

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, FEBRUARY 21, 2005**

The Lincoln County Board of County Commissioners met in regular session on February 21, 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. Long, Clerk to the Board

**Call to Order:** Chairman Anderson called the February 21, 2005 meeting of the Lincoln County Board of Commissioners to order.

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 Patton, the Board voted unanimously to adopt the agenda adding Item 11a – Traffic Impact Studies and 17a – Closed Session.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 21, 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. 6:34 PM	Approval of Minutes - February 7, 2005

3. 6:35 PM Consent Agenda

- Mutual Aid Agreement
- Letter of Credit No. 40
- Sponsored Group Status
  - Spanish Christian Congregation of Jehovah's Witnesses
- Tax Requests for Refunds – January 24 – February 6, 2005
- Resolution Concerning Use of Room Occupancy and Tourism Tax
- Budget Adjustment No. 58 – 63
- Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving Agreement the Articles of Association and Agreement for the Centralina Workforce Consortium

4. 6:40 PM Public Hearing – Incentive Grant for Timken and Agreement

5. 6:50 PM Public Comments

6. 7:05 PM North Brook Fire Department Waterline

7. 7:15 PM Planning Board Recommendations

- SOA #25 Lincoln County, applicant
- SOA #26 Lincoln County, applicant
- ZMA #492 Marty Mull, applicant
- CUP #255 Michael Davis, applicant
- CUP #256 Leigh Anne Bolton, applicant
- PCUR #110 R & L MacLeod Investments, applicant

8. 7:45 PM Courthouse Repairs – Electrical Service Replacement and Lighting Work

9. 8:00 PM Cultural Center Repairs

10. 8:10 PM Land and Water Conservation Fund Application for West Lincoln Park - Erma Deen Hoyle

11. 8:20 PM Public Works Capital Project Reports – Steve Gilbert

12. 8:25 PM Finance Officer's Report

13. 8:30 PM County Manager's Report

14. 8:35 PM County Commissioners' Report

15. 8:40 PM County Attorney's Report

16. 8:45 PM Vacancies/Appointments

17. 8:50 PM Calendar

18. 8:55 PM Other Business

Recess

**Approval of Minutes – February 7, 2005:** Chairman Anderson presented the minutes of the February 7, 2005 meeting for approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the February 7, 2005 meeting minutes as presented.

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

- Mutual Aid Agreement for Emergency Medical Services
- Letter of Credit No. 40 - Bordeaux Subdivision
- Sponsored Group Status
  - Spanish Christian Congregation of Jehovah's Witnesses
- Tax Requests for Refunds – January 24 – February 6, 2005
- Resolution Concerning Use of Room Occupancy and Tourism Tax
- Budget Adjustment No. 58 – 63
- Articles of Association and Agreement for the Centralina Workforce Development Consortium and Resolution Approving Agreement the Articles of Association and Agreement for the Centralina Workforce Consortium

Requests for Refunds

All Refunds More Than \$100

NAME	YEAR	DIST	A/C#	AMOUNT
White, Billy G.	2004	CITY	0085423	\$ 115.79
		TOTAL		\$ 115.79
Lineberger, Jerry S.	2004	CFD	0148036	\$ 536.25
Toyota Motor Credit	2001-2003	CITY	44742	1,212.83
		TOTAL		\$1,749.08

**RESOLUTION CONCERNING USE  
OF ROOM OCCUPANCY AND TOURISM TAX**

**WHEREAS**, it has been recognized that additional resources were needed in the promotion of travel and tourism in Lincoln County.

**WHEREAS**, a growing number of counties in North Carolina are using room occupancy taxes from the rental of rooms, lodging or accommodations, in the promotion of travel and tourism.

**WHEREAS**, on July 24th 1993 the North Carolina General Assembly approved legislation enabling Lincoln County to begin charging a room occupancy tax.

**WHEREAS**, after holding the required public hearings, the Lincoln County Board of Commissioners enacted a resolution levying a room occupancy tax on August 23, 1993 to become effective October 1, 1993.

**WHEREAS**, the enabling legislation of this tax requires that at least two-thirds of the proceeds from this tax be used to promote travel and tourism. The legislation also allows that the remaining revenues be used for tourism related expenditures.

**WHEREAS**, in previous years resolutions have been approved designating which expenses are supported by occupancy tax revenues.

**WHEREAS**, during fiscal year 2004-05 Lincoln County expects to receive \$45,000 from the occupancy tax.

**WHEREAS**, during fiscal year 2004-05 Lincoln County has budgeted the following expenses to promote travel and tourism: Chamber of Commerce \$15,600, to advertise print and distribute information on Lincoln County; Main Street Program \$11,700; Historical Properties \$7,221; Historical Association \$25,350; Historical Coordinator \$43,187; and Battle of Ramsour Mill \$4,387; for a total of \$107,445.

**THEREFORE BE IT RESOLVED**, That the revenues from the Local Occupancy tax be used for the above outlined tourism related expenditures and to promote travel and tourism for fiscal year 2004-05.

Adopted this the 21, day of February, 2005.

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Thomas R. Anderson, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Long, Clerk to the Board

February 21, 2005  
Zoning - Public Hearing Meeting

Budget Adjustment No. 58 for Social Services to increase expenditure and revenue line items for additional allocation of funds for Crisis Intervention Program (no county funds involved).

Budget Adjustment No. 59 to fund contract Frelich for work on Adequate Public Facilities Ordinance.

Budget Adjustment No. 60 for Social Services to increase expenditure and revenue line items for additional allocation of funds for Crisis Intervention Program (no county funds involved).

Budget Adjustment No. 61 for Health Department for grant by March of Dimes to provide Folic Acid to prenatal patients and pre-pregnancy clients to prevent birth defects.

Budget Adjustment No. 62 for Health Department for a grant by Susan B. Komen Foundation to provide uninsured and under-insured women with mammograms, diagnostic and treatment services.

Budget Adjustment No. 63 for Health Department for a grant provided by the state for one permanent school nurse position and one two year school nurse position.

**Public Hearing – Incentive Grant for Timken and Resolution:** Laura Foor, with EDA, stated that Timken is making an additional investment of \$3,000,000, of which \$2,100,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the agreement, Timken shall provide at least 10 new jobs paying average hourly wages of \$17 per hour. The County will provide cash grants to Timken of \$8,463 per year for a five-year period.

Scott Abernathy, of the Timken Company, stated that this is a totally new line, which is a replacement of a line that they thought was going away. He gave a presentation on what Timken gives back to Lincoln County.

Chairman Anderson opened the public hearing concerning the Incentive Grant for Timken.

Being no one wishing to speak, Chairman Anderson declared the Public Hearing closed.

Commissioner Anderson expressed his deep appreciation for all Timken does for Lincoln County.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with The Timken Company.

### **RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH THE TIMKEN COMPANY**

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, The Timken Company, has developed plans for expansion of 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 The Timken Company.

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 21<sup>st</sup> day of February, 2005.

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Thomas R. Anderson, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Long, Clerk to the Board

**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.

**North Brook Fire Department Waterline:** Donald Hull, Chief of the North Brook Fire Department, stated that they are getting ready to build a new fire station on Doyle Beam Memorial Road. He asked for help with putting the water line in and waived tap fees.

The cost estimate for the installation of a 6" line is \$23,500.00.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to grant a waiver of the cost of installing a water line estimated to be \$23,500 to North Brook Fire Department, with the money being taken out of the water fund.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to direct the Water Department to develop a tap fee schedule for intergovernmental facilities and bring back before the Board.

**Planning Board Recommendations:**

**Subdivision Ordinance Amendment No. 25 – Lincoln County, applicant:** Brad Dyer, Land Use Coordinator, stated that the Planning Board voted 7 – 0 to recommend approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Subdivision Ordinance Amendment No. 25 – Lincoln County, applicant.

**Subdivision Ordinance Amendment No. 26 – Lincoln County, applicant:** Brad Dyer, Land Use Coordinator, stated that the Planning Board voted 7 – 0 to recommend approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Subdivision Ordinance Amendment No. 26 – Lincoln County, applicant.

**Zoning Map Amendment No. 492 – 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. 492 – Marty Mull, applicant, based on the recommendation of the Planning Board.

**Conditional Use Permit No.255 – Michael Davis, applicant:** The Planning Board voted 7 – 0 to recommend approval.

Application # CUP #255 Date 2/21/05

Applicant's Name Michael Davis  
7436 Reeps Grove Church  
Vale, NC 28168

Property location: Tommy's Welding Shop Lane  
Existing Zoning: R-S

Proposed Conditional Use Class B (doublewide) mobile home

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Will not endanger health or safety.
2. The use meets all required conditions and specifications. YES  NO  
Factual Reasons Cited: Meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES  NO  
Factual Reasons Cited: Junkyard is located on one side, singlewide mobile home is located on adjoining lot.
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  
Factual Reasons Cited: Will improve the area.

After having held a public hearing on February 7, 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 Mitchem, the Board voted unanimously to accept the findings of fact presented by the Planning Board and approve Conditional Use Permit No. 255 – Michael Davis, applicant.

**Conditional Use Permit No.256 – Leigh Anne Bolton, applicant:** The Planning Board voted 7 – 0 to recommend approval.

Application # CUP #256 Date 2/21/05

Applicant's Name      Leigh Anne Bolton  
                            4068 Lakeshore Drive South  
                            Denver, NC 28037

Property location: North Little Egypt Road  
Existing Zoning: R-T

## Proposed Conditional Use day care center

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES  NO  
Factual Reasons Cited: Additional traffic would be small relative to traffic that flows to schools in area.
2. The use meets all required conditions and specifications. YES  NO

Factual Reasons Cited: Meets conditions pertaining to traffic and entrances.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES  NO  
Factual Reasons Cited: Design of structure will not have negative impact on community.

2. 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  
Factual Reasons Cited: High school and elementary school located just down the road.

After having held a public hearing on February 7, 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 accept the findings of fact presented by the Planning Board and approve Conditional Use Permit No. 256 – Leigh Anne Bolton, applicant.

**Parallel Conditional Use Permit No. 110 – R & L MacLeod Investments, applicant:**  
The Planning Board voted 6 – 1 to recommend approval.

The Planning Board approved the findings of fact with the following conditions:

- 1 – that the central access on Blades Trail shown as No. 4 on the site plan be eliminated.
- 2 - that major construction traffic come off Webbs Road and, in the secondary phasing, off Burton Lane.
- 3 - That the amenities include a swimming pool, clubhouse and playground and that they be constructed by the time the development is 50 percent built-out.
- 4 – That the traffic study be amended to include the intersection of Unity Church Road and Hwy. 16 and that the results be available before a final decision is made on the rezoning request.

The developer has written a letter agreeing to reduce the number of homes by 5%, which will eliminate 25 homes, 20 townhomes and 5 patio homes. The total number of homes is now 445, 95 townhomes, 90 lots for patio homes, and 260 larger lots for single-family homes.

Randy Hawkins reviewed the traffic impact study for Unity Church Road, which will fail in 2009 even without this development.

There was a discussion about who is responsible for paying for these improvements.

**UPON MOTION** by Commissioner Funderburk, the Board voted 4 – 1 (Moore against) to approve the rezoning for Parallel Conditional Use Permit No. 110 – R & L MacLeod Investments, applicant.

The Board reviewed the following findings of fact.

Application # PCUR 110 Date 2/21/05

Applicant's Name      R & L MacLeod Investments  
                            P.O. Box 320  
                            Denver, NC 28037

Property location: Blades Trail, Burton Lane, Webbs Road  
Existing Zoning: R-SF, RL-20

Proposed Conditional Use Planned development with 355 SF homes, 115 townhomes

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 be scrutinized heavily and will have to follow guidelines.  
**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Moore against) to accept finding 1 and factual reasons cited.
2. The use meets all required conditions and specifications. YES X NO  
Factual Reasons Cited: Bases on staff's testimony.  
**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept finding 2 and 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: (character of) property between this tract and Hwy. 16, business and duplexes on Webbs Road, deep lots planned on Blades Trail  
**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept finding 3 and 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: same reason as cited in previous finding.  
**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept finding 4 and factual reasons cited.

The Planning Board suggested the following conditions:

- 1 – that the central access on Blades Trail shown as No. 4 on the site plan be eliminated.
- 2 - that major construction traffic come off Webbs Road and, in the secondary phasing,

off Burton Lane.

- 3 - That the amenities include a swimming pool, clubhouse and playground and that they be constructed by the time the development is 50 percent built-out.
- 4 – That the traffic study be amended to include the intersection of Unity Church Road and Hwy. 16 and that the results be available before a final decision is made on the rezoning request.

Condition 1:

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Planning Board's recommended condition as modified to provide that access to Blades Trail will be as determined by NCDOT, but that at least one of those entrances will be eliminated.

Condition 2:

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the Planning Board's recommended condition.

Condition 3:

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to accept the Planning Board's recommended condition.

Condition 4:

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to not accept Condition 4.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously that any improvements deemed necessary by NCDOT at the intersections of Webbs Road and Highway 16, Unity Church Road and Highway 16, and Fairfield Forest and Highway 16 be paid for by the developer.

Bob MacLeod stated that he wouldn't mind paying for the impact from his development, but cannot see paying for all development's impact.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to add the following condition: Prior to issuance of permits of any type, require Erosion & Sedimentation Plan submittal and approval by NC DENR, Duke Power Lake Management and Lincoln County Natural Resources Committee.

**UPON MOTION** by Commissioner Anderson, the Board voted unanimously to add the following condition: Prior to issuance of permits of any type, require plans showing methods and procedures to be used to control runoff from this site, best management practices.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to grant Parallel Conditional Use Permit No. 110 – R & L MacLeod Investments, applicant.

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

Chairman Anderson announced that during the break, some new information had come up concerning a legal issue with the #2 exit to Burton Creek. He asked Randy Hawkins to look into the matter.

**Courthouse Security:** Dennis Williams presented bids for the replacement of the main electrical switch gear and relocation of transformers. A lighting project was also included in the quotations as an alternate bid. There is also an alternate bid for replacing the light systems in the two big porches on the East and West sides to make them more functional.

The low bid quotation for the project was received from Lail Electric Service in the amount of \$37,250.00 for the base bid work. Lake Electric Company provided a quotation of \$39,739.00 and Wise Electric Control, Inc. provided a base bid quotation of \$82,500.00.

These are the base bids for the replacement of the electrical service to the Courthouse.

Alternate bid #1 includes the installation and hookup of the exterior ground mounted lights to light the exterior façade on the three currently unlit sides of the Courthouse. Lail Electric quoted the alternate bid #1 in the amount of \$5,000.00. Lake Electric Company had a quotation for alternate bid #1 of \$5,364.00 and Wise Electric Control, Inc. had a quotation of \$7,900.00.

The second alternate bid was to replace the lighting systems on the two porches on the East and West side and Lail Electric provided a quotation of \$4,200.00. Lake Electric provided a quotation of \$2,636.00, while Wise Electric Control, Inc. provided a quotation of \$7,200.00.

There was also an alternate bid #3 for the disposal of possible PCB contaminated oil which may be within the transformers. This particular alternate was quite confusing. In the base bid indicated above the electrical contractor was to test the oil contained in the transformers and switches for the potential of PCB contamination. If PCB contamination is found then Alternate Bid #3 provided a quotation for disposing of the PCB contaminated oil. Wise Electric quoted an additional cost of \$8,000.00. Lake Electric quoted an additional cost of \$500.00. Lail Electric quoted an allowance of \$500.00 based on a cost of .85 per pound with a 250 pound minimum.

Dennis Williams presented the following project cost:

Electrical work	37,250
Exterior lights	5,000
Porch lights	4,200
PCB Disposal (Allowance)	500
Sub-Total	46,950

General Construction Work	<u>5,100</u>
Sub-Total	52,050
Contingency	<u>3,000</u>
<b>TOTAL</b>	<b>\$55,050</b>

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to authorize expenditure of \$55,050 to make the repairs outlined to the courthouse.

**Cultural Center Repairs:** Leon Harmon, Finance Director, stated that the Cultural Center has a problem with water leaking into the lower level after a period of heavy rain. They have been lucky that the flooding hasn't occurred during scheduled events.

To address this problem, an engineering firm was contracted with to determine how the problem could be fixed. The engineer determined that the waterproofing on the 1920's portion of the building had deteriorated and was no longer effective. They proposed that this area be excavated, the foundation waterproofed and a French drain be installed to drain the surface water to the street storm water drain. \$100,000 was included in the current budget under building maintenance for this project.

Bids were received and the engineer recommends accepting the low bid from Strickland Waterproofing Co. in the amount of \$61,720.00. Included in this bid as alternate #1 is the removal of the interior restroom walls in the lower level, this is needed to make sure the leak is repaired and this area had been damaged by water leaks in the past and needs to be replaced. The amount of funds budgeted should be adequate to make the repairs if approved.

The bid is as follows:

Base bid	\$58,420.00
Alternate No. 1	<u>\$ 3,300.00</u>
Total	\$61,720.00

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the funds to address the water entry problems at the Cultural Center.

**Land and Water Conservation Fund Application for West Lincoln Park:** Erma Deen Hoyle requested approval to submit an application for the Land and Water Conservation Fund grant for the West Lincoln park. The amount to be requested is \$250,000. The local Government applying for these funds must certify match of equal or greater value of the request. This request would require no additional contribution or new money from the county.

**RESOLUTION APPROVING THE APPLICATION AND**  
**AVAILABILITY OF LOCAL MATCH FOR**  
**WEST LINCOLN PARK**  
**BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Land and Water Conservation Fund Act of 1965, as amended, provided for the making of grants by the National Park Service, U.S. Department of the Interior, to States and to local governments in support of outdoor recreation projects, and such funds are available after approval of the appropriate state agency and the Department of the Interior; and

WHEREAS, adopted procedures by the State of North Carolina and the National Park Service require the applicant to certify by resolution the approval of applications, signature authorization, and the availability of local matching fund; and

NOW THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS, hereby:

- (1) Approves the filing of an application for the Land and Water Conservation Fund program to the National Park Service, U.S. Department of the Interior, through the State of North Carolina, for acquisition and/or development of West Lincoln Park; and
- (2) Certifies that Lincoln County has budgeted or currently has available its 50% share of the proposed total project funds in the amount of \$250,000 and will allocate these funds toward this project upon project approval by the State and National Park Service; and
- (3) Agrees to comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application and the Land and Water Conservation Fund program; and
- (4) Certifies no property acquired and/or developed under this project, without the approval of the U.S. Secretary of the Interior, be converted to non-public outdoor recreation uses. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and reasonably equivalent usefulness and location; and
- (5) Certifies the information contained in the application is based on the most accurate data available and is correct.

**UPON MOTION** by Commissioner Moore, seconded by Commissioner Mitchem, the Board voted unanimously to approve the Resolution Approving the Application and Availability of Local Match for West Lincoln Park by the Lincoln County Board of Commissioners.

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

**Traffic Impact Studies:** Commissioner Patton asked if in the future, traffic impact studies could be paid for by the developer, but the firm hired through the county. He stated that he feels the Board would get different information if the county hired the firm doing the traffic impact studies.

It was the consensus of the Board to appoint a committee to study traffic impact studies, coming back to the Board with recommendations.

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the budget performance report for January, 2004.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20.

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Lincoln, North Carolina desires to construct new T-hangars at the Lincolnton Lincoln County Regional Airport (the "Project") to better serve the citizens of Lincoln County; and

WHEREAS, The County of Lincoln desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Lincoln County, North Carolina, meeting in regular session on the 21st day of February, 2005, make the following findings of fact:

1. The proposed contract for \$728,000 dollars is necessary and expedient to allow for the construction of two T-hangar buildings at the Lincolnton Lincoln County Regional Airport. These buildings will allow for the storage of aircraft, allow for the Airport to accommodate more aircraft, increasing the use of the airport and in turn increasing revenues in the form of rental income and increased fuel sales for the Airport.
2. The proposed contract is preferable to a bond issue for the same purpose because for the following reasons. The financing is preferred over general obligation bonds because of the comparable interest rate and lower issuance cost associated with private placement. This is also preferable to two-thirds debt issuance because currently there is no two-thirds debt authorization available. Furthermore, this form of financing is faster than general obligation bonds and needs to be completed with the next few months since reasonable bids have been received. The proposed financing is also preferable because there are not adequate funds in the current budget to finance the total cost of this project. Lincoln County has endeavored to improve its fund balance to an amount acceptable to the NCLGC and consistent with sound financial management. The intent is for this project to have adequate rental income to cover the debt payments for these buildings.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because they are reasonable for the proposed project.
4. The County of Lincoln's debt management procedures and policies are good because such practices have been carried out in strict compliance with the law as evidenced by the additional general obligation debt that has been issued over the past several years for school projects.

5. There will be no need to increase taxes to meet the sums to fall due under the proposed contract. Funds have been budgeted in the current budget to make these payments. Adequate revenues should be generated from this project to cover the debt service for this project.
6. The County of Lincoln is not in default in any of its debt service obligations.
7. The attorney for the County of Lincoln has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Manager and/or the Finance Director is hereby authorized to act on behalf of the County of Lincoln in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 21st day of February, 2005.

The motion to adopt this resolution was made by Commission\_\_\_\_\_,

Seconded by Commissioner\_\_\_\_\_, and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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Thomas R. Anderson, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Long,  
Clerk to the Board of Commissioners

This is to certify that this is a true and accurate copy of Resolution No.\_\_\_\_\_ Adopted by the Lincoln County Board of Commissioners on the 21st day of February, 2005.

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Amy S. Long,  
Clerk to the Board of Commissioners

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Date

Leon Harmon proposed contracting with Robert S. Segal, CPA and Utility Reduction Specialists to review utility bills and audit sales tax returns.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve using Robert S. Segal and Utility Reduction Specialists to review utility bills and audit sales tax returns.

Leon Harmon asked for the Board's direction as to what to do with the mobile home that was on one of the Owl's Den sites bought by the county.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to allow Leon Harmon to sell the mobile home on govdeals.com.

It was the consensus to leave it to Leon Harmon's discretion as a reasonable bid.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve a contract with Martin Starnes and Associates for the audit.

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

**County Attorney's Report:** Jeff Taylor, County Attorney, reported on foreclosure activities and the Haynes case, which has now been settled. He stated that one site at Owl's Den Landfill has been closed on and the others are waiting for surveys.

**Vacancies:** Commissioner Funderburk presented the following vacancies and appointments.

## **VACANCIES**

Nursing and Adult Care Home Community Advisory Committee 4

Recreation Commission – Union 1

Howards Creek	1
Lincolnton	1
Ironton	2

Library Board

Lincolnton 1

Historic Properties Commission 1

## **APPOINTMENTS**

### **Growth Management Committee**

#### **Members**

Troy Motz, Homebuilder Association

Billy West, Homebuilder Association

Peter Browne, East Lincoln Betterment Association

Kenny Tucker, Homebuilder Association

Alice Baxter, Denver Resident

Leanne Fritts, Denver Resident

Ann Michael, Denver Resident

Betty Setzer, Banking Institution

#### **Staff**

Tyson Smith, Attorney

Michael Lauer, Planning Works-Consultant

Kelly Atkins, Director of B&LD

February 21, 2005

Zoning - Public Hearing Meeting

Stan Kiser, County Manager  
Leon Harmon, Finance Director  
Dr. Jim Watson, School Superintendent  
BOC Member  
Dean Lutz, Chairman of the Planning Board  
John Pagel, Vice Chairman of the Planning Board  
Ken Hovis, Planning Board

### **Historic Properties Commission**

Reappoint Bill Beam

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

**Calendar:** Chairman Anderson announced the breakfast with Congressman McHenry on March 29 at 7:45 a.m. The entire Board is planning to attend this breakfast and will be registered by the Clerk.

**Closed Session:** **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to enter Closed Session to discuss Personnel Issues that are confidential pursuant to N.C.G.S. 143-318.11.1

Chairman Anderson announced that no action was taken in Closed Session.

**Recess:** **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to recess until Thursday, February 24, 2005 at 6:00 p.m. at the EMS Base.

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Amy S. Long, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners