

The Lincoln County Board of Commissioners held a called meeting on **Thursday, February 15, 2017, at 8:30am** in the commissioner's conference room. Those present were Chairman Walker T. Norman, Commissioner Virginia T. Williams, District One; Commissioner Larry Collins, District Two; Commissioner Cooper Cliatt, District Three; Commissioner H. Lamar Wade, District Four; Mr. Ben Jackson, County Attorney; Mrs. Traci Bussey, Finance Director; Mr. Roby Seymour, Director Planning & Zoning/Public Works and Ms. Sherry E. McKellar, County Clerk.

1.

Call Meeting to Order

Chairman Norman called the meeting to order.

2.

Invocation

Attorney Jackson opened the meeting with prayer.

3.

Water/Sewer Agreements with City

On a motion by Commissioner Collins, seconded by Commissioner Wade, the Board voted unanimously to approve Chairman Norman and Attorney Jackson placing the funds that we withheld on the water bills at Saddlebrook in receivership with Superior Court, to file an injunction to stop the City from turning off the water to Saddlebrook and to have the law offices of Fleming & Nelson recused/dismissed from the case as they were the County attorney during discussions of the Water Sales Agreement with the City.

Attorney Jackson informed the Board that he, the Chairman and Director Seymour met with Mr. Fleming, Kurt Worthington and Kenny Green in November 2017 at the Fleming & Nelson office to discuss this issue. He and the Chairman met again on January 20, 2018 with Mayor Brown and Mr. Fleming. They were to get with the Council and get back to the County, but he has heard nothing from them. On February 14, 2018, Attorney Jackson called and spoke with Kurt Worthington, as a courtesy, to tell him the Board will be meeting today and will vote on a decision. He was informed that the County owns the water meter at Saddlebrook and there will be legal action if a City person touches the County meter. Kurt responded that he would have to run it by Mr. Fleming.

Chairman Norman stated that we, the County, feel like we are right, they, the City, feel like they are right, so it should go to arbitration. The City is not responding. The County has been paying a **retail** rate for water at Saddlebrook and not the **wholesale** rate. We have been talking to the City for the last 16 years about this issue and the City continues to say they will get back to us and never do. So, in January we adjusted the bills to the price we believe we should be paying and what the contract states and we will pay the difference to the courts. We are holding this discussion in open court so that the public is aware of the issue and know we are not hiding anything.

Attorney Jackson stated that the contract states that if there is a dispute with payments, the City should go to Superior Court with issue, but they are not even doing that. Instead they are

threatening to turn the water off to County customers because of the short pay of \$153.01 in January. Chairman Norman stated that based on the Agreement, we are not delinquent.

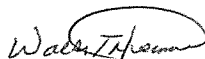
Chairman Norman also stated that there are a lot more complications with the City that will need to be addressed, one being the SDS, Service Delivery Strategy with DCA. Annexation does not change the SDS and the City seems to think it does. They annexed in the horse barn at Saddlebrook and then ran water to that location which is in the County service area for water and the City service area for sewer. With the next annexation, we need to check the SDS and then get with the City if in a County service area.

Director Seymour stated that there are sewer issues that will need to be addressed when we address the SDS issues.

4.


Adjourn

On a motion by Commissioner Cliatt, seconded by Commissioner Williams, the meeting was adjourned at 9:25am.



Walker T. Norman, Chairman

Attest:



Sherry E. McKellar, County Clerk