during and after the unit's deployment in support of Operation Iraqi Freedom.

Presentation to Shane Campbell – Eagle Scout: The Board presented a Resolution to Shane Campbell, Eagle Scout.

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.

Larry Turbyfill spoke concerning backflow preventers.

Gary Caldwell spoke concerning backflow preventers.

Terry Turbyfill spoke concerning the Agreement Concerning Water Supply by the City of Lincolnton and Lincoln County and backflow preventers.

Rudy Bauer said he feels the shot that damaged the fire boat came from the Burton Creek site.

Robert Avery spoke concerning the Schedule of Values and suggested that Madge and

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

LINC ALERTS AND LINC INFO Presentation: Martha Lide gave a presentation on LINC Alerts and LINC Info, the county's new Reverse 911 system. Phone numbers are downloaded from the white pages. The LINC Alerts is for true emergencies and weather alerts. LINC Info. is a total opt-in system, where users have to update their profile to request these.

Coral Sanders gave a presentation on the LINC Alerts and LINC Info showing how to sign up for the service and also how alerts are sent out to citizens.

Road Naming Public Hearings – Netta Anderson: Netta Anderson presented the following information:

EDWARDS FARM LANE

This road is located off of Daniels Road, at the property owner's request to name the private road that accesses Daniels Road via this private road. The road name proposed is **Edwards Farm**

Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Patton opened the Public Hearing concerning Edwards Farm Lane. Being no speakers, Chairman Patton closed the Public Hearing.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the road name Edwards Farm Lane.

WYLIE ESTATES LANE

This road is located off of Vesuvius Furnace Road and requires naming due to the fact that there are now three structures that access Vesuvius Furnace Road via this private road. The name proposed is Wylie Estates Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Patton opened the Public Hearing concerning Wylie Estates Lane. Being no speakers, Chairman Patton closed the Public Hearing.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the road name Wylie Estates Lane.

Airlie Park, Phase 2 Engineering Contract – Burns Whittaker: Mr. Whittaker presented the following information.

Phase 1 of the infra-structure improvements is well underway to support HYDAC. Construction bids for both the road and the utility work came in significantly under budget. LEDA has advised us that interest in the Airlie Park is strong and that completion of the Road to Rufus Road will improve the marketability of the Park even further.

In order to put the County in a position to move forward with Phase 2 Improvements in response to a potential new industry, we recommend that design work begin on the Road as well as the extension of the water line. Since the BOC awarded the original design work to McGill and Associates and they have performed the work satisfactorily, we request they be awarded the Phase 2 work as follows:

- a. Design and permitting of the water and sewer improvements for Phase 2 in the amount not to exceed \$23,000.
- b. Design and permitting of the Road extension for Phase 2 in the amount not to exceed \$108,200.

Additionally we request that the Board waive the requirements of the Mini-Brooks Act to allow direct award to McGill without further solicitation of proposals.

UPON MOTION by Commissioner Klein, the Board voted unanimously to waive the requirements of the Mini-Brooks Act.

UPON MOTION by Commissioner Arena, the Board voted unanimously to allow direct award to McGill without further solicitation of proposals as presented.

Appoint Voting Delegate for NCACC Annual Conference: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to appoint Commissioner Jim Klein as the voting delegate for the NCACC Annual Conference.

License Agreement with Howards Creek VFD: George Wood presented the following information:

It is recommended that the Board approve the License Agreement with Howard's Creek for space to be occupied by the Sheriff's Office and Emergency Medical Services (EMS) in the new Howard's Creek Fire Station being constructed. It is necessary to approve the License Agreement at this time to provide documentation for Howard's Creek Fire Department to secure financing for construction of the facility.

In April 2010, Howard's Creek Fire Department Chief Dusty Rudisill, presented a plan to the County Commission for the construction of a new Howard's Creek Fire Station that will be located on Highway 27. The new station has been developed to incorporate space for the Sheriff's Office and EMS. The co-location of offices is seen as an efficient way of providing these public safety services.

The new station will have approximately 14,500 square feet. The License Agreement calls for the Sheriff's Office and EMS to occupy approximately 2,228 square feet of the facility. The proposed Agreement provides that the actual rental will be based upon the percent of square footage that EMS and the Sheriff's Offices occupy, times the cost per square foot of the building construction cost and financing as determined by the original construction contract award and all approved change orders during said construction, divided over the 25-year loan period. We estimate that cost to be between \$27,000 and \$31,000 annually. The term of this Agreement is 40 years, with the County paying the proportional share of the construction costs over 25 years, and then paying \$1 per year for the next 15 years.

The Agreement also calls for the County to pay a prorated share of the utilities (electricity & water) and buildings and grounds maintenance (grounds maintenance, pest management, trash removal etc) based on percentage of square feet occupied.

The actual rent amount and formula for dividing utilities and maintenance will be approved by the County Manager.

It should be noted that the actual street number of the new station has not been determined. Once it has been set, Chief Rudisill will provide us a letter that can be attached to this lease.

**STATE OF NORTH CAROLINA
COUNTY OF LINCOLN**

LICENSE AGREEMENT

Agreement made this ___ day of July 2011, by and between HOWARD'S CREEK VOLUNTEER FIRE DEPARTMENT, INC., a North Carolina nonprofit corporation, hereinafter referred to as Licensor, and LINCOLN COUNTY hereinafter referred to as Licensee, for use by EMERGENCY MEDICAL SERVICES, and the LINCOLN COUNTY SHERIFF'S OFFICE. In consideration of the mutual promises contained in this agreement, the parties agree as follows:

SECTION ONE GRANT OF LICENSE; DESCRIPTION OF PREMISES

Licensors hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this agreement, a portion of its premises in its fire station to be located at on NC Hwy 27, Lincolnton, North Carolina (the "Property"), subject to the limitations and exclusions contained in this Agreement. Licensee may use said premises only in a fashion that does not interfere with Licensors' operation of its fire station on said premises.

SECTION TWO LIMITATION TO DESCRIBED PURPOSE; TERM

a. The above-described Property may be occupied and used by Licensee solely for a base of operations for an ambulance and/or Quick Response Vehicle crew and Sheriff's Office operations and for incidental purposes related to such purposes for and during the term contained hereunder.

b. It is the intent of this agreement to have joint occupancy for 40 years. This License shall commence upon the upon the completion and obtaining of a certificate of occupancy upon the facility constructed upon the Property, and shall continue for a period of 40 years thereafter.

SECTION THREE PAYMENT FOR USE

Licensee shall pay Licensors for this license the sum of approximately \$27,000 - \$31,000 annually , or \$2,250 - \$2,583 per month, payable on or before the 10th day of each month for the first 25 years of the license and shall pay \$1.00 per year for the next 15 years. The actual rental shall be computed based upon the square footage that Licensee shall occupy, times the cost per square foot of the building construction cost and financing as determined by the original construction contract award and all approved change orders during said construction, divided over the 25 year loan period. The reason the rent is decreasing after twenty-five years is because the County will have paid its proportional share of the debt in years 1 through 25. Throughout the term of this Agreement, the Licensee shall also pay a prorated share of the utilities (electricity & water) and buildings and grounds maintenance (grounds maintenance, pest management, trash removal etc) based on percentage of square feet occupied on a monthly basis, said share not to exceed one-third (1/3) for any such bill.

SECTION FOUR INDEMNIFICATION

Licensee shall exercise its privileges under and pursuant to this Agreement at its own risk, and, irrespective of any negligence of Licensors. Licensee shall indemnify, defend, and hold Licensors harmless from and against any and all liability for damages, costs, losses, and expenses resulting from, arising out of, or in any way connected with, the occupation or use of the above-described property by Licensee, or licensees, invitees, or guests of Licensee, or the failure on the part of Licensee to perform fully all and singular Licensee's promises contained in this Agreement.

SECTION FIVE GOVERNING LAW

It is agreed that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.

**SECTION SIX
ENTIRE AGREEMENT**

This agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

**SECTION SEVEN
MODIFICATION OF AGREEMENT**

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

**SECTION EIGHT
CONTACT PERSONS**

Licensee's contact person for all purposes connected with this Agreement is as follows:

County Manager
115 W. Main Street
Lincolnton, NC 28092

Director
Lincoln County Emergency Medical Services
720 John Howell Memorial Drive
Lincolnton, NC 28092

Sheriff
Lincoln County Sheriff's Office
PO Box 506
Lincolnton, NC 28093

Licensor's contact person for all purposes connected with this Agreement is as follows:

Chief
Howard's Creek Fire Department
NC Hwy 27
Lincolnton, NC 28092

**SECTION NINE
PRIVILEGE NOT ASSIGNABLE**

Licensee's privileges under this agreement shall not be assignable by Licensee in whole or in part.

**SECTION TEN
RENEWAL; TERMINATION**

The term of this license is 40 years and the Agreement may not be terminated during the term of the Agreement except by a written agreement of termination signed by both parties.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed on the date indicated above.

LICENSOR:

HOWARD'S CREEK FIRE DEPARTMENT, INC.

By: _____

Title: _____

LICENSEE:
LINCOLN COUNTY

By: _____

George Wood
County Manager

LINCOLN COUNTY EMERGENCY MEDICAL SERVICES

By: _____

Ronald D. Rombs
Director

LINCOLN COUNTY SHERIFF'S OFFICE

By: _____

David M. Carpenter, Sheriff

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the License Agreement with Howards Creek VFD.

Motion to Adopt Resolution #2011-42: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Resolution #2011-42: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator.

RESOLUTION #2011-42: A RESOLUTION ACCEPTING THE TAX SETTLEMENT WITH THE LINCOLN COUNTY TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Tax Administrator is charged with the collection of all real and personal property taxes for Lincoln County, the East Lincoln County Water and Sewer District, the Fire Districts, and the City of Lincoln; and

WHEREAS, NCGS 105-373 sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners on an annual basis for all taxes charged for collection and those collected and remaining uncollected at year-end; and

WHEREAS, such settlement is to take place before the Tax Administrator can be charged with the collection of the next year's tax collections; and

WHEREAS, the Tax Administrator has prepared the required Settlement and submitted it to the Finance Officer for review; and

WHEREAS, the Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners hereby accepts and approves the Settlement of Taxes prepared by the Tax Administrator's Office, which is attached hereto and incorporated by reference into this Resolution.

Adopted this 18th day of July 2011.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Motion to Adopt the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts:

A **MOTION** by Commissioner Klein, the Board voted unanimously to adopt the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts.

VOTE: 4 – 1 **FOR: Patton, Klein, Robinson, Arena**
 AGAINST: Mitchem

**Order Directing the Tax Collector
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina
County of Lincoln
To the Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 18th day of July, 2011.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Motion to Approve an Agreement Concerning Water Supply by City of Lincolnton and County of Lincoln:

The County and the City of Lincolnton entered into an agreement on March 1, 2006 for the purchase and/or exchange of water, and have an interconnection between the two systems on Bethel Church Road. That agreement expired on June 30, 2011, and we are still in the process of discussing some alternatives to a long-term agreement.

At a recent meeting of the Mayor, Commission Chair, two manager, and the two public works directors, it was agreed to request that both the County Commission and the City Council extend the current agreement under the same terms and conditions for one year. That should give us time to work through these issues for a long-term agreement.

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

AGREEMENT CONCERNING WATER SUPPLY BY AND BETWEEN THE CITY OF LINCOLNTON AND THE COUNTY OF LINCOLN TO SELL AND/OR EXCHANGE WATER INTO THE RESPECTIVE SYSTEMS

THIS AGREEMENT, made and entered into this the 11th date of ~~June~~^{July}, 2011, by and between the **CITY OF LINCOLNTON**, a municipal corporation organized and existing under the laws of the State of North Carolina, hereinafter referred to as "City", and the **COUNTY OF LINCOLN**, a body corporate and a political subdivision of the State of North Carolina, hereinafter referred to as "County".

WHEREAS the parties entered into an agreement dated March 1, 2006 concerning water supply by and between the City of Lincolnton and the County of Lincoln to sell and/or exchange water into the respective systems; and

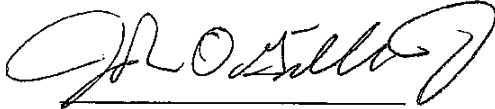
WHEREAS the agreement terminates June 30, 2011, and the parties desire to extend the agreement for one year from the date of the execution of this extension under the same terms and conditions as set forth in the March 1, 2006 agreement.

NOW, THEREFORE, the parties hereto agree for themselves, their successors, and assigns as follows:

That the March 1, 2006 agreement be extended for a period of one year from the date of the execution of this extension under the same terms and conditions as set forth in the March, 1, 2006 agreement.

IN WITNESS WHEREOF, the City of Lincolnton and the County of Lincoln have caused this Agreement to be executed by their Mayor and Chairman of the Board of Commissioners, respectively, their corporate seals to be affixed and attested by their clerks, all by the authority of the respective governing bodies of each party to this Agreement, as of the day and year first above written.

CITY OF LINCOLNTON

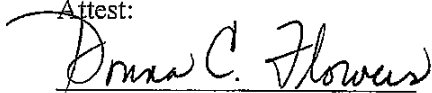


John O. Gilleland, Jr., Mayor

COUNTY OF LINCOLN

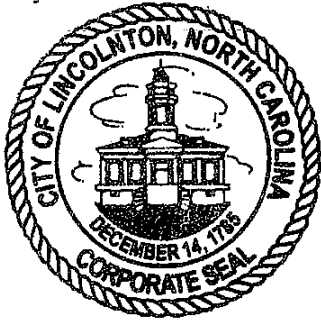
Alex E. Patton, Chairman
Lincoln County Board of
Commissioners

Attest:



City Clerk

Clerk to the Lincoln County
Board of Commissioners



UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Agreement Concerning Water Supply by City of Lincolnton and County of Lincoln.

Finance Officers Report – Leon Harmon: Leon Harmon presented the Finance Officer's Report.

County Manager's Report – George Wood: Mr. Wood reported on the Gaston-Lincoln Regional Library and costs for a survey for county residents.

County Attorney's Report: Wesley Deaton updated the Board on the Optimist Club property closing, hospital property, and In Rem foreclosures.

Vacancies/Appointments: Commissioner Robinson presented the following vacancies and appointments:

**Lincoln County
Board of Commissioners
Board Vacancies/Appointments
July 18, 2011**

Vacancies:

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
 - o Lincolnton Township
- Lincoln County Community Friends
 - o Ironton
 - o Lincolnton
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board
 - o Lincolnton Township
- Centralina Economic Development Commission
 - o Private member (from Industry in Lincoln County)

Appointments:

- Recreation Commission
 - o Howard's Creek Township
 - Donald Welch
 - Sherry Carpenter

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the appointments of Donald Welch and Sherry Carpenter to the Recreation Commission for the Howard's Creek Township.

Calendar: Chairman Patton presented the August 2011 calendar.

Closed Session: **UPON MOTION** by Commissioner Klein, the Board entered Closed Session pursuant to § 143-318.11(a) 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.

The Board returned to open session and Chairman Patton announced that no action was taken in closed session.

ADJOURN: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners