

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 16TH THR FEBRUARY 15TH, 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 |

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|-----------------------------|---------|-----------|---------|---------|
| 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 |

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|-------------------------------|---------|-----------|---------|---------|
| 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, Dioney 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

| NAME | YEAR | A/C NO | AMOUNT |
|--------------------------|-------------|---------------|---------------|
| 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 |

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|-----------------------------|---------|---------|------------|
| 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 |
| Flaughier, 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 |

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|------------------------|---------|---------|------------|
| 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

| NAME | YEAR | A/C NO | AMOUNT |
|-----------------------------|---------|---------|----------|
| 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)

| NAME | YEAR | DIST | A/C# | AMOUNT |
|---------------------------|------|-----------|---------|---------|
| 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 Construciton 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 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 12th 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**

| PAVING COST PRIORITY | SR# | DISCRIPTION | LENGTH | EST. |
|----------------------------|-------|--|-------------|----------------|
| <u>RURAL</u> | | | | |
| 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 |
| RURAL TOTAL= | | | 4.05 | 750,000 |

| <u>SUBDIVISION</u> | | | | |
|---------------------------|------|--|-------------|----------------|
| 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 |
| | | SUBDIVISION TOTAL= | 1.10 | 165,000 |
| | | GRAND TOTAL= | 5.15 | 915,000 |

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, 66th 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 4th 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 f 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, 3rd 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 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.