

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 15, 2005**

The Lincoln County Board of County Commissioners met in regular session on August 15, 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

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 August 15, 2005 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Pastor Ronnie Parker, of St. Matthews United Church of Christ, gave the Invocation and Chairman Anderson led in the Pledge of Allegiance.

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

Commissioner Moore asked to add Recreation to the agenda as Item 9a.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to adopt the agenda as presented adding Item 9a – Recreation.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AUGUST 15, 2005

6:30 PM	Call to Order
6:31 PM	Invocation
6:32 PM	Pledge of Allegiance

1. 6:33 PM Adoption of Agenda
2. 6:35 PM Consent Agenda
 - Budget Adjustments 22, 23
 - Traffic Consultant Committee Recommendations
 - Resolution Approving the Financing By North 321 Volunteer Fire Department
 - Resolution to Accept Bid and Sell Certain Surplus Real Property Owned by Lincoln County
 - Approval of Recognition for Harven Crouse
 - Approval of Minutes
 - o August 1, 2005
 - o August 2, 2005
3. 6:40 PM Public Comments
4. 6:55 PM Recommendations from Planning Board
 - CUP #259 – David Ervin, applicant
 - ZTA #500 – Lincoln County, applicant
 - ZMA #501 – Marty Mull, applicant
 - ZMA #503 – James Beam and Jimmie Allen, applicants
 - CUP #260 – Mark Adkins, applicant
 - PCUR #115A – Norman Pointe, LLC, applicant
 - PCUR #120 – Signature Development Group, applicant
 - PCUR #121 – Maxwell Development Group, applicant
 - PCUR #117 – Max Caldwell Jr., applicant
5. 7:25 PM EMS Request for Purchase – Ron Rombs
6. 7:30 PM Report of Accomplishments – Elizabeth Snyder
7. 7:40 PM Bond Refunding – Leon Harmon
8. 7:50 PM Public Works Capital Project Reports – Steve Gilbert
9. 7:55 PM Finance Officer’s Report
10. 8:00 PM County Manager’s Report
11. 8:05 PM County Commissioners’ Report
12. 8:10 PM County Attorney’s Report
13. 8:15 PM Vacancies/Appointments
14. 8:20 PM Calendar

15. 8:25 PM Other Business

Adjourn

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

Budget Adjustment No. 22 to adjust Home Health budget for a full year.

Budget Adjustment No. 23 to budget for Medicaid Max Funds for the Health Department.

Traffic Consultant Committee Recommendations – Approval of the following four firms:

HNTB
Kimley Horn
Ramey Kemp
DRMP

Staff recommend that the firms be used on a rotating schedule. If a conflict should arise the firm could opt to be passed over to the next firm in line.

RESOLUTION APPROVING THE FINANCING BY NORTH 321 VOLUNTEER FIRE DEPARTMENT, INC. OF UP TO \$175,000.00 FOR THE NEW FIRE TRUCK PROJECT

WHEREAS, North 321 Volunteer Fire Department, Inc. has determined to finance an amount of up to \$175,000.00 for a new Fire Truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has reported the proceedings of the hearing to this Board.

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

1. The County approves the VFD's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved.

**RESOLUTION TO ACCEPT BID AND SELL
CERTAIN SURPLUS REAL PROPERTY
OWNED BY LINCOLN COUNTY**

WHEREAS, Lincoln County is the owner in fee simple of a certain tract of real property consisting of approximately 20.319 acres located in the Lincoln County Industrial Park in Lincoln County, North Carolina, of which approximately 16.23 acres is usable land ; and

WHEREAS, the Lincoln County Board of Commissioners has declared this property to be surplus and has received a bid to purchase said property for the sum of \$20,000.00 per acre, or \$324,600.00, and has advertised such bid in accordance with the provisions of N.C.G.S. 160A-269 and allowed sufficient time for upset bids; and

WHEREAS, no upset bid having been received and the time designated for upset bids having run, the Board now wishes to accept the said bid and sell the property to the bidder in accordance therewith;

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

1. The Lincoln County Board of Commissioners hereby accepts the bid of \$20,000.00 per acre, or \$324,600.00, for the tract of real property referenced above and authorizes the Chairman and/or Vice Chairman and staff to execute all necessary documents to complete the sale of the said property to the bidder as aforesaid.

2. The conveyance of the property shall occur at such reasonable time as the parties shall agree and shall be made contemporaneously with receiving cash or certified funds in the full amount of the purchase price.

3. This resolution shall be effective upon adoption.

This 15th day of August, 2005.

Thomas R. Anderson, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

Approval of Expenditure of \$1,978.44 for the Purchase of Plaque for Harven Crouse

Approval of Minutes

- August 1, 2005
- August 2, 2005

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

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

Recommendations from the Planning Board: Randy Hawkins. Zoning Administrator presented the following recommendations from the Planning Board.

Randy Hawkins stated that the following three zoning cases have been postponed or withdrawn: Parallel Conditional Use Permit No. 118 – Walmart, Zoning Map Amendment No. 502 – Dale Lineberger, and Parallel Conditional Use Permit No. 115A – Norman Pointe.

Conditional Use Permit No. 259 – David Ervin, applicant: The Planning Board voted 8 – 0 to recommend approval with the following conditions:

Applicant's Name David Ervin
 195 Ervin Woods Dr.
 Kannapolis, NC 28021

Property location: off Hwy. 150 East
Existing Zoning: I-G

Proposed Conditional Use Concrete plant

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES NO X
Factual Reasons Cited: Traffic on Hwy. 150, rise makes it difficult to see oncoming traffic, would pose a safety problem.
UPON MOTION by Commissioner Patton, the Board voted unanimously to find fact in the negative.

2. The use meets all required conditions and specifications. YES NO X
Factual Reasons Cited: Not in harmony with area.
UPON MOTION by Commissioner Funderburk, the Board voted unanimously to find fact in the negative.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES NO X
Factual Reasons Cited: Will reduce the value of horse farm, Caldwell business (hot rod shop) and neighboring homes, according to information presented.
UPON MOTION by Commissioner Moore, the Board voted unanimously to find fact in the negative.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES NO X
Factual Reasons Cited: Not in harmony with residential uses or with other businesses in area.
UPON MOTION by Commissioner Patton, the Board voted unanimously to find fact in the negative.

After having held a public hearing on June 6 and August 1, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Patton, the Board voted unanimously to deny Conditional Use Permit No. 259 – David Ervin, applicant.

Zoning Text Amendment No. 500 – Lincoln County, applicant: The Planning Board voted 7 – 0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's recommendation and approve Zoning Text Amendment No. 500 – Lincoln County, applicant.

Zoning Map Amendment No. 501 – Marty Mull, applicant: The Planning Board voted 8 – 0 to recommend approval.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Zoning Map Amendment No. 501 based on the Planning Board's recommendation.

Zoning Map Amendment No. 503 – James Beam and Jimmie Allen, applicants: The Planning Board voted 8 – 0 to recommend approval.

Commissioner Moore asked what would go on the property, if there would be indoor storage and if it will be near the road.

Randy Hawkins stated that the property is in the Duke Power right of way and a building cannot be put there. It will be outside storage and will be toward the road. The proposal is for a boat and rv storage area.

Commissioner Moore asked what kind of buffer will be required.

Randy Hawkins stated that an opaque fence and a vegetative buffer would be required.

Commissioner Mitchem asked if there will be any conditions on what can go on the property later.

Randy Hawkins stated that since this is a straight rezoning, there are not restrictions on what could go there later. He stated that since most of the property is in the Duke Power right of way, there is not much room to put a building.

UPON MOTION by Commissioner Patton, the Board voted unanimously to concur with the Planning Board's recommendation and approve Zoning Map Amendment No. 503- James Beam and Jimmie Allen, applicants.

Conditional Use Permit No. 260 – Mark Adkins, applicant: The Planning Board voted 7 – 0 to recommend approval. The applicant has agreed as a condition to limit the number of animals to 60.

Commissioner Moore stated that the first meeting, it was said that there are already two animal shelters within a 5 mile radius of this site. She asked if this was true.

Randy Hawkins stated that it is true, the Lincoln County Animal Shelter and Tri-County Animal Shelter.

Commissioner Moore asked why Project Halo is moving from Mecklenburg County.

Randy Hawkins stated that he feels Project Halo is moving due to space limitations at the current site.

Mark Adkins stated that there is a space limitation in Mecklenburg County and it is more ideal to expand. They have 27 animals currently in Mecklenburg County.

Commissioner Moore asked if animals will be adopted from the local animal shelter.

Rhonda Thomas stated that she pulls from several kill-shelters if they have the space available.

Commissioner Moore asked if the fact that there are two animal shelters within 5 miles had any effect on them choosing this site.

Ms. Thomas stated that the Lincoln County Animal Shelter is a facility that uses the gas chamber to destroy the animals. Tri-county is 5 miles away. This shelter will be completely different, they will not have 200 animals and their animals will be completely enclosed inside the building.

Commissioner Mitchem asked what kind of animals will be at the shelter.

Ms. Thomas stated that there will only be dogs and cats at the shelter.

Commissioner Mitchem asked how high the fence will be.

Mark Adkins stated that the property will be double fenced, an 8 foot fence around the outside and a 4 foot fence around the inside.

Commissioner Moore asked how the applicant plans to insulate a metal building.

Mr. Adkins stated that he is not sure exactly how it is done, but the company doing it has done numerous facilities such as these. The building will have insulation and acoustics materials that dampen the sound inside and outside.

Commissioner Moore asked if Project Halo is a non-profit organization.

Rhonda Thomas stated that she has been a 501c3 since 1998.

Chairman Anderson stated that one of the principal concerns is the proximity of this facility to a number of churches that are active most of the day on Sunday. He asked if this could be conditioned so that animals would not be outside for most of the day on Sunday.

She stated that it would be fine, normally they don't have volunteers come in on Sunday. It would not be a problem to limit the amount of time they are outside on Sunday.

Chairman Anderson stated that these churches are quite active and have people there for a good part of the day on Sunday. He asked if it was possible to limit the outside activities of the dogs to before 9:00 a.m. or after 4:00 p.m on Sundays.

Ms. Thomas stated that this condition on Sunday hours would not be a problem.

Chairman Anderson asked how odor will be controlled.

Mark Adkins stated that the kennel will be cleaned daily. The solid waste will be picked up and put into a disposal system, it will be sprayed down into a drain, which will end up in a drain field. He stated that there should be no more odor than a house with a septic system.

Chairman Anderson asked about the waste outside.

Mark Adkins stated that waste is picked up many times per day outside the facility.

Rhonda Thomas stated that she works with Community Service workers on 3 shifts. She stated that they clean up waste twice per day. She stated that she has never been cited by local Animal Control or the State for any violations including odor.

Chairman Anderson asked if there will be someone on site 24 hours a day, 7 days per week.

Ms. Thomas stated that there will be a caretaker living in the house beside the skating rink.

Chairman Anderson asked what will be done with the additional property since this is a 6.4 acre site.

Mr. Adkins stated that the back 2 acres is wooded and will not be used. This property is wooded.

Chairman Anderson asked if the applicant would provide a vegetative screen between the shelter and the neighborhoods that surround it.

Mr. Adkins stated that it would not bother him to do this.

Chairman Anderson stated that it is clear that Mr. Adkins is putting a great deal of funding into the venture. He asked how Project Halo will support themselves if this funding is withdrawn.

Ms. Thomas stated that they have a goal of being self-supporting within 5 years.

Commissioner Moore asked if there are any standards that apply to dog kennels, such as noise and odor.

Randy Hawkins stated that there is noise ordinance and there are State standards that deal with animal kennels.

Rhonda Thomas stated that annually they have a State Inspector come out in May. She stated that she became state licensed so she would not exceed the amount of animals she could care for. She stays between 18 and 22 animals at all times, although she is licensed for 30 animals. Ms. Thomas stated that the kennel must be double-fenced, the runs have to be cemented, and animals have to be current on shots and vaccines. The state checks for odor and proper sanitation disposal. All animals are spayed or neutered before they leave the facility.

Randy Hawkins stated that any conditions set by the Board would be checked by Building and Land Development. He stated that the definition for animal shelter and animal kennel in the zoning ordinance is household pets.

Application # CUP 260 Date 8/15/2005

Applicant's Name Mark Adkins
16309 Belle Isle Dr.
Cornelius, NC 28031

Property location: 3920 E. Hwy. 27
Existing Zoning: I-G

Proposed Conditional Use Animal shelter and animal kennel

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Facility will have double fences, will meet all requirements.
UPON MOTION by Commissioner Patton, the Board voted unanimously to find the fact in the affirmative due to the factual reasons cited.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Meets all required conditions and specifications.
UPON MOTION by Commissioner Mitchem, the Board voted unanimously to find the fact in the affirmative due to the factual reasons cited.
3. The use will not substantially injure the value of adjoining or abutting property

unless the use is a public necessity. YES X NO

Factual Reasons Cited: Will be an improvement in appearance, based on rendering submitted by applicant. Safeguards are in place and the drawing will be treated as a site plan, which cannot be deviated from.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to find the fact in the affirmative due to the factual reasons cited.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES X NO

Factual Reasons Cited: Land Use Plan designates area as commercial and employment center, business already located in area.

UPON MOTION by Commissioner Patton, the Board voted unanimously to find the fact in the affirmative due to the factual reasons cited.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to add the condition that on Sunday no animals may be outside between 9:00 a.m. and 3:00 p.m.

UPON MOTION by Commissioner Moore, the Board voted unanimously to add the condition that the capacity of this facility be limited to 60 animals, dogs and cats, subject to the operator being allowed by the state to hold that many animals.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to add the condition that Grade C screening be added to the two sides of the property back to the tree line.

After having held a public hearing on August 1, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Patton to approve Conditional Use Permit No. 260 – Mark Adkins., applicant, subject to the findings of fact and conditions listed.

Vote: Unanimously approved.

Parallel Conditional Use Rezoning No. 120 – Signature Development Group, applicant: The Planning Board voted 7 – 0 to recommend approval with the condition that the amenities (clubhouse, playground/picnic area and boat/RV storage area be completed by the time the subdivision is 50% built-out.

Application # PCUR 120 Date 8/15/2005

Applicant's Name Signature Development Group
19701 Bethel Church Road
Cornelius, NC 28031

Property location: Beth Haven Church Road
Existing Zoning: R-SF, R-T

Proposed Conditional Use Subdivision with 70 lots for single-family homes

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Based on information provided.
2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Meets all conditions and specifications of a Planned Residential district
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO
Factual Reasons Cited: Will not hurt the value of adjoining property
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES X NO
Factual Reasons Cited: Will be in harmony with the area and is consistent with the Land Use Plan.

After having held a public hearing on August 1, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to rezone the property subject to the Parallel Conditional Use Rezoning.

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Permit No. 120 – Signature Development Group, applicant, and accept the Planning Board’s findings of fact and conditions.

Parallel Conditional Use Rezoning No. 121 – Maxwell Development Co. and Murphy Development Co, applicants: The Planning Board voted 5 – 0 to recommend approval.

Commissioner Moore asked if county water and sewer are available.

Randy Hawkins stated that both county water and sewer will be provided. Fifty lots were originally developed. When this development was created, this land was not available. Since the land has been acquired, they are asking to do a Phase II.

Commissioner Moore asked if this meets density requirements.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Parallel Conditional Use Permit No. 121 – Maxwell Development Co. and Murphy Development Co, applicants, based on the Planning Board’s findings of fact.

Parallel Conditional Use Rezoning No. 117 – Max Caldwell Jr., applicant: The Planning Board voted 5 – 1 to recommend approval with the conditions that the developer:

- 1) Provide a lot for the homeowners association on the cul-de-sac that serves lots 24-46 and construct a picnic shelter on it before the subdivision is 50% built-out.
- 2) Construct an exclusive northbound right-turn lane on Old Mill Road at Hwy. 150 with at least 75 feet of storage.
- 3) Construct an exclusive southbound right-turn lane on Old Mill Road at the entrance to the subdivision with 50 feet of storage
- 4) Donate \$10,000 to the school system for a capital improvement project at Pumpkin Center elementary and middle schools.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to rezone the property subject to the Parallel Conditional Use Rezoning.

Commissioner Moore asked about the density requirements for the amount of land versus the amount of homes we are putting in the area.

Randy Hawkins stated that the minimum lot size in R-SF was increased from ½ acre with water to ¾ acre minimum lot size, regardless of whether there is water or not. He stated that if you try to split this into ¾ acre lots, factoring out the road and flood plain, you could get about 80 lots. The request is for 102 homes. This subdivision would be served by county water and the smallest lots would be just under ½ acre, which is the old minimum lot size. These are the same size lots that are in the neighboring subdivisions.

Commissioner Moore stated that the Board is considering approving this in an area where there are already mobile homes at the schools. She stated that this would create around 42 children. She stated that one of her concerns is that they are going to set a precedence in not upholding density requirements. She asked about these septic tanks in the flood plain.

Randy Hawkins stated that you can put a septic tank in the flood plain.

Randy Hawkins stated that in regard to the minimum lot size, one of the reasons staff recommended an increase in the minimum lot size was to give developers who wanted to do a planned district an incentive. With the old rules, there was no incentive.

**VOTE: 4 – 1 AYES: Anderson, Mitchem, Funderburk, Patton
 NOES: Moore**

Application # PCUR 117

Date 8/15/2005

Applicant's Name Max Caldwell, Jr.
 1436 Old Mill Road
 Lincolnton, NC 28092

Property location: Old Mill Road
Existing Zoning: R-S

Proposed Conditional Use Subdivision with 102 lots for single-family homes

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES X NO
Factual Reasons Cited: Will not affect public health or safety.
UPON MOTION by Commissioner Patton, the Board voted unanimously to find the fact in the affirmative based on the factual reasons cited.

2. The use meets all required conditions and specifications. YES X NO
Factual Reasons Cited: Meets all criteria set forth.
UPON MOTION by Commissioner Funderburk, the Board voted unanimously to find the fact in the affirmative based on the factual reasons cited.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES X NO
Factual Reasons Cited: Will enhance the adjoining property.
UPON MOTION by Commissioner Funderburk, the Board voted unanimously to find the fact in the affirmative based on the factual reasons cited.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
YES X NO
Factual Reasons Cited: Will be in harmony with the area and is in conformity with the Land Use Plan.
UPON MOTION by Commissioner Mitchem, the Board voted unanimously to find the fact in the affirmative based on the factual reasons cited.

UPON MOTION by Commissioner Moore, the Board voted unanimously to accept the four conditions added by the Planning Board.

A MOTION by Commissioner Moore to add a condition that the maximum lots be 80 based on density and the fact that schools are already overcrowded in the area.

VOTE: 2 – 3 AYES: Moore, Anderson
NOES: Mitchem, Funderburk, Patton

After having held a public hearing on August 1, 2005 and in light of the Findings of Fact listed herein, the following action was taken by the Lincoln County Board of Commissioners:

UPON MOTION by Commissioner Funderburk, the Board voted 4 – 1 (Moore against) to approve Parallel Conditional Use Permit No. 117 – Max Caldwell, Jr., applicant, and accept the Planning Board’s findings of fact and conditions.

EMS Request for Purchase: Ron Rombs presented the following information:

The Lincoln County board of Commissioners has approved money in the capital improvement account for the purchase of two Type II (E-Series van) ambulances and a remount of one Type I (F-350) ambulance chassis for FY 2005-2006.

Recently an issue concerning the chassis of the E Series van ambulances has been addressed on a national level due to a problem with the frames cracking. A typical fix requires the replacement of the vehicles frame at the owner’s expense. Ford Motor Company has issued a technical bulletin concerning this matter, however is not picking up the cost of the repairs and/or frame replacement.

In light of the safety and liability concerns with the E Series chassis, Mr. Rombs requested that the Board approve the purchase of the following apparatus:

The purchase of two, 2003 model Type I F-350 Ambulances in the amount of \$84,765 each.

The total purchase is \$169,530.00. The funds for the purchase of these ambulances are included in the CIP budget and there is a total of \$181,000 budgeted.

The difference in operational cost of the Type II (Van) versus the Type I (F-350) are minimal over the first few years, however the Type I will create great savings over the long run based upon the replacement cost of a Type II as opposed to remounting the boxes of the Type I onto a new chassis.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept Ron Romb’s recommendation and purchase the two new ambulances.

Forestry Report of Accomplishments: Liz Snyder presented the Report of Accomplishments for the Forestry Service.

Chairman Anderson asked Ms. Snyder if she has anything to do with the Mountain Island Educational State Forest.

Ms. Snyder explained that the State Forest is a separate part of their division and is headed out of the Mt. Holly District. She stated that they are working hard on the State Forest, but it depends on funding when it will be ready.

Commissioner Funderburk thanked Liz Snyder for the job she does in Lincoln County.

Bond Refunding:

Commissioner Anderson introduced the following order, which was read by title and summarized by the Finance Director:

ORDER REPEALING AUTHORIZATION FOR BALANCE
OF REFUNDING BONDS AUTHORIZED BY ORDER
ADOPTED ON MARCH 1, 2004

WHEREAS, pursuant to an order adopted on March 1, 2004, the Board of Commissioners authorized the issuance of not exceeding \$13,000,000 Refunding Bonds of the County of Lincoln, North Carolina (the "County"), for the purpose of refunding all of the County's outstanding General Obligation Refunding Bonds, Series 1994, dated February 1, 1994, that were stated to mature on or after June 1, 2005 (the "Refunded Bonds"); and

WHEREAS, pursuant to such authorization, the County issued, on May 11, 2004, \$10,400,000 General Obligation Refunding Bonds, Series 2004 to refund the Refunded Bonds; and

WHEREAS, such refunding having taken place, the Board of Commissioners, based on the advice of its Bond Counsel, deems it advisable to repeal the authorization for the authorized but unissued balance (\$2,600,000) of such Refunding Bonds; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Lincoln:

1. That the authorization for the authorized but unissued balance of the Refunding Bonds authorized by the order adopted by the Board of Commissioners on March 1, 2004 is hereby repealed.

2. That this order shall take effect upon its adoption.

Thereupon, upon motion of Commissioner Patton, seconded by Commissioner Mitchem, the order entitled: "ORDER REPEALING AUTHORIZATION FOR BALANCE OF REFUNDING BONDS AUTHORIZED BY ORDER ADOPTED ON MARCH 1, 2004" was adopted by the following vote:

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

Noes: none.

Thereupon Commissioner Anderson introduced the following resolution, which was read by title and summarized by the Finance Director:

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, AND RATIFYING ACTION OF FINANCE DIRECTOR IN FILING APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the authorization of not exceeding \$11,000,000 Refunding Bonds of the County (the "Bonds") for the purpose of refunding all or any part of (a) the County's outstanding General Obligation School Bonds, Series 1996, dated May 1, 1996, that mature on or after June 1, 2007, (b) the County's outstanding General Obligation School Bonds, Series 1997, dated April 1, 1997, that mature on or after June 1, 2008, and (c) the County's outstanding General Obligation School Bonds, dated November 1, 2000, that mature on or after June 1, 2011;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners hereby finds and determines in connection with authorizing the issuance of the Bonds that (a) the proposed issuance of the Bonds is necessary or expedient for the County, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purpose of such issue, (c) the County's debt management procedures and policies are good and are managed in strict compliance with law, (d) no increase in taxes will be necessary to service the Bonds and (e) under current economic conditions the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby designated as the representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina, and all actions heretofore taken by the Finance Director and any other officers of the County relating to such matter are hereby approved, ratified and confirmed.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Funderburk, seconded by Commissioner Mitchem, the foregoing resolution entitled:

"RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, AND RATIFYING ACTION OF FINANCE DIRECTOR IN FILING APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION"

was passed by the following vote:

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

Thereupon Commissioner Anderson introduced the following order authorizing bonds, which was read by title and summarized by the Finance Director:

**ORDER AUTHORIZING
\$11,000,000 REFUNDING BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Lincoln:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Lincoln, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in

evidence thereof to issue Refunding Bonds in an aggregate principal amount not exceeding \$11,000,000, for the purpose of providing funds, together with any other available funds, for refunding all or any part of (a) said County's outstanding General Obligation School Bonds, Series 1996, dated May 1, 1996, that mature on or after June 1, 2007,(b) said County's outstanding General Obligation School Bonds, Series 1997, dated April 1, 1997, that mature on or after June 1, 2008, and (c) said County's General Obligation School Bonds, Series 2000, dated November 1, 2000, that mature on or after June 1, 2011.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect upon its adoption.

The Board of Commissioners thereupon designated the Finance Director as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after a bond order has been introduced and before the public hearing thereon.

Thereupon the Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

On motion duly made by Commissioner Funderburk, seconded by Commissioner Patton and unanimously carried, the Board of Commissioners fixed 6:30 P.M., September 12, 2005, in the Commissioners' Meeting Room at the Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina, as the hour, day and place for the public hearing upon the foregoing order, and directed the Clerk to the Board of Commissioners 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 not later than the sixth day before said date.

Public Works Capital Project Reports: Steve Gilbert presented the Capital Project Reports for the Public Works Department.

Finance Officer's Report: Leon Harmon, Finance Officer, presented the budget performance report for July, 2005.

Recreation: Commissioner Moore stated that she would like for the Board to discuss Recreation. She stated that she feels the Recreation should be split and she would like input from other Commissioners.

Chairman Anderson stated that he understands the Board has decisions to make. He asked for this item to be added to the September 19 agenda to discuss the options for Recreation.

Commissioner Mitchem stated that the Board has met with City Council and is at a crossroads as to which path to take.

County Manager's Report: Stan Kiser presented the County Manager's Report.

County Commissioners Report: The Board set a date of September 28 at 6:00 p.m. for the workshop with Bill Duston and the Planning Board.

County Attorney's Report: Jeff Taylor, County Attorney, stated that he has received a draft of the contract to close on the Bank of America Building. Closing will be on or before September 20.

He informed the Board of the new law taking place in December concerning children riding all terrain vehicles.

Vacancies: Commissioner Funderburk presented the following vacancies.

Nursing and Adult Care Home Community Advisory Committee 4
Historic Properties Commission 1
Council on Aging

Appointments:

Nursing and Adult Care Home Community Advisory Committee

- Appoint Faye B. Morris
- Appoint Marshall Fox

Library Board – Regional Board

- Appoint Kathryn Yarbro

Lincoln Natural Resources Commission

- Appoint Roland Allen

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the appointments.

Calendar: Chairman Anderson presented the calendar for September 2005. He reminded the Board of the meeting on Thursday, September 18 concerning Pathways.

Adjourn: **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to adjourn the meeting.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners