

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 20, 2000**

The Lincoln County Board of County Commissioners met in regular session on March 20, 2000 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

James A. Hallman, Chairman  
Terry L. Brotherton, Vice-Chairman  
Beth H. Saine  
W. J. Waters, Jr.  
John R. Gamble, Jr.

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Long, Clerk to the Board  
Jack Chandler, Director of Public Service

**Call to Order:** Chairman Hallman called the meeting to order.

**Invocation:** Rev. Carrol Lindsey of First United Methodist Church gave the Invocation.

**Pledge of Allegiance**

**Adoption of Agenda:** UPON MOTION by Commissioner Gamble, the Board voted unanimously to adopt the Agenda with the addition of the Tax Refunds for January 16 to February 15, 2000.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MARCH 20, 2000**

5:30 PM      Call to Order

5:30 PM      Invocation – Rev. Carrol Lindsey, First United Methodist Church

- 5:30 PM Pledge of Allegiance
1. 5:30 PM Adoption of Agenda
  2. 5:30 PM Approval of Minutes
    - March 6, 2000
  3. 5:35 PM Consent Agenda
    - Tax Requests for Releases
      - Less than \$100 – January 16 – February 15, 2000
      - More than \$100 – January 16 – February 15, 2000
    - **Tax Requests for Refunds**
      - Less than \$100 – January 16 – February 15, 2000**
      - More than \$100 – January 16 – February 15, 2000**
    - Sponsored Group Status
      - Agape Faith Church of Lake Norman
    - Budget Adjustments 69 – 75, 79 – 81
    - Requests for Water Adjustments
  4. 5:40 PM Public Comments
  5. 5:55 PM Report from Lincoln Health System – Pete Acker and Jim Perry
  6. 6:10 PM Proposed Secondary Road Improvement Program for the 2000 – 2001 Fiscal year – Tommy Richardson
  7. 6:20 PM **At this time, the Board of Commissioners will recess the March 20, 2000 meeting and open the March 20, 2000 East Lincoln County Water and Sewer District meeting.**
  8. 6:50 PM Approval of Assignment on Lincoln Nursing Center Lease
  9. 6:55 PM Sound System for Commissioners' Room – Leon Harmon
  10. 7:10 PM Conditional Use Permit No. 164 – SBA Towers, Inc., applicant.
  11. 7:25 PM Lincoln County Water System Hydraulic Model Proposal
  12. 7:45 PM Engineering Contract for Hoyle Creek Pumping Station and Force Main
  13. 7:55 PM Vacancies

14. 8:00 PM Appointments
15. 8:05 PM Calendar
16. 8:10 PM County Commissioner's Report
17. 8:25 PM County Manager's Report
18. 8:35 PM Other Business

Adjourn

**Approval of Minutes:** UPON MOTION by Commissioner Waters, the Board voted unanimously to approve the minutes of the March 6, 2000 meeting as presented.

**Consent Agenda:** UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the consent agenda with the addition of Tax Refunds.

**RELEASES FOR JANUARY 16<sup>TH</sup> THRU FEBRUARY 15<sup>TH</sup>, 2000**

VEHICLES – LESS THAN \$100

NAME	YEAR	DIST	A/C NO	AMOUNT
Abernathy, Debbie Ann	1999	PCFD	0117992	\$4.31
Anderson, Tina Marcelle	1999	City	0140817	\$11.42
Angle, Chalres Eric	1998	HCFD	0121283	\$17.03
Atkins, Lisa Stuart	1998	DFD	0126968	\$13.59
Barnhart, David Ray	1998	BCFD	0098191	\$6.41
Brittain, Alan Steve	1999	City	0141359	\$53.58
Bryson, Janet H.	1999	Crouse	0108083	\$37.34
Burgess, Pamela Craig	1999	City	0080596	\$24.66
Callands, Cesare Reginald	1999	Union	0082533	\$22.16
Campo, Gladys Horne	1999	City	0140989	\$72.78
Chapman, Betty J.	1999	HCFD	0113057	\$79.08
Chason, Mary Andrews	1999	N-321	0141150	\$67.47
Christenbury, April M.	1999	PCFD	0137327	\$7.98
Cloninger, Garland Ray	1999	BCFD	0070644	\$16.94
Cloninger, Jeffrey E.	1999	HSFD	12002	\$17.92
Cochran, Jerry Burch	1999	ELFD/ELSD	0120027	\$67.76
Cooke Rentals Inc.	1999	City	0130409	\$12.15
Cox, Clarence Ronald	1999	Crouse	0140314	\$86.79
Cribb, William	1999	PCFD	0118745	\$92.95
Crump, George Lee	1999	SFFD	0080611	\$9.80
Dameron, Thomas E.	1999	N-321	43202	\$22.16
Davis, Charles F.	1999	PCFD	0126513	\$9.51
Davis, Steven R.	1999	HCFD	0124581	\$5.13

Dellinger, Kirby Dowd Jr.	1999	N-321	0086197	\$12.07
Digh, Phyllis Saine	1999	Crouse	0118136	\$39.39
Dileonardo, Margaret	1998	DFD	0134853	\$78.14
Don Surgeon Construction	1999	Crouse	0071550	\$35.37
Endicot, Raymond Farley	1997-99	Union	0109318	\$62.85
Estep, Totie Lee	1998	ALFD	0136243	\$83.92
Finger Brothers Inc.	1998/99	City	0065001	\$38.47
Funk, Paul R.	1999	HSFD	0127941	\$4.88
Gillette, Jeff Franklin	1999	ELFD/ELSD	0140967	\$19.70
Gladden, Edward Marcus	1999	N-321	0077638	\$4.51
Godwin, Wayne Audrey	1998	City	0106263	\$31.71
Goins, Brenda Ingle	1999	SFFD	0126047	\$14.80
Goodnight, David P.	1999	DFD/ELSD	0127765	\$58.38
Goodson, Burgin Wilson	1999	PCFD	13519	\$18.19
Goodson, Kermit Wilson	1999	PCFD	0080650	\$38.17
Grant, Walter M.	1999	N-321	07864	\$97.63
Hallman, Hugh Harvey III	1999	City	0109430	\$66.40
Hamilton, Nelson E.	1998	SFFD	0126120	\$8.20
Hartzoge, James Robert	1998/99	N-321	0071267	\$49.18
Hatfield, James Todd	1999	ELFD/ELSD	0114142	\$11.96
Heafner Tire Co. Inc.	1999	City	25102	\$62.62
Helton, Martha Holinka	1999	ELFD/ELSD	0100594	\$30.78
Hine, Linda D.	1999	N-321	0077627	\$7.62
Hults, Walter F.	1999	DFD	18372	\$20.82
Humphries, Robert B.	1999	DFD	0119729	\$23.51
Hunsucker, John F. Jr.	1999	City	0129412	\$80.19
Iluzada, Debra S.	1999	BCFD	12151	\$0.48
Ingle, Kimberly Edwina	1999	City	12179	\$87.12
Ingram, Martin J. Sr.	1999	DFD/ELSD	0109684	\$14.94
Jackson, Jimmie	1998	City	07357	\$2.94
James, Jason Robert	1999	City	0126440	\$81.77
Jenkins, Dale Patrick	1999	City	07515	\$44.35
Johnston, John Harold	1999	DFD/ELSD	0138679	\$2.53
Kearly, Robert John Sr.	1998	ALFD	0074525	\$3.72
Keller, Robert J. & Marilyn	1999	City	18298	\$63.34
Kelly, Angela Michelle	1999	ELFD	0132094	\$89.16
Kelly, Anne Sherrill	1999	ELFD	0103465	\$28.85
Lasalle, Marian Wingate	1999	N-321	0141501	\$39.59
Ledford, Roy Augustus	1999	Union	0080761	\$81.87
Martin, Carl F.	1999	N-321	07416	\$12.03
Matthews, Kenneth	1999	NBFD	00427	\$27.49
Mays, Ronald Gregory	1998	Crouse	0066036	\$23.47
Mazda American Credit	1999	DFD	0076361	\$81.61
McCoy, Etta Jennett	1999	N-321	0116467	\$52.09
Mollahassani, Parviz	1999	DFD	0127705	\$34.82
Monge, Mauricico	1999	BCFD	0131453	\$16.28
Moore, Joey R.	1999	City	0067216	\$13.37
Morse, Jacqueline A.	1999	ELFD	0105593	\$13.49
Morse, Shawn A.	1999	ELFD/ELSD	0137849	\$17.51
Murray, Diane Marie	1999	City	0138006	\$9.48
Nazworth, Scott Anderson	1999	PCFD	0114575	\$22.01
Neal, Randall Lee	1999	HCFD	31644	\$17.87
Neal, Stephen Wayne	1998	Crouse	0111508	\$57.97

Nicolosi, Yvonne Catherine	1999	BCFD	0112414	\$66.12
Pressley, Terry Neil	1999	ELFD	0068709	\$22.72
Retana, Adriana Maria	1999	BCFD	0141048	\$8.74
Rhoney Trucking Inc.	1999	City	0140895	\$79.10
Richey, Paul Joseph	1999	N-321	0140747	\$0.96
Richmond, Donald J.	1999	DFD/ELSD	0129434	\$22.57
Robinett, Charlotte F.	1999	DFD/ELSD	0127045	\$32.73
Rose, William Harold	1999	City	0069708	\$36.01
Sayles, James Paul	1998/99	HCFD	0108747	\$89.83
Scott, Justin Timothy	1999	N-321	0087568	\$11.82
Segura, Dione Murillo	1999	BCFD	0113159	\$30.92
Sigmon, Kevin Gene	1998	NBFD	0078249	\$2.07
Sipe, Donald Lee	1999	ELFD/ELSD	0079659	\$0.78
Sisk, Pauline Holly	1999	City	09685	\$8.00
Skipper, Kenneth Ray Sr.	1999	HCFD	0141405	\$68.23
Smith, Carlton T.	1999	City	0061459	\$22.42
Smith, Steven Michael	1999	BCFD	0101625	\$60.76
Spargo, Yvonne Curtis (Otten)	1999	PCFD	0123609	\$16.06
Sproles, A. C.	1999	City	0140917	\$68.40
Swank, Michael David Jr.	1998	ALFD	0121799	\$2.40
Tallent, Margaret Nolen	1999	NBFD	0081295	\$48.71
Thayer, Eddie Paul	1999	City	0073391	\$2.75
Throneburg, Joe Richard Jr.	1999	NBFD	0140764	\$4.19
Varner, Harry Albert	1999	HCFD	0075716	\$2.81
Waldrop, Mary McGinnis	1998	City	0123467	\$25.88
Whitten, Dean Allen	1999	BCFD	0117490	\$5.81
Williams, Catherine Ann	1999	City	0138880	\$60.75
Williams, Cynthia Diane	1999	City	0137082	\$25.09
Windell, Jerry Rogers	1999	ELFD	0131846	\$72.05
Woodard, William Arnold	1999	ELFD/ELSD	0124345	\$49.72
Woodie, Michael G.	1995	Union	10906	\$15.40
Wright, Terry Dwaine	1999	City	0129040	\$11.42

#### **MORE THAN \$100**

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Belton, Edward H.	1998/99	29276	\$132.87
Bennett, Billy Joe	1999	0139600	\$149.69
Brittain, Alan Steve	1999	0141359	\$270.95
Crump, John Thomas	1999	0140943	\$127.58
Davis, Steven Randall	1999	0118422	\$154.68
Digh, Duane Jackson	1999	0066491	\$125.87
Dixon, Kenneth R.	1999	0113594	\$203.39
Franklin, Richard Arthur	1999	0130384	\$140.09
Greene, Lisa Beshears	1999	0141410	\$172.65
Griggs, Jason Miller	1998	0137427	\$119.93
Holland, Brian William	1999	0141018	\$181.13
Lane, Vicky Martin	1999	0120006	\$198.41
Leggette, Mark Gray	1998/99	0110257	\$484.55
McCumber, Philip Regan	1999	0074765	\$150.54
McMillan, Dean Taylor	1998/99	0119518	\$166.22
McSwain, Randy Keith	1999	0088128	\$122.09
Morgan, Dennis William	1998	0135562	\$135.84

Motz, Troy Allen	1999	0121157	\$162.08
Orfanedes, Irene Huss	1999	0141422	\$213.60
Palmetto Trucking Co. Inc.	1999	0117068	\$1,365.20
Pendergrass, Dana Lenell	1999	0117953	\$112.87
Ray, Wanda Mae	1999	0093426	\$161.11
Rudisill, Jason Scot	1999	0140136	\$248.71
Shuford, William Sidney Jr.	1999	0121599	\$261.59
Sisk, Joel Brent	1998/99	0135040	\$108.97
Smith, Jackie Eugene	1999	0141060	\$157.83
T. W. Dellinger Inc.	1999	0136755	\$141.26
Valdes, Manolo Aguilar	1999	0132201	\$143.90
VT Inc. as Tstee World Omni	1999	0085238	\$107.88
Wentworth, Herbert Grant	1999	0084604	\$160.92

#### LESS THAN \$100

Auten, Terry & Dorothy	1992	17663	\$50.45
Barber, Nellie Louise	1999	12035	\$8.46
Black, Betty Patterson	1999	0067601	\$43.89
Black, James W.	1999	0064393	\$18.95
Brewington, Joe Michael	1999	0125381	\$11.07
Brittain, Tommy G.	1999	26642	\$51.94
Brooks, William Kevin	1999	0127531	\$35.88
Burgess, John L.	1999	19848	\$22.34
Caldwell, John James	1999	0131510	\$38.51
Clark, William Barry	1999	11923	\$14.56
Correll, Derek V.	1999	45134	\$34.88
Dellinger, Jean S.	1999	17450	\$96.09
Duckworth, Max David	1999	17906	\$88.23
Eggleston, Donald W. & Lyla	1999	18042	\$68.45
Elrod, Cynthia D.	1995-97	13150	\$48.69
Flaughner, Steven K. & Barbara	1999	36904	\$40.44
Griffin, Tammy	1998/99	0125455	\$59.44
Hacking, Jay	1999	0100704	\$91.83
Hallman, Jeffery Alexander	1999	0139924	\$83.53
Harwood, Charles Dean	1998/99	0075075	\$16.10
Hoard, Leonard Paul	1997-99	0122619	\$47.37
Hovis, Donna R.	1990-92	16196	\$25.41
Huffman, Joseph Brian	1999	0128590	\$42.90
Jenkins, Kerry Bradley	1999	0123509	\$6.69
Junes Concession	1998	25297	\$4.40
Lane, Harley Jr.	1998	15076	\$45.12
Lane, Johnny Dean	1999	0098211	\$47.09
Liles, Claude Wesley Jr.	1999	0085056	\$2.13
Locklair, Baron D. Jr.	1999	10708	\$36.03
McLean, Kim	1999	0140002	\$56.68
Medvidovich, John	1999	0140625	\$89.44
Miles, George Alan	1999	0094874	\$32.85
Moss, Burl Lee	1999	0107923	\$9.16
Noles, Ricky	1999	10635	\$53.92
Pardue, Phola Garland	1999	46228	\$8.72
Payne, Frank W.	1999	40276	\$9.14
Pfeifer, Jeffery Earl & Susan	1999	04323	\$62.69
Poovey, Horace Wayne	1999	0098701	\$43.23

Ruffin, Richard G.	1999	0126194	\$20.86
Sherrill, James R.	1989-92	15552	\$53.24
Taylor, Donna Truelove	1999	0138389	\$87.90
Towery, Geneva Workman	1999	01480	\$84.09
Triton Boats LP	1999	0139875	\$64.47
Wells, Wanda Kay	1997	0088347	\$23.02
Wray, Barry E.	1999	0064613	\$5.89
		TOTAL	\$1,886.17

#### **MORE THAN \$100**

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Acard, Denver II	1998/99	0111095	\$168.26
Anthony, Wayne	1998-99	0107294	\$136.62
Brown, Benny	1999	0140645	\$211.43
Clark, Julis M.	1996-99	11908	\$104.72
Country Kubboard	1999	0133022	\$146.30
Cowles, Christopher Horton	1999	0132214	\$201.59
Drumm, Pete	1999	0140610	\$181.12
Frosch, Madeline	1999	0140612	\$211.43
Gallaway, Bill	1999	0139996	\$158.44
Godfrey, Wayne & Judy	1999	0136739	\$133.00
Guthrie, Bryan	1999	0139205	\$183.15
Hardison, James Edward	1999	0110338	\$114.87
Holt, Debbie	1998	0125530	\$327.12
Hudson, Bill	1999	0140619	\$181.12
Iabah LLC	1999	0124935	\$601.17
Manuel, James	1999	0140622	\$153.14
Mosteller, Thurman Junior	1998/99	0072346	\$138.00
Sherrill, Margie H.	1999	0088566	\$130.61
Smith, James Allen	1999	0139852	\$190.99
Strader, Robert Michael Sr.	1999	0139855	\$242.85
Summey, Mary	1999	0139308	\$107.98
Weaver, Robert	1999	0139848	\$171.46
White, Jerry Todd	1999	0134916	\$138.91
Wurster, Tara Lynn	1996-99	0107134	\$288.20

#### **LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS ANNUALS**

PERIOD COVERED (January 16 – February 15, 2000)

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

<b>NAME</b>	<b>YEAR</b>	<b>DIST</b>	<b>A/C#</b>	<b>AMOUNT</b>
Armstrong, Bobby & Martha	1999	SFFD	05416	\$64.45
Armstrong, Bobby & Martha	1998	SFFD	05416	75.33
Bacon, Marc & Janet	1997	ELFD/ELSD	0074825	1.60

Benfield, Molene	1999	NBFD	01301	3.23
Benson, Kenneth	1999	ALFD	0105061	66.55
Binsted, Kimberlee	1999	ELFD	0110140	71.70
Bumgarner, Ronald & Cathy	1999	BCFD	13066	1.55
Central Carolina Sprinkler	1999	CITY	24524	19.59
Clary, Michael L.	1999	PCFD	11927	2.91
DeArmon & Merryman	1999	DFD/ELSD	32470	25.00
Forrester, Thomas A Sr. & Ruby	1999	N321	06573	9.76
Gonzin, Lisa	1999	DFD	0085883	9.85
Hendricks, Nannie	1999	N321	06491	2.37
Issac, Mark Donna	1999	NBFD	0127296	10.75
J.C. Wehunt & Sons	1999	NBFD	26313	87.12
Johnson, Sandra P.	1999	N321	0080181	84.92
Lineberger, Doris J.	1999	CITY	0113117	7.51
Morrison, James H.	1999	ELFD	0064363	1.44
Mosteller, Benny Jr.	1999	ALFD	0061028	4.20
Nixon, David	1999	ELFD/ELSD	0135247	6.41
Nixon, David	1999	ELFD/ELSD	18630	12.15
Otero, Jesus	1999	UNFD	0098362	1.02
Pendleton & Pendleton	1999	UNFD	02391	50.75
Ruth, R. Eric	1999	NBFD	0111009	16.36
Sholar, Roy F. & Bonnie	1999	BCFD	0097410	28.98
Shrum, Walter M. Jr.	1999	CRFD	0110809	1.07
Tate, Steven G.	1999	SFFD	0126112	9.27
Taylor, Harry & Pinkie	1999	DFD/ELSD	21149	50.48
Tsumas, Harry	1999	DFD	39723	61.27
Watts, Charles & Patricia	1999	DFD	21746	2.16
Weber, Gary & Susan	1999	DFD	21843	5.95
Wildoner, J. Ricard & Gloria	1999	DFD	35767	18.08
Willis, Rodney A.	1998	NBFD	0088352	2.00
Willis, Rodney A.	1999	NBFD	0088352	2.00
Willis, Rodney A.	1997	NBFD	0088352	2.00
Willis, Rodney A.	1996	NBFD	0088352	2.00
Withers, Garvin D.	1999	CRFD	39549	39.35

PERIOD COVERED (January 16 – February 15, 2000)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Gantt, Aaron S.	1999	NBFD	0120271	254.55
Ingle, Annie Mae	1998	N321	07203	441.12
J.C. Wehunt & Sons	1999	NBFD	26313	156.81
Jones, Melanie K.	1999	ALFD	43859	241.19

LINCOLN COUNTY TAX DEPARTMENT  
REQUEST FOR REFUNDS  
MOTOR VEHICLES

PERIOD COVER (January 16 – February 15, 2000)



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

NAME	YEAR	DIST	A/C#	AMOUNT
Abernethy, Beth Lowe	1999	BCFD	0087813	\$3.15
Angel, Alfrao Rafael	1999	N321	0078474	5.71
Beason, Dorothy	1999	ALFD	0110948	12.86
Beatty, Randall G.	1999	ELFD	0082256	1.75
Belk, Ellen Maie	1999	ELFD/ELSD	0131866	7.07
Belton, Sharon Sailors	1998	ELFD	0067355	33.74
Berry, Joel & Mary	1999	PCFD	36570	17.14
Biggerstaff, Kelly	1999	N321	0063918	1.39
Blanton, Gerald & Carolyn	1999	SFFD	02372	3.86
Brown, Josephine S.	1998	ELFD	0137506	99.78
Canfield, Scott C.	1999	PCFD	0128694	56.39
Canfield, Scott C.	1999	PCFD	0128694	20.43
Chapman, Gerald T.	1999	SFFD	04767	11.99
Childers, Kelly A.	1999	NBFD	0096970	6.94
Cooper, Lou Ann	1999	CITY	0092714	12.75
Crump, Freda K.	1999	BCFD	0089778	8.42
Dileonhardo, Margaret	1999	DFD	0134853	9.30
Edmondson, Mitchell L.	1999	BCFD	0084583	1.90
Edmondson, Mitchell L.	1999	BCFD	0084583	6.19
Edmondson, Mitchell L.	1999	BCFD	0084583	1.94
Ellis, Robert Martin, Sr.	1999	UNFD	0066592	44.04
Emil, Boyce	1999	ELFD/ELSD	0117478	94.27
Estep, Totie Lee	1999	ALFD	0136243	6.21
Foster, Vida S.	1999	CRFD	32650	9.07
Gardner, Heidi Hoyle	1998	NBFD	0094247	65.45
Griggs, Jason M.	1999	PCFD	0137427	6.05
Gunter, Marshall G. & Sherry	1999	CITY	13928	17.58
Gunter, Wayman & Dianne	1999	ELFD/ELSD	20503	1.12
Harrelson, Glenda	1998	SFFD	0128990	26.86
Haynes, James R.	1998	CRFD	0135191	26.53
Hicks, June Maie	1999	HSFD	0096961	14.37
Hicks, Robert Waynefield	1998	HSFD	0079825	4.94
Hicks, Robert Waynefield	1999	CITY	0079825	26.65
Hicks, Robert W.	1999	HSFD	0079825	26.78
Hicks, Susan P.	1999	DFD	0106613	6.15
Hoover, William F.	1999	HCFD	0091799	9.40
Houser, Fred W. & Betty F.	1999	ELFD	18159	7.98
Huffstetler, Donovan D.	1999	SFFD	0080289	27.70
Huitt, Bryan	1999	N321	0124812	8.23
Jumper, Lisa R.	1998	NBFD	0122818	6.69
Jumper, Lisa R.	1998	NBFD	0122818	15.14
Keener, Marvin A.	1999	ALFD	14249	4.66
Kilby, Marcia H.	1999	HPFD	0132542	23.75
Lail, Phyllis S.	1999	PCFD	0132632	11.91
Leonhardt, Cecil Blane	1999	N321	10249	2.00
Macias, Sharon & Juan	1999	N321	0131087	1.61
Macleod Construcion Inc.	1999	DFD	0098225	11.52
Macleod Construction Inc.	1999	DFD	0098225	40.77
Meadows, Roy C.	1998	PCFD	0068841	6.55
Medford, Alan & Barbara	1999	PCFD	0130127	1.33
Miller, Lee Ann J.	1999	ELFD/ELSD	0097378	61.17
Miller, Rickey D.	1999	ELFD	0071626	4.24
Mongold, Brenda J.	1999	PCFD	0103351	1.33
Mundy, Gregory K.	1999	ALFD	0073788	4.54

Mundy, Kenneth & Phyllis	1999	DFD	37448	32.69
Perkins, Jerry & Evelyn	1999	PCFD	13761	22.05
Rash, Johnny M.	1999	DFD	0089233	1.49
Reel, Deborah M.	1999	HSFD	0116277	16.78
Rice, Franklin Delano	1999	CITY	14787	96.73
Russler, David & Kahty	1999	HCFD	0115051	2.00
Sayles, James P.	1999	HCFD	0108747	19.83
Sayres, Gilbert & Peggy	1998	ELFD/ELSD	29239	9.60
Sholar, Bonnie B.	1998	BCFD	0101247	1.62
Sides, Haskell & Emilie	1999	HSFD	15865	10.92
Sigmon, Kenneth G. II	1999	ELFD/ELSD	0095781	19.70
Sisk, Joel B.	1999	SFFD	0135040	2.03
Smith, Elizabeth Claire	1999	ELFD	20348	5.64
Smith, Michael E. & Linda	1999	N321	0070473	1.24
Smith, Wesley C. & Kathy	1999	HCFD	0135915	1.53
Snow, Jeffrey C.	1999	BCFD	0115836	9.62
Swank, Michael D.	1999	ALFD	0121799	88.62
T & T Investments	1999	CITY	0095718	2.22
Trenkamp, Doris D.	1999	DFD/ELSD	0068278	10.89
Warlick, John & Lisa	1999	DFD	0129327	83.15
Weekley, Douglas Wayne	1998	ELFD	0122773	14.66
Williams, Cynthia D.	1999	CITY	0137082	48.18
Williams, Keith H.	1999	HPFD	0125633	2.60
Wilmoth, James C.	1999	BCFD	15391	1.40
Wilson, Felicia J.	1999	N321	0068235	36.38
Young, Mary Ruth	1998	BCFD	0068251	56.12
Young, Tereseala G.	1999	CRFD	0090621	44.67

**LINCOLN COUNTY TAX DEPARTMENT  
REQUEST FOR REFUNDS  
MOTOR VEHICLES**

PERIOD COVERED (January 16 – February 15, 2000)

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

NAME	YEAR	DIST	A/C#	AMOUNT
BB&T Leasing Corp.	1999	CITY	0109871	\$179.80
Curry, Maudie L.	1998	DFD	0126417	197.00
Hicks, Robert W.	1999	HSFD	0090454	243.40
Taylor, Douglas L.	1999	PCFD	0073617	479.63

**Sponsored Group Status  
Agape Faith Church of Lake Norman**

**Budget Adjustments 69 – 75, 79 – 81**

**Requests for Water Adjustments  
Period of January 10 – March 15, 2000**

<u>NAME</u>	<u>ACCOUNT #</u>	<u>ADJUSTMENT</u>	<u>NEW TOTAL</u>	<u>REASON</u>
Armstrong, Wayman	10226491-00	\$425.31	\$239.53	Leak
Benton, Scott	11207201-01	\$336.62	\$162.53	Leak
Bruce, Cindy	10223044-05	\$126.27	\$ 81.87	Leak
Dellinger, Madge	2034962-00	\$603.38	\$283.75	Leak
Freeman, Kendrick	6126232-00	\$ 46.79	\$ 90.00	Leak
Fortenberry, Bill	9185051-00	\$299.14	\$183.51	Leak
Greene, Billy W	6154691-00	\$ 20.32	\$ 59.08	Leak
Hawfield, Frank	6154201-00	\$ 79.94	\$ 76.42	Leak
Howard, Edmond	5073352-00	\$308.98	\$281.95	Leak
Kiszely, Frank	10227342-00	\$ 27.68	\$ 39.82	Leak
Lazes, Noah	10227062-02	\$1,135.34	\$588.20	Leak
Mullen, L. Alfred	2180031-00	\$162.97	\$ 85.71	Faucet left running
Wilson, Robert G.	6151791-00	\$247.06	\$142.38	Leak
Worboys, James	10222801-00	\$ 47.03	\$ 58.10	Leak

### **Public Comments:**

Being no one wishing to speak, Chairman Hallman declared the Public Comments section closed.

Commissioner Gamble asked about the appeal process for the reappraisal.

Chairman Hallman stated that the date for appeals was in the paper and on the reevaluation notice. He stated that he believes this date has already passed.

### **Report from Lincoln Health System – Pete Acker and Jim Perry:**

Pete Acker thanked the Board for their flexibility in accommodating their report tonight. He stated that he knows the Board was interested in receiving some of this information earlier this year, but based on a number of activities going on at the hospital, they appreciate the Board's patience allowing them to come forward tonight. Mr. Acker stated that there are obviously a number of financial issues and challenges before the Hospital. He stated that since many of those have been detailed documents they have provided the Board as well as the media, he's not going to use the opportunity tonight to go back and address those, but would like to make comments on some current activities underway at the Hospital, as well as comments on going forward. Mr. Acker stated that it is most important to begin by trying to frame the background by which the Hospital is operating, unlike any other business that is in the community. There are constraints that hospitals, not just Lincoln Medical Center, deals with. Mr. Acker stated that for every dollar that a hospital charges for the services it provides, by virtue of the relationships they have with the government and managed care companies, they have the maximum ability to collect 52 cents of every dollar they charge. Medicare, Medicaid, and managed care companies are negotiating very stringently with health care organizations, looking at ways for ways to solve their own budget issues. In doing this, they are paying hospitals,

physicians, and nursing homes less and less for the services they provide. Mr. Acker stated that secondly is an important issue of pay earnings, the sources they are dependent upon for the money they receive, specifically insurance companies, Medicare, Medicaid, etc. The greater an organizations dependence on Medicare and Medicaid, the more fragile it probably is and the greater risk it has for being victimized by additional budget cuts that the government will institute. Mr. Acker stated that at Lincoln Medical Center, 52 percent of their revenue comes from Medicare, the federal government, another 12 percent comes from the state government through the Medicaid program. Sixty-four percent of the dollars they receive come from government sources, upon which they have no control. Mr. Acker stated that given those fixed issues, they are doing the best they can to deal with those and still control their destiny. He stated that first; there is an interdisciplinary group, a restructuring team, that is looking for new ways to cut costs. All hospitals are having to reduce costs significantly to suffer through the burdens of these Medicare and Medicaid cutbacks. Mr. Acker stated that over the first three months of this year, they have been able to reduce their operating expenses on an annualized basis by about 1.5 million dollars. He stated that in the next two months, they hope to increase that amount to about 2 million dollars, which is about 4 to 4 ½ percent of their annual operating expenses. The second issue has to deal with patients who are in the hospital. He stated that another interesting fact about the health care environment is that they have somewhat little control over how physicians utilize the facility. Yet, they negotiate paying for those services with insurance companies, the idea of a three party system. This relationship makes it very, very challenging. Mr. Acker stated that if a patient stays for a very long time in the hospital, and is a Medicare patient, changes are pretty good they will receive less revenue for that patient, based on the costs they will incur. He stated that on an individual basis, they will probably be losing money on inpatient care for Medicare patients, and in fact they do. He stated that this was a significant portion of last year's operating loss. Mr. Acker stated that that they need to work closely with the medical staff to make sure to provide the necessary care, doing so cost effectively, not having patients staying in the hospital longer than they need to be. He stated that the medical staff is working very closely with them, are attuned to that problem, and are trying to do as best they can to help them with the difficult budget issues. Mr. Acker stated that they expect that with some savings in reduction of stay, they can recoup some additional savings that would allow them to purchase additional equipment and add new programs in the future. Mr. Acker stated that over the last few months, they have almost entirely replaced the financial management team. He stated that with the right, appropriate, and skilled people, policies, and procedures in place so some of the issues encountered last year are not repeated. Mr. Acker stated that he is very encouraged by the work the new staff has been doing. He said that a number of areas for improvement, both on the processing of information, more timely billing, which the Board has already seen evidence of, as well as generating more cash in the future. Mr. Acker stated that there is not one member of the Hospital Board, administrative team, medical staff, or employed staff that wants to see the ownership or the relationship of Lincoln Medical Center change. However, based on what's happening in the environment, and based on some of the issues before them, they have to contemplate that possibility. Mr. Acker stated that the reasons they need to do this are the financial

perimeters described earlier, relative to the dependence of the government, and them not wanting to pay as much as they need, the limitations from the insurance companies and managed care programs, and the communities ongoing expectations not only to continue services, but to improve them. Mr. Acker stated that in order to do this, they need new medical technology, additional physicians, and a physical plan that needs to be refurbished on occasion. Mr. Acker stated that all of this requires capital, and the Hospital, in its current situation will not be able to generate enough earnings in order to support all of its capital needs. He stated that as a result, they need to explore and investigate the possibility of “if” they had a relationship with some other entity, what could the other entity do to assist them in meeting their mission here in Lincolnton and providing some of the services that they feel are necessary to provide. Secondly, is the element of managed care, insurance contracts, and insurance negotiations. He stated that the larger the organization, the more clout, influence, and political ability one would have to negotiate more successfully. The larger the hospital system, the better the managed care contracts and better revenue payments the hospital can receive. Lincoln Medical Center is a quality-oriented organization, but is a small organization. As healthcare trends continue, they find themselves competing with larger and larger organizations that have much more clout and influence with companies than do they. As a result, they lose leverage trying to generate as much money as they can through these kinds of insurance plans. He stated that this is a long-term proposition, and having a relationship with someone else, could possibly help them in this area. Lastly, is the matter of overhead efficiency. The hospital has some departments that generate revenue and in fact operate at a surplus, and some departments that operate at a deficit. Examples are an obstetrics service, a maternity floor, a pediatrics program, and an emergency department. He stated that they have seen dramatic growth in the emergency department over the last four years. He stated that in 1995 roughly 21,000 people per year visited the emergency department, and now that number exceeds 27,000. Some of those people come because it does not take as long to be seen by a physician, they think the value of their dollar is well spent, the doctors and nurses answer their questions, because they provide services efficiently, and some come because they do not have enough access to their primary care doctors, so they have to use the most expensive doctors office in Lincoln County. He stated that some of these areas need to be looked at. Mr. Acker stated that these are a number of the issues and challenges that are under consideration and before the affiliation committee that Mr. Hallman mentioned. That committee has only had two meetings, and has a pretty ambitious agenda before it. He stated that they hope that over the course of the year, it will be in the position to thoughtfully address this important question, to make a recommendation back to the Board, and if this recommendation takes them outside the balance of some of their current bylaws and documentation, they will come back before the Board of Commissioners. He stated that his hope is that well in advance of that day, there will be a dialogue occurring, and the Board will be well informed, so there will be no surprises, and so they will have an opportunity to answer any questions. This way both Boards can make a very thoughtful decision on such an important matter.

Commissioner Gamble asked Mr. Acker that as they discuss negotiation with possible purchasers, if he can assure the Board that all possible purchasers will have their negotiations finalized in the open.

Mr. Acker stated that this is one of the tasks of the committee. He stated that he is not a member of that committee, because he would have self-interest in the matter. Mr. Acker stated that there are a number of interested partners in the area. He stated that he can assure that by all means, that decision will be made very thoughtfully and very openly.

Commissioner Gamble stated that he has gotten several letters from groups interested in associations with the hospital. He asked if all of the people showing interest will be responded to and judgement made.

Mr. Acker stated that he feels he can speak on behalf of the committee, that any relationship that might be examined or selected for consideration will be done after contact and investigation of interested individual business or hospital ownership corporation, or neighboring system has shown Lincoln Health System.

**Proposed Secondary Road Improvement Program for the 2000 – 2001 Fiscal Year – Tommy Richardson:**

Tommy Richardson stated that he is with the Lincoln County Maintenance Unit of the North Carolina Department of Transportation. He stated that also here are District Engineer Don Reese from Shelby, and North Carolina Board of Transportation member Jack Palmer, who represents the 12<sup>th</sup> Highway Division on the Board of Transportation. Mr. Richardson stated that he is here tonight to present the 2000 – 2001 Fiscal Year Secondary Roads Construction Program, which is referred to as the Road Paving Program.

**LINCOLN COUNTY 2000-2001 PAVING PRIORITY  
FISCAL YEAR 7/1/00 TO 6/30/01**

<b>PAVING COST PRIORITY</b>	<b>SR#</b>	<b>DISCRIPTION</b>	<b>LENGTH</b>	<b>EST.</b>
<b><u>RURAL</u></b>				
	24	1314 Will Schronce Road from SR 1001 to SR 1313	0.60	80,000
	25	1275 Null Road from End Pavement to SR 1276	0.52	80,000
	26	1314A Will Schronce Rd. fm SR 1313 to Beg. Pvmt.	0.12	130,000
	28	1180 George Brown Rd. fm ST 1179 to SR 1169	0.80	220,000
	29	1195 Abernethy Road fm SR 1194 to SR 1197	1.20	180,000
	30	1110 Bud Davis Road fm SR 1109 to SR 1111	0.81	60,000
		<b>RURAL TOTAL=</b>	<b>4.05</b>	<b>750,000</b>

**SUBDIVISION**

26	1577	Beard Road fm SR 1342 to Dead End	0.12	20,000
27	1700	Pine Cove Lane fm SR 1378 to Dead End	0.30	45,000
28	1144	Forest Wehunt Rd. fm ST 1143 to Dead End	0.36	50,000
23	1251	Coffey Town Rd. fm SR 1252 to Dead End	0.32	50,000
<b>SUBDIVISION TOTAL=</b>			<b>1.10</b>	<b>165,000</b>
<b>GRAND TOTAL=</b>			<b>5.15</b>	<b>915,000</b>

**CONTINUE DOWN PRIORITY LIST UNTIL ALL FUNDS ARE EXHAUSTED**

**PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, AND ENVIRONMENTAL REVIEW**

N/A	VARIOUS SPOT STABILIZATION, SECONDARY MAINTENANCE	131,646
	TOTAL SECONDARY CONSTRUCTION PROGRAM	1,046,646
	RESERVED FOR CONTINGENCIES	59,754
	TOTAL ALLOCATION	1,106,400

Following Commissioner Gamble's request, Mr. Richardson reviewed the list, pointing out on a map where the different roads were.

Mr. Richardson stated that this is done strictly on a priority system.

Commissioner Brotherton stated that this is the third year that Mr. Richardson has been before the Board presenting this information. He asked how he knows that Lincoln County is getting their fair share.

Mr. Richardson stated that this money is strictly on the number of unpaved miles in North Carolina.

Jack Palmer stated that Lincoln County is getting more funding than Gaston County. He stated that the one way to get out of the priority system is a Resolution from the Board of Commissioners.

Commissioner Gamble made a motion of congratulations to our Representative on the DOT Board and thank him for his good work.

**UPON MOTION** by Commissioner Waters, seconded by Commissioner Gamble, the Board voted unanimously to approve the Lincoln County 2000-2001 Paving Priority List.

**Recess:** **UPON MOTION** by Commissioner Saine, the Board voted unanimously to recess the Board of Commissioners meeting and to open the East Lincoln County Water and Sewer District Meeting.

Chairman Hallman called the meeting back to order.

**Approval of Assignment on Lincoln Nursing Center Lease:**

Jeff Taylor, County Attorney, stated that this is a fairly routine matter. He stated that the company that operates Lincoln Nursing Center is undertaking some new projects. They are negotiating with Bank of America for a loan, and the terms of their lease on that property is required. He stated that he has reviewed the documents.

**CONSENT AND ESTOPPEL CERTIFICATE**

\_\_\_\_\_, being duly sworn, hereby deposes and says:

1. I am the \_\_\_\_\_ of the County of Lincoln, a \_\_\_\_\_ (“Landlord”), and am duly authorized to execute and deliver this instrument on behalf of Landlord. I have knowledge of the facts and statements set forth herein.

2. Landlord is the landlord under that certain Contract and Indenture of Lease dated March 18, 1976, made by Landlord, as landlord, and Lincoln Nursing Center, Inc., as the predecessor in interest to Ventas Realty, Limited Partnership (“Tenant”), as tenant. A true, accurate and complete copy of such lease, together with any amendments, supplements and additions thereto, is attached hereto as Exhibit A (said lease, as amended, collectively, the “Lease”). Such Lease was recorded in Book 523, Page 69 in the Register of Deeds Office for Lincoln, County, North Carolina.

3. The Lease covers premises commonly known as Lincoln Nursing Center, 1410 East Gaston Street, Lincolnton, North Carolina (Ventas Facility No. 307), as more specifically described therein (the “Premises”).

4. The Lease is in full force and effect, and Tenant has accepted, and is in possession of, the Premises. Landlord has not received more than one month’s advance payment of rent or additional rent.

5. Landlord has given no notice of default to Tenant, and, to the best knowledge of Landlord, Tenant is not in default under any obligations to be performed by Tenant under the Lease and no conditions exist which, with the giving of notice and/or passage of time, would constitute a Tenant default under the Lease. Landlord has not received any notice of default from Tenant, and, to the best knowledge of Landlord, Landlord is not in default under any obligations to be performed by Landlord under the Lease and no conditions exist which, with the giving of notice and/or passage of time, would constitute a Landlord default under the Lease.

6. Tenant desires to mortgage the leasehold estate created by the Lease to Bank of America, N.A., as the Administrative Agent for various lenders, whose address is 901 Main Street, 66<sup>th</sup> Floor, TX1-492-66-01, Dallas, Tx 75202, Attn: Jay Wampler (with copies to Bank of America, N.A., 101 North Tryon, Charlotte, NC 28255, Attn:



Credit Services and Morgan, Lewis & Bockius L.L. P., 101 Park Avenue, New York, NY 10178, Attn: Margot B. Schonholtz, Esq.), and Tenant has heretofore subleased the Premises to Vencor Operating, Inc. and Vencor, Inc., whose address is 680 South 4<sup>th</sup> Avenue, Louisville, Kentucky 40202-2612. Whether or not consent is required under the Lease, Landlord hereby, consents to the aforesaid leasehold mortgage and sublease.

7. Landlord shall, upon serving Tenant with any notice of default, simultaneously serve a copy of such notice upon the leasehold mortgagee and sublessee referenced above at their respective addresses referenced above and upon any other leasehold mortgagee or sublessee of which Tenant provides to Landlord a written notice specifying the name and address of such leasehold mortgagee or sublessee. Upon receipt of any such notice of default, the leasehold mortgagee and sublessee shall thereupon have the same period, after service of such notice upon it, to remedy or cause to be remedied the defaults complained of as Tenant has under the Lease for such default, and Landlord shall accept such performance by or at the instigation of such leasehold mortgagee or sublessee as if the same had been done by Tenant.

8. In the event of termination of the Lease on account of any default by Tenant or on account of any other matter or occurrence whatsoever, Landlord shall promptly notify any leasehold mortgagee and sublessee of which it has notice pursuant to Paragraph 6 or 7 above of such termination and of the amount of the sums then due to Landlord under the Lease (excluding any payment due in respect of accelerated rent or liquidated damages), and Landlord shall enter into a new lease of the Premises with the leasehold mortgagee or its nominee or designee (if it shall make written request upon Landlord for such new lease within 30 days after its receipt of Landlord's aforesaid termination notice, accompanied by the payment of the aforesaid sums then due to Landlord) or the sublessee or its nominee or designee (if no leasehold mortgagee shall make request for a new lease as aforesaid and if the sublessee shall make written request upon Landlord for such new lease within 60 days after its receipt of Landlord's aforesaid termination notice, accompanied by payment of the aforesaid sums then due to Landlord). Any such new lease shall be for the remainder of the term of the Lease, effective as of the date of such termination, at the rents and additional rents and upon the terms, provisions, covenants and agreements contained in the Lease and subject only, in the case of a new lease with a leasehold mortgagee or its nominee or designee, to the rights of any sublessee under its sublease.

9. Landlord is furnishing this Consent and Estoppel Certificate for and on behalf of Landlord to induce Bank of America, N.A., as Administrative Agent for various lenders, to make loans secured, in part, by a leasehold mortgage on the Premises and to induce First America Title Insurance Company to issue its policy of title insurance with respect to the Premises under Title No. 135NC31055-177.

IN WITNESS WHEREOF, the undersigned has executed this Consent and Estoppel Certificate as of the \_\_\_\_\_ day of \_\_\_\_\_, 2000

County of Lincoln

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the county and state aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is the \_\_\_\_\_ of the County of Lincoln, a \_\_\_\_\_, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this \_\_\_\_\_ day of February 2000.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**UPON MOTION** by Commissioner Waters, the Board voted 4 – 1 (Commissioner Gamble against) to approve the change in the lease agreement.

**Sound System for Commissioners' Room – Leon Harmon:**

Leon Harmon presented the following bids stating that NBS did the sound system auditorium.

**MEMORANDUM**

TO: Stan Kiser, County Manager

FROM: Leon Harmon, Finance Director

DATE: March 8, 2000

SUBJECT: Sound System Quotes Commissioners Room

After a decision was made to update the sound system in the Commissioners Room, I contacted the three vendors who had previously quoted relayed to them the suggested changes in the system and asked them to update their quotes.

We had asked for a system with seven fixed microphones, three wireless microphones, a speaker for the hallway for large crowds, and a system that can be heard well by everyone in the room. We also asked for a cassette recorder for the clerk to record from system, and as alternate price for hearing impaired system with receivers. The prices are as follows:

<u>Vendor</u>	<u>Manual Mixer</u>	<u>Automatic Mixer</u>
NBS Sound Contracting	\$8,941.87	\$13,334.46
Hames Music Inc.	9,063.00	
Reliable Music		17,453.06

It appears from the quotes that NBS is the lowest bidder, although each of the proposals is slightly different. NBS is the contractor who installed the new system in the auditorium and did an excellent job.

Lou Jones of NBS felt confident the manual mixer system would do well since the room is fairly small. The advantages of automatic mixer are if you are not talking into a mike it is off, when someone speaks the mike is activated, this lessens noise from shuffling papers, and other background noise. The other advantage would be one microphone could be dominate over the others mikes, for example if the chairman's mike was dominate and he spoke, the other mikes could be set to turn off. Again he felt this wasn't really necessary in a small room. As for the alternate of the hearing impaired system, this is an add-on that could always be added later if needed, the extra cost for the hearing impaired system would be \$750 if installed by NBS.

Commissioner Gamble asked if there would be a trial period on these systems.

Leon Harmon stated that NBS did the sound system in the auditorium and did a good job.

Commissioner Brotherton asked how many people in Lincoln County could actually operate the sound system in the auditorium. He stated that one of the Maintenance workers told him that there are two people that can operate it. He stated that with sound systems, sometimes they want to sell you something, and you are buying a bunch of knobs and buttons. He stated that he has dealt with Hames Music, Incorporated on two projects, and they are fine, reliable people.

Leon Harmon stated that he feels the system in the Commissioners Room will be pretty simple to operate. He stated that there will also be an additional speaker in the hallway for overflow crowds.

Chairman Hallman stated that when they assign the contracts, they need to be sure that whoever puts the system in will have to stand behind it and make it satisfactory to the Board.

Commissioner Brotherton stated that Hames Music will make sure the Board is satisfied. He stated that they are not the low bidder.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to go with Hames Music, Inc and try to negotiate the price down to \$7500.

Commissioner Brotherton stated that there was only \$7500 appropriated for the sound system.

**A SECONDARY MOTION** by Commissioner Gamble to authorize Mr. Brotherton to negotiate the contract price.

**Vote: 2 – 3 AYES: Waters, Gamble**  
**NOES: Hallman, Brotherton, Saine**

**AN AMENDMENT TO THE MOTION** by Commissioner Brotherton to delegate his responsibility to the Finance Department and the County Manager.

**Vote: Unanimously approved.**

**Conditional Use Permit No. 164 – SBA Towers, Inc.:**

Lee Lawson, Land Use Coordinator, presented the following information concerning Conditional Use Permit No. 164 – SBA Towers.

The applicant is requesting a Conditional Use Permit for property owned by Thomas and Theodosia Moore located at 3510 Ironton Place in Iron Station, NC. The applicant is making this request in order to accommodate a 145-foot telecommunications/transmission tower. The property is zoned Transitional Residential (R-T).

This 11.376 acres parcel is located in the Ironton Township. The property is joined on the south, west, and north by properties that are zoned Residential Transitional and on the east by properties zoned Single Family Residential. The Lincoln County Land Use Plan calls for moderate density development in this area. A telecommunication/transmission

tower or antennae in excess of sixty (60) feet in height requires the issuance of a Conditional Use Permit in the Transitional Residential (R-T) zoning district. The allowed maximum height of a tower in the R-T district is three hundred and twenty-five (325) feet. The height of the proposed tower is one hundred and forty-five (145) feet.

Mr. Lawson stated that the Planning Board's recommendation was to deny the Conditional Use Permit No. 164 by a vote of 3 – 2. This recommendation was on March 6, 2000.

Jeff Taylor, County Attorney stated that at the last meeting, he requested that the Board defer this, to give him the opportunity to review some new cases in this area. He stated that Mr. Yates recited to him a particular case in Davie County, a recent Superior Court Case, which is non-binding at this point. He stated that it was decided in favor of the applicant on some similar facts. Mr. Taylor stated that issues were raised about the Planning Board's consideration of this, and the issue of whether a Commissioner may have received some information outside the Public Hearing. He stated that Mr. Yates is here tonight, and has the right to ask any questions to the Board members about whether anybody has received any information outside the context of a Public Hearing. He stated that the applicant has presented some information to him about a proposed certificate of insurance that would be a condition of approval.

Jonathan Yates stated that he is aware of his rights under the case to interview any member of the Commission to see what evidence was taken outside the context of the hearing. He stated that he would like to waive that right. He asked the Board for a fair shot, asking the Board to look at the record created in this case and limit it to that. Mr. Yates stated that this is a very simple matter, in that they meet all CUP requirements, they meet all North Carolina Laws. He stated that a question has arisen, a very important question. Mr. Jeff Lynn has a question about a hazard to air navigation. Mr. Yates stated that this question has been answered completely and emphatically, no. It has been answered emphatically no by Air Safety Analysis Corporation, the man who designed this air space, and fully reviewed by the FAA. The FAA has said no hazard to air navigation. Looking at the Davie County case, the exact same evidence was before the Board, a determination of FAA and a determination of Air Safety Analysis Corporation. Mr. Yates stated that over forty percent of all publicly owned airports in this country, have greater obstructions closer to their runway. He stated that there is a greater obstruction closer to this airway. Mr. Yates made a proposal, which he presented to corporate counsel, which was a certificate of liability insurance, which is taken out on all sites. He stated that they have a one to two million for accidents, but go up to a twenty-five million-dollar umbrella. He proposed to name both the County and the Airport Authority as additional insureds on this policy. Mr. Yates stated that he is here tonight on behalf of SBA Towers, out of Boca Raton, Florida, he is from Charleston, and his co-counsel Wyatt Stevens is from Asheville. He stated that he has complained and whined about saying they are out of towners. He stated that the fact of the matter is that Mr. Moore, the landlord, and his family are not out of towners. He stated that he really wants the Board to tell Mr. Moore is why his property, which meets all County reqs, and the

overwhelming evidence of no hazard to air navigation, should be denied. He asked the Board to think about this. He stated that he is not asking for a popular decision, but a tougher decision, do they or do they not meet the rules based on the evidence presented and with the further assurances they will offer this County. Mr. Yates stated that they have been contacted by another carrier since the last meeting. He stated that they also desire this location for to provide wireless internet coverage.

Jeff Taylor, County Attorney, stated that as the Board considers the Findings of Facts. There are 4 findings of fact the Board must make before a Conditional Use Permit can be issued. The applicant has the burden of submitting evidence to meet each of the findings of fact. If the only evidence presented is the applicant's evidence in favor on each of the findings, the Board must issue the permit, because there has been no evidence to the contrary. If there is one or more points where the evidence is in conflict, the Board sits as a jury and have to decide which evidence is more credible and which outweighs the other.

Commissioner Gamble asked what Mr. Yates is adding to sweeten the pot.

Mr. Taylor stated that the applicant is agreeing to allow this insurance to be a condition on the Conditional Use Permit.

Commissioner Brotherton stated that the Board's decision must be based on findings of facts, not opinions. He stated that it must be based strictly on evidence presented to the Board. Commissioner Brotherton stated that he has gathered some evidence that was presented at the public hearing.

Chairman Hallman presented the Findings of Fact.

## RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

### LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP# 164                      Date: March 20, 2000

Applicant's Name: SBA Towers, Inc.  
Address: One Town Center Road, 3<sup>rd</sup> Floor  
Boca Raton, FL 33486

Property Owner's Name: Thomas & Theodosia Moore  
Address: 3989 E. Hwy 27  
Iron Station, NC 28080

Property Location: 3510 Ironton Place, Iron Station

Existing Zoning: R-T

Proposed Conditional Use: Proposed communication facility accommodating a 145' monopole tower

#### FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes \_\_\_\_\_ No X  
Motioned by Commissioner Brotherton. Factual Reasons Cited: Motioned to find in the negative due to the following reasons: testimony of the Airport Director as to how it would be a hazard to air navigation in the event of an emergency landing, despite FAA's comments in their report. Secondly the testimony of another speaker, possibly a pilot, who said the tower would be a hazard. The opposition that was expressed by the Airport Authority and the negative recommendation of the Planning Board.

Commissioner Waters asked how he is supposed to deal with the information that was FED EXed to him today.

Jeff Taylor, County Attorney, stated that most of the information that he received was concerning cases, and was sent by Mr. Yates.

Commissioner Waters stated that he got information saying that the trees, because of the height of the ground they stand on, are higher than this tower.

Mr. Yates stated that this information was put into evidence before the Planning Commission at the March 6, 2000 meeting. He stated that the trees are there and exceed the height of the tower.

Commissioner Saine stated that she received the same packet, in which there was a letter from Ken R. Patterson that says that he has done the ASAC study on September 28, 2000 for SBA Towers. She stated that she stopped reading there, because she thinks something this important would be reviewed.

Mr. Yates stated that they do not review the work of their consultants. He stated that Mr. Patterson designed this airspace and he testified to such before the Planning Commission on March 6, 2000.

Jeff Lynn, Airport Manager, stated that as a point of order, the FAA witness was never sworn and did not testify at the Public Hearing. He stated that he was never sworn before his testimony downstairs.

Mr. Yates stated that his testimony is just the explanation of his report, which was part of the application and sent in certified. He stated that the record is complete.

**--Vote: 4 – 1 AYES: Hallman, Brotherton, Saine, Gamble  
NOES: Waters**

2. The use meets all required conditions and specifications. Yes X No \_\_\_\_\_  
Motioned by Commissioner Brotherton. Factual Reasons Cited: The use meets all required conditions and specifications.  
-- Vote: Unanimously approved.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes \_\_\_\_\_ No X  
Motioned by Commissioner Brotherton. Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Based on no evidence has been submitted by the applicant as to the effect on property values.  
-- Vote: 4 – 1 AYES: Hallman, Brotherton, Saine, Gamble  
NOES: Waters
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 \_\_\_\_\_  
Motioned by Commissioner Brotherton. Factual Reasons Cited: 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.  
-- Vote: Unanimously approved.

After having held a Public Hearing on \_\_\_\_\_ 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 Brotherton to deny Conditional Use Permit No. 164, SBA Towers, Inc., applicant, based on two of the findings of fact being in the negative.

**Vote: 4 – 1 AYES: Hallman, Brotherton, Saine, Gamble  
NOES: Waters**

**Lincoln County Water System Hydraulic Model Proposal:**

Jack Chandler stated that there was a proposal in the packets from WK Dickson to do a computerized hydraulic model. He stated that they should be able to answer any questions as to the need and importance for this model.



Chairman Hallman asked if this model takes into consideration the potential link-ups between the Lincolnton and Lincoln County water systems.

Jack Chandler stated that this is one of the primary reasons for having this model done. He stated that with their recent decisions about purchasing water from the City of Lincolnton, they need to have the county water system modeled so they can understand what type of pressure will have to be overcome for the county to be able to purchase water from the city. Mr. Chandler stated that if merger talks are to proceed in the future, this is just one more item that will be laying the groundwork for the system merger. He introduced Mike Wolfe and Mike Osbourn from WK Dickson.

Mike Wolfe stated that staff asked WK Dickson to prepare this proposal and present it to the Board. He stated that a computer model is really a hydraulics snapshot, or a model done in a computer, which simulates what's going on in the water system. He said that in other words you take mapping and prepare that mapping in a pre-designed software, enter all this information into the computer, information on the line sizes, lengths of lines, elevations of the system, and tanks and pumps would be modeled into this evaluation. He stated that he has brought along a graphic that shows a previous model that has been done, which shows grid-work for piping all the blue lines on the map. He stated that this happens to be a model for the City of Kings Mountain, which was done a couple years ago. Mr. Wolfe stated that each one of the lines has a feature that is put into the model, which becomes a database, that is useful to the County, staff in particular. By using this information, and once there is a model calibrated to what is happening. By calibrating, once the face mapping is prepared, there will be field measurements made in the water system, which they would come back and enter into the computer data, simulating what is happening in the water system. The computer model would operate the same as the water system. This acts as a tool for planning for future needs, and allows you to very easily look at future conditions or situations.

Commissioner Brotherton asked how far out the projections are for the County purchasing water from the City of Lincolnton.

Mr. Kiser stated that he believes it will be six months to a year.

Mr. Kiser stated that considering what is invested in the water system, \$29,500 is rather inexpensive for what service he has been told this will benefit.

Mr. Wolfe stated that the project could be done in about four months time.

Jack Chandler stated that if this is approved, he would like WK Dickson to focus on the center portion, the Pumpkin Center pressure zone, first. This way they can get the questions about the interconnect with the City of Lincolnton answered as quickly as possible.

Chairman Hallman asked if the money is in the budget.

Mr. Kiser stated that they can work it out.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the proposal for the Lincoln County Water System Hydraulic Model Proposal.

**Engineering Contract for Hoyle Creek Pumping Station and Force Main:**

Jack Chandler stated that this is a contract for engineering for the Hoyle Creek Pumping Station Force Main. He stated that Board action is needed in approving this contract, to get the ball rolling on this project. He stated that it will be 452 days from start to finish on the project.

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to approve the engineering contract.

**Vacancies:** Commissioner Saine presented the following vacancies:

Lincoln County Child Protection Team	1
Nursing and Adult Care Home Community Advisory Committee	2
Gaston Community Action	1

**Appointments:** Commissioner Saine presented the following reappointments:

Centralina Development Corporation - Tim Carswell, Dean Lutz, and Commissioner Waters

Mental Health Board - Wayne Lowe

Personnel Board – Dwight Little

**UPON MOTION** by Commissioner Gamble, the Board voted unanimously to make the above reappointments.

**County Commissioners' Report:** Commissioner Brotherton asked if the Land Use Plan Committee was meeting on Tuesday, March 21, 2000.

County Manager Stan Kiser stated that the Land Use Plan Update Committee will be meeting on Tuesday, March 21, 2000 at 4:30 PM.

Commissioner Brotherton asked Jeff Taylor, County Attorney, about the deadline for Crescent's improvements on Webbs Road. He stated that they have constructed two turn lanes and the construction people have disappeared.

Jeff Taylor, County Attorney stated that Crescent has written him a letter recently, and are waiting on a response from him.

Commissioner Gamble asked if any Commissioners would be attending the National County Commissioners meeting in Charlotte.

Chairman Hallman stated that he will try to attend.

**County Manager's Report:** Stan Kiser, County Manager, introduced Mike Jackson, the County's Human Resource Officer.

Mr. Kiser stated that the National Association of County Commissioners Conference is asking for the counties to contribute money to it. He stated that the Chairman suggested contributing five hundred dollars to it.

**UPON MOTION** by Chairman Hallman, the Board voted 4 – 1 (Commissioner Gamble against) to approve a contribution of \$500 for the National Association of County Commissioners Conference in Charlotte.

Commissioner Waters stated that the County needs to be more involved in this, and are missing a lot of good opportunities by not being involved.

**Closed Session:**

Jeff Taylor, County Attorney, advised that a Closed Session was needed to discuss a personnel matter.

**UPON MOTION** by Chairman Hallman, the Board voted unanimously to amend the agenda and add a closed session for a personnel matter.

**UPON MOTION** by Commissioner Saine, the Board voted unanimously to go into Closed Session for the following purposes pursuant to N.C.G.S. 143-318.11:

To prevent the disclosure of information as privileged or confidential under State Law, and to discuss the handling of a potential claim.

No action was reported from Closed Session.

**Adjourn:** **UPON MOTION** by Commissioner Gamble, the Board voted unanimously to adjourn the March 20, 2000 meeting.