

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 12, 2005

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on September 12, 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

Planning Board Members Present:

Dean Lutz, Chairman
Louis McConnell
John Pagel
Darrell Harkey
Ken Hovis
Harold Howard, Jr.
Terry Whitener

Others Present:

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

Call to Order: Chairman Anderson called the September 12, 2005 meeting of the Lincoln County Board of Commissioners to order.

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

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

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 12, 2005

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Alex Patton
- 6:32 PM Pledge of Allegiance
1. 6:34 PM Adoption of Agenda
 2. 6:35 PM Consent Agenda
 - Approval of Minutes
 - August 15, 2005
 - Tax Requests for Refunds – More Than \$100
 - August 1 – 14, 2005
 - Tax Requests for Releases – More Than \$100
 - July 16 – August 15, 2005
 - Budget Adjustment 24
 - Vale Recreation Use Agreement
 - Refund for Lutzel & Associates
 - Letter of Credit #43 – Lakewood Subdivision
 - Letter of Credit #44 – Tree Tops Subdivision
 3. 6:45 PM Zoning Public Hearings – Randy Hawkins

ZMA #504 Jay Spears, applicant (Parcel ID# 50105) A request to rezone a 3.7-acre parcel from Light Industrial (I-L) to General Industrial (I-G). The property is located at 1633 N. Hwy. 16 in Catawba Springs Township.

ZMA #505 Ronald Caldwell, applicant (Parcel ID# 29852 and 29863) A request to rezone 1.5 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 6596 Campground Road in Catawba Springs Township.

ZMA #506 Tony Cloninger Jr., applicant (Parcel ID# 31156) A request to rezone 9 acres from Residential Suburban (R-S) to General Industrial (I-G). The property, the southeastern portion of a 47-acre parcel, is located about 1,600 feet west of Hwy. 16 and 1,200 feet north of Sugar Wood Lane in Catawba Springs Township.

CUP #262 Jody Richardson, applicant (Parcel ID# 13464) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 17.9-acre parcel is located about 1,800 feet west of Shoal Road and 1,800 feet south of Hwy. 27 in Howard’s Creek Township.

CUP #263 Robert Bekemeier Jr., applicant (Parcel ID# 12415) A request for a conditional use permit to allow an animal kennel to be located in the Residential Single-Family (R-SF) district. The 15.7-acre parcel is located about 1,200 feet north of Sain Milling Road and 2,000 feet east of Trinity Church Road in Howard’s Creek Township.

4. 7:45 PM Public Hearing – Incentive Grant for Existing Industry
5. 7:55 PM Public Hearing – Incentive Grant for Existing Industry
6. 8:05 PM Sunday Morning Use of Citizens Center – Kevin Starr
7. 8:30 PM Public Hearing – Order Authorizing \$11,000,000 Refunding Bonds – Leon Harmon
8. 8:40 PM Public Hearing – Environmental Assessment for Water Treatment Plant Upgrade – Barry McKinnon
9. 8:50 PM Water Rate for Town of High Shoals – Barry McKinnon
10. 9:00 PM Other Business

Recess until 9/13/05 at 6:00 p.m. at EMS Base

Consent Agenda: UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda as presented.

- Approval of Minutes – August 15, 2005

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (August 01, 2005 – August 14, 2005)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Gabriel, Nadine Pia	2004	CITY	0176559	180.70
TOTAL			\$180.70	

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (August 1, 2005-August 14, 2005)

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			

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Denver Equipment/Denver	2004	DFD	0174329	422.28
Kennedy, Ridhard L. & Sarah	2000-2005	DFD	0120459/0157296	828.00

TOTAL \$ 1,250.28

Tax Requests for Releases – More than \$100 – July 16 – August 15, 2005

NAME	YEAR	A/C NO	AMOUNT
Adkins, Sherman Hawk	2005	0176231	\$ 175.23
Arthur, Harry Ernest III	2003/04	00215	\$ 270.29
Berg, Douglas Sande	2005	0184958	\$ 189.53
Brister, Danata Bush	2004	0170626	\$ 115.24
Bush, Floyd Wesley	2004	0174653	\$ 101.23
Clinton, Michael Ray	2004	0137095	\$ 115.68
Cobb, Portlynn Woods	2005	0185761	\$ 290.05
Dean, Kenneth Jeffrey Jr.	2005	0129323	\$ 477.00
Enterprise Leasing Co. SE	2005	0147681	\$ 220.93
Folger Leasing Co.	2004	0088196	\$ 126.16
Furr, Johnny Moss	2005	35866	\$ 239.66
Green, Michael Thomas	2005	0185762	\$ 202.37
Habashi, Maher Fahim	2005	0185188	\$ 264.44
Harris, Susan Propst	2005	0184779	\$ 104.21
Lincoln County	2005	0135309	\$ 232.69
Macleod Construction Inc.	2005	0098225	\$ 150.30
McManus, Ronald Frank	2005	0174681	\$ 200.46
Odaniel, Richard Dean	2004	0184241	\$ 132.84
Oliver, Julieta Aguero	2005	0186387	\$ 137.59
Petterson, Kurt	2005	0133248	\$ 153.03
Richards, Steven Burke	2004	0177052	\$ 112.33
Robinson, Garry Martinous	2004	0123986	\$ 156.87
Sea Express America Corp.	2005	0141360	\$ 188.80
Sigmon, Jonathan Michael	2004	0183927	\$ 326.63
Ward, Janette Kellie	2005	0122667	\$ 227.38

TOTAL \$ 4,910.94

NAME	YEAR	A/C NO	AMOUNT
American General Financial	2005	0180017	\$ 177.38
Anglin, Robert Steven	2005	0065587	\$ 400.54
Bellucci, Raymond J.	2005	0177578	\$ 240.46
Brackett, Wanda Renee	2005	01272	\$ 364.54
Byrnes, Patrick John	2005	0177646	\$ 162.25
Carolina Flamez	2005	0155304	\$ 263.21
Downs, Gilbert	2005	12943	\$ 113.63
Dysart, Juanita	2005	05936	\$ 2,563.43

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Garrison, Max Y.	2005	0180536	\$ 391.90
Harlan, Patricia Y.	2005	0134273	\$ 343.26
Heafner, Charles Cornelius	2005	0141899	\$ 138.00
Holland, Monica	2005	0186513	\$ 346.31
King, Samuel John	2005	0120921	\$ 235.76
Lail, Jimmy R.	2005	00221	\$ 374.77
Loftin, Lewis	2005	0156102	\$ 2,002.05
Miller, Wendell F.	2005	08269	\$ 450.87
Moretz, Donald Wilson	2005	00526	\$ 139.08
Pilarzek, Rob	2005	0185953	\$ 188.76
Price, Betty M.	2005	0061227	\$ 211.27
Price, David J.	2004/05	0140455	\$ 166.39
Reynolds, Paulene	2005	0145425	\$ 3,722.77
Rhyne Farms LLC	2005	0133824	\$ 1,497.09
Rickard, Nancy Crooks	2005	0093010	\$ 145.87
Schrone, Andrew F.	2005	0185330	\$ 302.62
Schrone, Mitchell	2005	0185329	\$ 165.32
Scronce, E. Hal	2005	0180503	\$ 313.61
Sifford Family Limited Partner	2005	0165446	\$ 207.00
Tuan A Hoang	2005	0166241	\$ 605.69
Turn 4 Pizza	2004	0155363	\$ 1,044.75
Waters, Charles Allen	2005	03706	\$ 1,569.17
TOTAL			\$ 18,847.75

Budget Adjustment No. 24 for Senior Services for State LOC Grant (Senior Care) ½ of \$20,000.00 grant

Vale Recreation Use Agreement
Refund for Lutz & Associates
Letter of Credit #43 – Lakewood Subdivision
Letter of Credit #44 – Tree Tops Subdivision

New Business: Advertised Public Hearings: Chairman Anderson announced that this was the date, Monday, September 12, 2005 and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on September 2 and 9, 2005.

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, September 12, 2005, at 6:30 p.m. to consider the following matters:

ZMA #504 Jay Spears, applicant (Parcel ID# 50105) A request to rezone a 3.7-acre parcel from Light Industrial (I-L) to General Industrial (I-G). The property is located at 1633 N. Hwy. 16 in Catawba Springs Township.

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ZMA #505 Ronald Caldwell, applicant (Parcel ID# 29852 and 29863) A request to rezone 1.5 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The property is located at 6596 Campground Road in Catawba Springs Township.

ZMA #506 Tony Cloninger Jr., applicant (Parcel ID# 31156) A request to rezone 9 acres from Residential Suburban (R-S) to General Industrial (I-G). The property, the southeastern portion of a 47-acre parcel, is located about 1,600 feet west of Hwy. 16 and 1,200 feet north of Sugar Wood Lane in Catawba Springs Township.

CUP #262 Jody Richardson, applicant (Parcel ID# 13464) A request for a conditional use permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district. The 17.9-acre parcel is located about 1,800 feet west of Shoal Road and 1,800 feet south of Hwy. 27 in Howard's Creek Township.

CUP #263 Robert Bekemeier Jr., applicant (Parcel ID# 12415) A request for a conditional use permit to allow an animal kennel to be located in the Residential Single-Family (R-SF) district. The 15.7-acre parcel is located about 1,200 feet north of Sain Milling Road and 2,000 feet east of Trinity Church Road in Howard's Creek Township.

The public is invited to attend this meeting, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Department of Building and Land Development at (704) 736-8440.

2T: Sept. 2, Sept. 9, 2005

Zoning Map Amendment No. 504 – Jay Spears, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 504 – Jay Spears, applicant.

The applicant is requesting the rezoning of a 3.7-acre parcel from Light Industrial (I-L) to General Industrial (I-G).

The property is located at 1633 N. Hwy. 16 in the Catawba Springs Township. It is adjoined on the sides and front by property zoned Neighborhood Business (B-N) and on the rear by property zoned Residential Single-Family (R-SF). Property zoned General Industrial lies about 400 feet to the south.

Chairman Anderson asked if the applicant resides in West Virginia and if he will be actively engaged at this location.

Mr. Hawkins stated that he currently lives in West Virginia and leases out the building.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 504 – Jay Spears, applicant.

Jay Spears stated that he lives in Chapmanville, West Virginia and owns a condo in Davidson. He stated that he is in the process of building a house at the lake and is moving his business to

Denver. He stated that he is wanting to use the property for auto sales, auto leasing, body repair, and auto repair.

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

Zoning Map Amendment No. 505 – Ronald Caldwell, applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 505 – Ronald Caldwell, applicant.

The applicant is requesting the rezoning of 1.48 acres from Residential Single-Family (R-SF) to Neighborhood Business (B-N). The owner of the property has authorized the rezoning request.

The property is located at 6596 Campground Road, about 400 feet north of Hwy. 16, in Catawba Springs Township. It is adjoined by property zoned Residential Single-Family and Residential Suburban (R-S). Property zoned Neighborhood Business lies about 200 feet to the south and about 300 feet to the north. The Lincoln County Land Use Plan designates this area as a neighborhood center, suitable for non-residential, infill development.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 505 – Ronald Caldwell, applicant.

Ronnie Caldwell, 7952 Vista View Drive, stated that it is his intent to preserve the property. He stated that he is wanting to put an office there for a small pest control business.

Chairman Anderson asked about anticipated storage of chemicals at this location.

Mr. Caldwell stated that they do not currently store chemicals and do not want to. He stated that their chemicals come out of Charlotte, their trucks go to Charlotte about 4 times per week to pick up what they use.

Sue Murdock stated that she resides in Cherryville but owns the property that joins the proposed zoning change. She stated that she owns an old historical home and is in the process of renovating it with the anticipation of making it her home. She stated that she realizes growth in all areas is very important. Ms. Murdock commented that she has spoken with the current owner about buying a small strip of land to put up a barrier. She stated that she spoke with Mr. Caldwell and asked about where he would be parking his trucks. Mr. Caldwell told her they would be in the back. She stated that she is not opposed to the rezoning, but this is her one concern.

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

Zoning Map Amendment No. 506 – Tony Cloninger, Jr., applicant: Randy Hawkins presented the following information concerning Zoning Map Amendment No. 506 – Tony Cloninger, Jr., applicant.

The applicant is requesting the rezoning of 9 acres from Residential Suburban (R-S) to General Industrial (I-G). The property is the southeastern portion of a 47-acre tract.

The property is located about 1,600 feet west of Hwy. 16 and 1,200 feet north of Sugar Wood Lane in Catawba Springs Township. It is adjoined by property zoned General Industrial, Residential Suburban, Residential Single-Family (R-SF) and Neighborhood Business (B-N). The Lincoln County Land Use Plan designates this area as a commercial and employment center.

Mr. Hawkins stated that he understands the intent if the rezoning is approved is to combine it with the adjoining tract that is zoned General Industrial, where there is a facility that makes concrete products. This property will be accessed from Mr. Dellinger's property, which has access to Highway 16. Mr. Dellinger had to obtain a Conditional Use Permit for his property and if he proposes to use this 9 acres as part of the concrete facility, he would have to obtain a Conditional Use Permit for these 9 acres.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 506 – Tony Cloninger, Jr., applicant.

Joe Siefert stated that he owns adjacent property that is zoned industrial. He asked why Mr. Cloninger is only rezoning a portion of the 47 acres. He stated that he has no objection to the rezoning.

Tony Cloninger, Jr. stated that he has an interested party for that section of the property and he is going to sell the other property. He stated that he would like to leave his options open for the rest of the property.

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

Conditional Use Permit No. 262 – Jody Richardson, applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 262 – Jody Richardson, applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 262 – Jody Richardson, applicant.

The applicant is requesting a Conditional Use Permit to place a Class B (doublewide) mobile home in the Residential Suburban (R-S) district.

The 17.9-acre parcel is located about 1,800 feet west of Shoal Road and 1,800 feet south of Hwy. 27 in Howard's Creek Township. It is surrounded by property zoned Residential Suburban.

West Lincoln High School and West Lincoln Middle School are located on adjoining tracts. A singlewide mobile home is located on another adjoining tract.

Since the application was filed, a subdivision plat has been recorded that cuts off 1.6 acres that encompasses the location of the mobile home so the mobile home would not be on the 17.9-acre tract.

Randy Hawkins stated that there is an easement across the school property. There is a driveway just past the middle school that winds it's way around the ballfields and goes back to the property.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 262 – Jody Richardson, applicant.

Crystal Richardson stated that she currently lives in a singlewide. She stated that last year, her dad had a stroke and she wants to put the doublewide there to help care for him.

Conditional Use Permit No. 263 – Robert Bekemeier, Jr., applicant: Having been sworn by the Clerk, the following individuals presented information concerning Conditional Use Permit No. 263 – Robert Bekemeier, Jr., applicant.

Randy Hawkins presented the following information concerning Conditional Use Permit No. 263 – Robert Bekemeier, Jr., applicant.

The applicant is requesting a Conditional Use Permit to allow an animal kennel to be located in the Residential Single-Family (R-SF) district. The Zoning Ordinance defines an animal kennel as “a commercial enterprise where six or more animals which are commonly considered as being household pets are bred, boarded, trained or sold.” In the R-SF district, an animal kennel must meet the following criteria:

1. For any animal kennel designed to accommodate fifteen (15) or fewer animals, no structure housing the animals nor any outdoor animal runs or pens may be located closer than one-hundred (100) feet from any lot line.
2. For any animal kennel designed to accommodate greater than fifteen (15) animals, no structure housing the animals nor any outdoor animal runs or pens may be located closer than two-hundred (200) feet from any lot line.
3. Manure piles in association with the animal kennel may be located no closer than two-hundred (200) feet from any lot line.
4. The minimum area for any lot containing an animal kennel shall be three (3) acres.
5. Notwithstanding any other provision of this Ordinance, an animal kennel may be located on a lot which also contains a principal single-family residential use.
6. Screening, in the form of a Grade C screen, shall be provided whenever said lot abuts another lot located within a Residential (R) or Planned (P) zoning district.

The 15.7-acre parcel is located about 1,200 feet north of Sain Milling Road and 2,000 feet east of Trinity Church Road in Howard's Creek Township. It is surrounded by property zoned Residential Single-Family.

Randy Hawkins stated that they received a complaint about a building placed on the property without a permit. When they investigated the complaint, they realized there were a lot of dogs on the property that look like they would be bred.

Commissioner Mitchem asked if there is any power or water at the location.

Randy Hawkins stated that there is no power on the property and water is brought in. He stated that there appeared to be around 20 dogs and they seemed to be well taken care of.

Commissioner Moore asked how far the building is from the property line.

Randy Hawkins stated that the building is 200 feet from the property line. The only problem with the building is that a permit was not issued for it.

Commissioner Mitchem asked if the applicant is residing at the property.

Mr. Hawkins stated that there is no power at the site. He stated that he would not say the applicant was staying there, but he could not say the applicant did not spend the night there.

Darrell Harkey mentioned that there was an old family graveyard in the area.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 263 – Robert Bekemeier, Jr., applicant.

Paul Brooks stated that he is here tonight to protest this application. He stated that he lives next to the property and has been there for 27 years. He stated that this is his principal residence and most of his financial assets are tied up in this property. He stated that an animal shelter is very difficult to regulate and dogs bark sometimes 24 hours per day. They are very much a nuisance. He stated that this is a residential area and he has supported zoning from day one. He asked the Board to not approve this request.

George Sain stated that he firmly opposes the dog kennel. He stated that he lives at 805 Highway 274, has a farm on Trinity Church Road, and has a shop on Sain Milling Road. He stated that a few weeks ago, he was at his shop on Sain Milling Road and a van pulled up with water barrels on the back. Mr. Robert Bekemeier introduced himself and was looking for a neighbor. He stated that as he walked to Mr. Bekemeier, Mr. Bekemeier told him not to come any closer, because he had been living on his property in the Lowe's barn there. Mr. Bekemeier said that he was ran out of Catawba County and he was living in the top of the barn now. He said that Mr. Bekemeier has the water on the back of the van and runs a generator. Mr. Sain stated that he called the Catawba County Zoning and got a copy of the file against Mr.

Bekemeier. The complaints were about the noise, number of dogs, smell, and selling dogs. Mr. Bekemeier was on .69 acres with about 25 dogs. He was cited for having and selling these dogs and he was also cited for an environmental issue. Catawba County took Mr. Bekemeier to court over this issue. Mr. Sain presented a petition against the Conditional Use Permit.

Lee Kanipe stated that he is friends with Elmer Lutz, who is neighbors with Mr. Bekemeier in Catawba County. He stated that Mr. Bekemeier had 25 dogs, 2 emus, and 2 horses. In July, Mr. Bekemeier started moving to Lincoln County and put 2 structures on this property without proper permits, a storage building and a pre-fab barn. He stated that someone appears to be living there. Mr. Kanipe stated that as of last Friday, there were 20 dogs living on the land with no shelter other than small dog houses. He stated that Mr. Bekemeier is currently living on the site with no power, water, or septic system and no waste disposal system for the animal waste. He asked if Mr. Bekemeier would be an asset to Lincoln County.

Samuel Ramsey stated that he currently resides in Charlotte and is building a house on Sain Milling Road. He stated that his property has a nice view of the mountains. He stated that he has a new addition to his view, dogs and outbuildings. He stated that he opposes the Conditional Use Permit on this property.

Robert Bekemeier, 2394 Settlemyer Bridge Road, stated that he wasn't going to build a commercial kennel, these dogs are just their pets. He stated that they have 5 – 6 pound Pomeranians and 8 – 10 pound dachshunds. He stated that Catawba County came to him and said he could not have these animals so they went back and forth with Catawba County. He stated that all of these dogs have shade and all are create trained. He stated that he thought this was in the middle of nowhere and his dogs would not cause a problem. Their plan is to move a modular home on this property and live there.

Commissioner Mitchem asked Mr. Bekemeier if the dogs are intended for sale.

Mr. Bekemeier stated that he sells dogs, but does not make much of a profit.

Pam Huskins stated that she lives on Trinity Church Road. She stated that Mr. Beckemeier told her that he was living on the property. She stated that she has an Australian Shepherd and has raised puppies with her. Ms. Huskins stated that she does not want complaints from her dog barking when it's barking due to the dog kennel.

Brenda Kanipe stated that she is a retired nurse and is concerned about a public health problem from this many dogs and the waste.

Dwayne Crawley stated that he is here representing his parents and grandparents. He stated that he would like to speak against this Conditional Use Permit due to the fact that there would be too much animal waste on the property.

Carol Sain stated that she saw a sign advertising dachshunds for sale and called the number. The number was for Mr. Bekemeier. She stated that she lives in a very beautiful community and would like to keep it that way.

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

The Planning Board reconvened to the 2nd floor balcony.

Chairman Anderson called for a 5 minute recess. Chairman Anderson called the meeting back to order.

Public Hearing – Incentive Grant for Existing Industry: Chairman Anderson opened the public hearing concerning the Industrial Incentive Grant for Alpharma.

Laura Foor, Existing Business Coordinator with Lincoln Economic Development, requested an Incentive Grant for Alpharma for an expansion of their existing laboratory and the additional filling and line capacity to their manufacturing facility at the Indian Creek Industrial Park. The expansion would create 10 new jobs with average weekly wages of \$620.00 per week. The total investment would be \$7 million, of which \$5,260,000 will qualify for incentives. Alpharma would receive from Lincoln County \$24,064.50 per year for a five-year period.

Vince Webb, Site Director at Alpharma, stated that they have been working on new products and are going to expand their existing laboratory.

Chairman Anderson expressed his appreciation for the work Alpharma does and for keeping the expansion in Lincoln County.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Incentive Grant for Alpharma.

RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH ALPHARMA USHP INC.

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Alpharma USHP Inc., has developed plans for the installation of machinery and equipment and laboratory expansion at its manufacturing facility in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and Alpha Pharma USHP Inc..

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption.

This 12th day of September, 2005.

Thomas R. Anderson, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

**LINCOLN COUNTY INCENTIVE GRANT
AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 12th day of September, 2005, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and ALPHARMA USHP INC., a Maryland corporation (hereinafter referred to as “Alpha Pharma”).

WITNESSETH:

WHEREAS, Alpha Pharma has developed plans for the installation of manufacturing machinery and equipment and a laboratory expansion in Lincoln County, North Carolina; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

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WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect AlphaPharma to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before November 1, 2005, AlphaPharma shall begin the installation of manufacturing machinery and equipment and expansion of its laboratory in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, AlphaPharma shall make an investment upon such site in machinery and equipment and building of \$7,000,000, of which \$5,260,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, AlphaPharma shall provide at such site at least 10 new jobs paying average weekly wages of \$620.00.
4. In consideration of the performance of the aforesaid obligations by AlphaPharma, the County will provide cash grants to AlphaPharma of \$24,064.50 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to AlphaPharma within 30 days after AlphaPharma has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level II grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by AlphaPharma pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. AlphaPharma specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, AlphaPharma shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

ALPHARMA USHP INC.

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By: _____
President

ATTEST:

Secretary (Corporate seal)

LINCOLN COUNTY

By: _____
Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Incentive Grant for Existing Industry: Chairman Anderson opened the Public Hearing concerning the Incentive Grant for Robert Bosch Tool Corp.

Laura Foor stated that Robert Bosch Tool Corp. is requesting an Incentive Grant to add product lines to manufacture band saws, circular saw blades, brush blades, and masonry drill bits. This expansion would create at least 45 new jobs paying average weekly wages of \$560.00. Bosch will invest \$1,952,500.00, of which \$1,366,750 will qualify for incentives. Lincoln County will provide case grants of \$5,419.16 per year for a five-year period.

David Lee, General Manager for Robert Bosch, stated that they are trying to consolidate in North America and it is his objective for the consolidation to be here.

Chairman Anderson thanked David Lee and Robert Bosch Tool Corp. for staying in Lincoln County.

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the Resolution and Incentive Grant for Robert Bosch Tool Corporation.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH ROBERT BOSCH TOOL CORPORATION**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

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WHEREAS, Robert Bosch Tool Corporation, has developed plans for the installation of machinery and equipment at its manufacturing facility in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and Robert Bosch Tool Corporation.

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption.

This 12th day of September, 2005.

Thomas R. Anderson, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

**LINCOLN COUNTY INCENTIVE GRANT
AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 12th day of September, 2005, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and ROBERT BOSCH TOOL CORPORATION, a Delaware corporation (hereinafter referred to as “Bosch”).

WITNESSETH:

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WHEREAS, Bosch has developed plans for the installation of manufacturing machinery and equipment in Lincoln County, North Carolina; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Bosch to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before October 31, 2005, Bosch shall begin the installation of manufacturing machinery and equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Bosch shall make an investment upon such site in machinery and equipment and business and personal property of \$1,952,500, of which \$1,366,750 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Bosch shall provide at such site at least 45 new jobs paying average weekly wages of \$560.00.
4. In consideration of the performance of the aforesaid obligations by Bosch, the County will provide cash grants to Bosch of \$5,419.16 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Bosch within 30 days after Bosch has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Bosch pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Bosch specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Bosch shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall

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reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

ROBERT BOSCH TOOL CORPORATION

By: _____
President

ATTEST:

Secretary

(Corporate seal)

LINCOLN COUNTY

By: _____
Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Sunday Morning Use of Citizens Center: Kevin Starr stated that earlier this year, a member of First Presbyterian Church expressed concern over the parking difficulties that certain Sunday morning events in the auditorium created for their church members. The guidelines for the auditorium state that “the facility shall be available for use on Sundays between the hours of 1:00 p.m. and 11:00 p.m.” However, this rule had traditionally not been enforced going back years before Cooperative Extension handled the reservations.

Jerry Cochrane stated that they have a big problem at First Presbyterian Church with parking when there is an event at the Citizens Center on Sunday mornings. He stated that some groups have disruptive behavior on Sunday mornings. He presented letters from First Presbyterian Church and Emmanuel Church asking the Board to not allow events in the Citizens Center on Sunday mornings. Mr. Cochrane stated that Lincoln County is blessed with many churches and it is our church families that lead our county in establishing and maintaining our moral values. He stated that to open the Citizens Center on Sunday morning will send the wrong signal to young people and will undermine the good moral values of the county. He urged the Board to not change the policy. Mr. Cochrane stated that there needs to be quiet time on Sunday mornings for people to worship if they so desire.

Tatiana Gonzalez stated that she is the Manager of the Comfort Inn in Lincolnton. She stated that the owners of the Carolina Motel and Days Inn are also in the audience tonight. She stated that there is a group that comes to town in the spring, which does talent competitions. She stated that this group has come to Lincolnton and stayed in Lincolnton for the past 11 years. Ms. Gonzalez asked the Board if they could do shuttle services to improve the parking situation on

Sunday mornings. She presented figures concerning the economic impact of losing these talent competitions.

UPON MOTION by Commissioner Patton, the Board voted unanimously to continue the hours of operation for the Citizens Center as originally set.

Public Hearing – Order Authorizing \$11,000,000 Refunding Bonds:

The Chairman announced that this was the date and hour fixed by the Board of Commissioners for the public hearing upon the order entitled: “ORDER AUTHORIZING \$11,000,000 REFUNDING BONDS” and that the Board would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Commissioner Funderburk seconded by Commissioner Mitchem, the order introduced on August 15, 2005 entitled: "ORDER AUTHORIZING \$11,000,000 REFUNDING BONDS", was placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Commissioners Anderson, Mitchem, Funderburk Moore and Patton.

Noes: none.

The Chairman then announced that the order entitled: "ORDER AUTHORIZING \$11,000,000 REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Lincoln Times-News.

Public Hearing – Environmental Assessment for Water Treatment Plant Upgrade:

Mike Wolfe of WK Dickson and Gerald Potter of Goldstein and Associates presented information concerning the Environmental Assessment for the Water Treatment Plant Upgrade.

Commissioner Moore asked when the decision was made to upgrade the Water Treatment Plant.

Chairman Anderson stated that it has been some time since the decision was made to upgrade the Water Plant. He stated that several years ago, the County was hitting 80% flow through the Water Plant. At that point, the State requires that you start the process to upgrade.

Chairman Anderson opened the Public Hearing.

Bill Davidson stated that he has concerns about the sewage spills and wanted to bring it before the Board.

Being no additional speakers, Chairman Anderson declared the Public Hearing closed.

Water Rate for Town of High Shoals: Barry McKinnon stated that approximately three weeks ago, the Town of High Shoals contacted Public Works concerning their purchase of water from Lincoln County. Their water plant is reportedly old and need of significant repairs, and their water system is small, with only around 250 customers using a total of 40,000 to 50,000 gallons per day. The Town has made the hard decision to shut down their water plant and have requested that Lincoln County supply their water needs on a daily basis. They intend to continue to maintain their own lines and water tank and will read their own meters. The County would only need to read the meter at the connection point and send them a monthly bill like any other customer.

An emergency connection with our system was completed several months ago, and our system has the capability of supplying their needs. The rate established with them for emergency use was \$1.25 per thousand gallons, with no minimum, which is the same rate that is used in our agreement with the City of Lincolnton when we buy water from them.

The purpose of this request is to establish a daily use rate to charge them as a steady customer. This issue has been discussed with Mr. Kiser and with the High Shoals officials. The rate that has been suggested is \$2.00 per thousand gallons, with no minimum. The rate would allow High Shoals to maintain about 60% to 70% of the revenue flow from their water customers, and would generate approximately \$3,000 per month for us. Their officials have verbally agreed to this rate, and if the Board concurs, an agreement will be drawn up for signature by all parties.

High Shoals experienced a pump failure at their water plant last Wednesday, and they have been using our water on an emergency basis since then.

The Public Works Department recommends that a daily use rate of \$2.00 per thousand gallons, with no minimum, be established for the Town of High Shoals.

Chairman Anderson asked Jeff Taylor and Barry McKinnon to put in wording that would protect us from anything that may come from Duke in the future.

UPON MOTION by Commissioner Patton, the Board voted unanimously to accept the recommendation of a daily use rate of \$2.00 per thousand gallon for the Town of High Shoals.

Other Business: Stan Kiser, County Manager, informed the Board that the Steinway Piano in the Auditorium, which is worth about \$50,000, needs around \$1,000 of repair work done.

It was the consensus to repair the piano.

Chairman Anderson presented two letters from the Division of Environmental and Natural Resources concerning the PARTF grants for West Lincoln Park and Beatties Ford Park, which were not funded. They are suggesting that we reapply at a later time this year.

Chairman Anderson stated that most Board members attended a meeting with Pathways representatives last month. He stated that he has received a letter from Cleveland County as to how they should proceed from here. He asked the County Manager to contact Dawn Wilson and get an report on Pathways services in Lincoln County.

Commissioner Moore asked the Board to get their comments to her by Thursday concerning the evaluation of Pathways Executive Director.

Chairman Anderson stated that he received a letter from the Department of Transportation saying that we are taking the correct steps in regards to being in non-attainment.

Recess: The meeting was recessed to September 12, 2005 at 6:00 p.m. at the EMS Base.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners