

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 18, 2006**

The Lincoln County Board of County Commissioners met in regular session on December 18, 2006 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 7:05 P.M.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
Alex E. Patton, Vice Chairman  
Bruce Carlton  
James A. Klein  
Marie Moore

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building and Land Development  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Associate Zoning Administrator  
Andrew Bryant, Planner  
Stacy Yates, Associate Planner  
Madge Huffman, Director of Tax Dept  
Leon Harmon, Director of Finance  
Steve Gilbert, Director of Public Works

**Call to Order:** Chairman Anderson called the December 18, 2006 meeting of the Lincoln County Board of Commissioners to order.

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

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**DECEMBER 18, 2006**

- |    |         |   |
|----|---------|---|
|    | 7:05 PM | Call to Order                           |
| 1. | 7:07 PM | Adoption of Agenda                      |
| 2. | 7:10 PM | Consent Agenda<br>- Approval of Minutes |

- December 4, 2006
- Budget Adjustments 44 - 46
- Request from Sheriff Daugherty
- Request from former Sheriff Pickens
- Request for Refunds
  - More than \$100 – November 26 – December 3, 2006

3. 7:15 PM Public Comments
4. 7:30 PM Public Hearing – Industrial Incentive Grant for Existing Industry
5. 7:35 PM Public Hearing – Industrial Incentive Grant for Prospect Industry
6. 7:40 PM Planning Board Recommendations
 

ZMA #542 - GES Enterprise Inc. – Withdrawn by Applicant  
PCUR #149 Ronny Carswell, applicant
7. 7:50 PM Gaston-Lincoln County Line Boundary Committee Recommendation
8. 8:10 PM Public Hearing – Road Naming Petition – Bobby Harris Lane
9. 8:20 PM Bids for Landfill Fencing – Steve Gilbert
10. 8:25 PM Review of 2007 Calendar
11. 8:30 PM Adoption of Amended Rules of Procedure
12. 8:35 PM Commissioner Organizational Assignments
13. 8:40 PM Commissioner Board/Committee Participation Policy – Commissioner Klein
14. 8:50 PM Lincoln County Commission Budget Strategies – Commissioner Klein
15. 9:00 PM Capital Project Reports – Steve Gilbert
16. 9:05 PM Finance Officer's Report
17. 9:10 PM County Manager's Report
18. 9:15 PM County Commissioners' Report
19. 9:20 PM County Attorney's Report

- 20. 9:25 PM Calendar
- 21. 9:30 PM Vacancies/Appointments
- 22. 9:35 PM Other Business

Adjourn

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to adopt the agenda as amended, with Item 6 – Recommendations from the Planning Board removed due to the fact that both applicants have withdrawn.

**Consent Agenda:** Commissioner Moore asked for the Request from Sheriff Daugherty and the Request from former Sheriff Pickens to be removed from the Consent Agenda.

**UPON MOTINO** by Commissioner Klein, the Board voted unanimously to approve the consent agenda without the Request from Sheriff Daugherty and the Request from Former Sheriff Pickens.

- Approval of Minutes
  - December 4, 2006
- Budget Adjustments 44 - 46
- Request for Refunds
  - More than \$100 – November 26 – December 3, 2006

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (NOVEMBER 26, 2006-DECEMBER 3, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
CAB East, LLC	2004	City	0173850	359.54
Feldon, Kenneth S.	2006	DFD	0086642	104.71
			<b>TOTAL</b>	<b>\$464.25</b>

**Request from Sheriff Daugherty:** Chairman Anderson stated that this is a request from Sheriff Daugherty asking for permission to hire his daughter. Board is approval for hiring of any employee closer than a first cousin in the Sheriff's and Register of Deeds office.

Commissioner Carlton asked if this job was advertised and applications were taken. Stan Kiser stated that advertisements for jobs in the Sheriff's Office do not go through Personnel. He stated that the Board does not have the information to make this decision at this time.

Commissioner Klein asked if this is a current vacancy and who this position reports to. Stan Kiser stated that this is a position created when an employee left when Barbara Pickens left *and that the position reports to the Sheriff.*

**A MOTION** by Commissioner Moore to deny the request at this time.

Commissioner Carlton stated if this is the best person for the job, and it was advertised, he would have no problem with it.

**A SUPPLEMENTAL MOTION** to table pending receipt of information satisfactory to the Board as to this person's qualifications for the work to be brought before the Board on January 8. **Vote: 4 – 1 AYES: Anderson, Patton, Moore, Carlton**

**NOES: Klein**

**Request from Sheriff Pickens:** Chairman Anderson advised that this is a request from former Sheriff Pickens to allow 2 canine service dogs to be declared surplus property and awarded to their handlers.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to declare Colby surplus property for the purpose of retirement.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to deny the request that the service weapon be declared surplus property for Howard Eason and that Stan Kiser deliver the weapon to Sheriff Daugherty.

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

***Martin Oakes*** stated that he is a taxpayer in the Sewer District and is feeling incredibly overtaxed. He stated that he is paying 11 cent on his tax rate to pay for new facilities that he does not need. He stated that his taxes have already paid off the original plant. Mr. Oakes said that the Sewer District has \$3.2 million in a checking account. He stated that there are constitutional clauses that say that the sewer district has to have a balanced budget.

***Martin Carpenter***, 2060 Gaston Webbs Chapel Road, stated that they are disagreeable to where county line is going to be. He requested that the Board not agree with where the line is and move it 250 feet to the south where the line really is. He stated that this will upset schools and everything for his neighbors.

***Butch Humphrey*** stated that he is against line movement and wants the Board to know our hands are not tied. He stated that he spoke to Mr. Kiser and David Hoyle. He asked the board to table this to change this law.

**Dave Binderup** stated that with the new line, depending on where it really sits, a straight line will divide neighborhoods and some houses. He stated that this is not what is in the best interest for the citizens.

**Peggy Dyke** stated that she has lived in her house for 34 years and thought they were Lincoln County residents. The line is going straight through her house and she wanted to let board know she is totally against this.

**Terry Hoffman** stated that he wishes the Commissioners would hold off on the vote tonight. He stated that he was really upset that no Commissioners showed up for the public meeting.

**Chris Poole** stated that he has lived there 16 years and lived next door for 20 years. He stated that he would hope the Board would table or vote against this. He stated that the line is where it has been for years.

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

**Public Hearing – Industrial Incentive Grant for Existing Industry:** Barry Matherly, Executive Director of Lincoln Economic Development Association, presented an industrial incentive grant for Leonard Automatics.

Chairman Anderson declared the public hearing on the Industrial Incentive Grant for Leonard Automatics open.

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

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Incentive Grant with Leonard Automatics.

### **RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH LEONARD AUTOMATICS, INCORPORATED**

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

WHEREAS, Leonard Automatics, Incorporated has developed plans for a new manufacturing facility in Lincoln County; and

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

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

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

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

3. This resolution shall become effective upon adoption.

This 18<sup>th</sup> day of December, 2006.

\_\_\_\_\_  
Thomas R. Anderson, Chairman  
Lincoln County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the Board

## **LINCOLN COUNTY INCENTIVE GRANT AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 18<sup>th</sup> day of December, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and LEONARD AUTOMATICS, INCORPORATED, a North Carolina corporation (hereinafter referred to as "Leonard").

### **WITNESSETH:**

WHEREAS, Leonard has developed plans for a new manufacturing facility in Lincoln County, North Carolina; and

WHEREAS, Leonard will purchase certain real property and will construct a new facility on such property to be occupied by Leonard; and

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

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

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

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

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

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

1. On or before March 1, 2007, Leonard shall purchase certain real estate and begin construction of a manufacturing facility on such site for occupancy by Leonard.
2. Within two years of the date of this agreement, Leonard shall make an investment upon such site in building and equipment of \$2,000,000, of which \$1,910,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. In consideration of the performance of the aforesaid obligations by Leonard, the County will provide cash grants to Leonard of \$7,573.15 per year for a five-year period. One full year after the project's completion, such cash grants will be paid to Leonard 30 days after their tax payment for the then current year has been received by Lincoln County and after the company has notified Lincoln Economic Development Association their taxes have been paid. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
4. In the event that the value of the investment actually made by Leonard pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
5. Leonard specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Leonard shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

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

LEONARD AUTOMATICS, INCORPORATED

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

President

ATTEST:

\_\_\_\_\_  
Secretary

(Corporate seal)

LINCOLN COUNTY

By: \_\_\_\_\_  
Thomas R. Anderson  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board of Commissioners

NORTH CAROLINA

LINCOLN COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that \_\_\_\_he is the \_\_\_\_\_ of Leonard Automatics, Incorporated, a North Carolina corporation, and that by authority duly given and as the act of such entity, \_\_\_\_he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

My Commission Expires: \_\_\_\_\_  
Notary Public

NORTH CAROLINA

LINCOLN COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Thomas R. Anderson, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.



My Commission Expires:\_\_\_\_\_

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

**Public Hearing – Industrial Incentive Grant for Prospect Industry:** Barry Matherly, Executive Director of Lincoln Economic Development Association, presented an industrial incentive grant for a prospect industry, Carolina Nonwovens Corporation.

Chairman Anderson declared the public hearing on the Industrial Incentive Grant for Carolina Nonwovens Corporation open.

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

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Industrial Incentive Grant for Carolina Nonwovens Corporation and R&S Properties.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH CAROLINA NONWOVENS CORPORATION  
AND R & S PROPERTIES**

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

WHEREAS, Carolina Nonwovens Corporation and R & S Properties has developed plans for the up-fit of a new manufacturing shell facility in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, Carolina Nonwovens Corporation, and R & S Properties.
2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.
3. This resolution shall become effective upon adoption.

This 18<sup>th</sup> day of December, 2006.

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Thomas R. Anderson, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

**LINCOLN COUNTY INCENTIVE GRANT  
AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 18<sup>th</sup> day of December 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”); CAROLINA NONWOVENS CORPORATION, a North Carolina corporation (hereinafter referred to as “Carolina Nonwovens”); and R & S PROPERTIES, a North Carolina general partnership (hereinafter referred to as “R & S”).

**WITNESSETH:**

WHEREAS, Carolina Nonwovens has developed plans for the up-fit of a manufacturing shell facility in Lincoln County, North Carolina in the Indian Creek Industrial Park (hereinafter referred to as the “Park”); and

WHEREAS, R & S will construct the up-fit of the facility on such property to be occupied by Carolina Nonwovens under a long-term lease agreement; and

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

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

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

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

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Carolina Nonwovens and R & S to bind themselves to the County to produce certain results in

conjunction with the project described herein as conditions of the incentives being offered by the County;

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

1. On or before December 31, 2006, R & S shall begin the up-fit of a shell manufacturing facility on such site for occupancy by Carolina Nonwovens.
2. Within two years of the date of this agreement, Carolina Nonwovens and R & S shall make an investment upon such site in building and equipment of \$4,200,000.00, of which \$3,240,000.00 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Carolina Nonwovens shall provide at such site at least 10 new jobs paying average weekly wage of \$1,035.07.
4. In consideration of the performance of the aforesaid obligations by Carolina Nonwovens and R & S, the County will provide cash grants to Carolina Nonwovens of \$12,846.60 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Carolina Nonwovens within 30 days after Carolina Nonwovens has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Carolina Nonwovens and R & S pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Carolina Nonwovens and R & S specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Carolina Nonwovens and R & S shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

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

Carolina Nonwovens Corporation

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

ATTEST:

\_\_\_\_\_  
Secretary (Corporate seal)

R & S Properties

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

ATTEST:

\_\_\_\_\_  
Secretary (Corporate seal)

LINCOLN COUNTY

By:

\_\_\_\_\_  
Thomas R. Anderson, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board of Commissioners

NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that \_\_\_he is the \_\_\_\_\_ of Carolina Nonwovens Corporation, a North Carolina corporation, and that by authority duly give and as the act of such entity, \_\_\_he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

My Commission Expires: \_\_\_\_\_  
Notary Public

NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that \_\_\_\_he is the \_\_\_\_\_ of R & S Properties, a North Carolina general partnership, and that by authority duly give and as the act of such entity, \_\_\_\_he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2006.

My Commission Expires: \_\_\_\_\_  
Notary Public

NORTH CAROLINA

LINCOLN COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Thomas Anderson, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires: \_\_\_\_\_  
Notary Public

**Gaston-Lincoln County Line Boundary Committee Recommendation:** Madge Huffman presented the Resolution to be adopted which would ratify the House Bill to accept the plat which Accurately Determines the Gaston/Lincoln County Line.

Commissioner Moore asked if it was true that a legislator could introduce a bill that would recognize historical boundaries.

Jeff Taylor stated that there are two procedures for settlement of a county line issue, one is for the General Assembly to adopt a line and the County to finalize. That is what we are here tonight to do, this was started in 1963 and never completed. The line itself has to be settled by the General Assembly. Once the line is described by the General Assembly, it is up to the counties to adopt it, find it on the ground, and record appropriate maps to reflect it in both counties.

Commissioner Klein stated that the Board would have been better served with several meetings and some time. He asked Tricia Byrd with Centralina to address this.

Tricia Byrd stated that a Boundary Commission was formed earlier this year, but a lot of work had to be done to determine which properties were involved and where the county line cut those properties. Letters were mailed out on December 1 and the public information meeting was on December 12.

Chairman Anderson stated that if this Board proceeds with adopting these four survey points, there will continue to be ongoing discussions between Emergency Management, the Tax Department, and schools to resolve any outstanding issues with regards to who provides services where. He stated that this Board has a fiduciary responsibility, cannot tax someone not in Lincoln County, cannot fail to tax someone who is in Lincoln County, and cannot fail to provide services to someone who is in Lincoln County.

**A MOTION** by Commissioner Klein to approve the Resolution To Adopt Coordinate Values To Accurately Define The Gaston/Lincoln County Line and MOU.

**VOTE: 2-3**

**AYES: Anderson, Klein**

**NOES: Moore, Patton, Carlton**

**RESOLUTION TO ADOPT COORDINATE VALUES  
TO ACCURATELY DEFINE THE  
GASTON/LINCOLN COUNTY LINE**

WHEREAS, Gaston County was surveyed in 1963 by Findlay, Withers and McConnaughey and that this survey and the resulting map shows the location of all County Boundaries and Township Lines within the County; and,

WHEREAS, this map drawn from the survey of Findlay, Withers and McConnaughey and entitled, Gaston County, N.C. Map of County and Township Lines, dated April 1963, was adopted by the State of North Carolina in Chapter 596 of the 1963 Session Laws; and,

WHEREAS, there has been some confusion as to the true and accurate location of the Gaston/Lincoln County Line, since 1846, due to the distances involved and that this once predominately rural portion of the two Counties is now being developed; and,

WHEREAS, counties across the State have traditionally swapped or traded property parcels as a matter of convenience due to the cost of determining accurate locations of given properties in rural areas; and,

WHEREAS, the State of North Carolina requires that Counties tax and provide services only within the geographic boundaries of that County; and,

WHEREAS, it is imperative that this boundary be identified in order to define each County's respective service areas, determine voter residency and property assessments; and,

WHEREAS, current surveying and mapping tools such as the Global Positioning System (GPS), North Carolina State Plane Grid System, (NCSP) and Geographic Information Systems, (GIS) allow for the accurate and precise determination of locations in a timely and cost effective manner; and,

WHEREAS, there are four (4) points determined by the 1963 survey designated as Point(s) A , B , D and G which define the Gaston/Lincoln County line; and,

WHEREAS, these survey points defining the Gaston/Lincoln Line have been recovered and or determined by the use of best surveying practices and available information and that the coordinate values of these points have been determined by means of GPS and verified by the State Boundary Surveyor and that both Gaston County and Lincoln County are in agreement as to the location of this common boundary.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners recognizes the Gaston/Lincoln County Line, to be defined by the four (4) points shown by the 1963 boundary survey and that the location of these points, running from West to East are identified as Points A , B , D and G and are further defined by the following coordinates values of the North Carolina State Plane Grid Coordinate System, North American Datum 1983/86, Latitude and Longitude and by the verbal description as follows:

Point A - GRID N: 616,430.322 Feet  
GRID E: 1,268,559.521 Feet  
LATITUDE: N 35° 25' 08.0282"  
LONGITUDE: W 81° 27' 19.1644"  
Elev. 907.10 (NAVD 88)

Point AL 64 \f "WP TypographicSymbols" \s 10 consists of a Brass Disk, reset in 1999 to replace an existing iron pin, sits just below ground level in a field which is now or formerly owned by Mr. Harvey E. Bingham and is located approximately 1,043 feet west of SR 1648, Old Fallston Rd (in Gaston) or SR 1156 Baxter Rd (in Lincoln) and approximately 951 feet due South of NC Highway 182 in Lincoln County. This point serves as the corner for Cleveland, Gaston and Lincoln Counties.

Point B - GRID N: 615,795.252 Feet  
GRID E: 1,282,139.229 Feet  
LATITUDE: N 35° 25' 05.0395"  
LONGITUDE: W 81° 24' 34.9379"  
Elev. 883.0 Ft (NAVD 88)

Point BL 64 \f "WP TypographicSymbols" \s 10 consists of a Brass Disk, set in the East side of the bridge curbing over the center of a tributary of Mill Creek on NC Highway

274, (Cherryville Hwy in Gaston County) approximately 3.0 miles North of the Intersection of NC Highway 150 and NC Highway 274 in City of Cherryville.

Point D - GRID N: 611,740.041 Feet  
GRID E: 1,343,637.814 Feet  
LATITUDE: N 35° 24' 39.0706"  
LONGITUDE: W 81° 12' 10.9307"  
Elev. 838.7 Ft (NAVD 88)

Point D consists of a Brass Disk, set approximately 1 inch below ground level on the West side of Lincoln Street (City of High Shoals, US Hwy321 Business) approximately 17 feet North of Bayberry Trail. Point D is approximately 285 feet North of NCGS Point NORTH, which is located in the front yard of the High Shoals Baptist Church, some 20 feet North and East of the Church sign.

Point G - COMPUTED POINT - Center of Catawba River  
GRID N: 606,741.820 Feet  
GRID E: 1,417,281.664 Feet  
LATITUDE: N 35° 24' 04.8993"  
LONGITUDE: W 80° 57' 20.1353"

Point GL 64 \f "WP TypographicSymbols" \s 10 is computed based on values determined from 1963 survey and the center of the Catawba River, which was impounded with the construction of the Mountain Island Lake Dam in 1924. Point G is the corner of Gaston, Lincoln and Mecklenburg Counties.

BE IT FURTHER RESOLVED that upon adoption of the coordinate values of the points defining the Gaston/Lincoln County Line by both Gaston and Lincoln Counties, the County Manager shall have a map compiled, in concert with Gaston County, showing the location of these points and that said map will contain all pertinent information, including a reference to the ratification date of the resolutions from both Gaston and Lincoln Counties adopting these coordinate values and book and page number in the Minute Docket Book of each Board of County Commissioners where the resolution may be found. The map shall be signed by the Chairman of the Board of Commissioners of each County and the County Manager shall have the completed map recorded in the Office of the Registrar of Deeds of each County and in the Office of the North Carolina Secretary of State.

This resolution shall become effective on January 1, 2007.

ADOPTED this 18<sup>th</sup> day of December, 2006.

LINCOLN COUNTY

By: \_\_\_\_\_  
Thomas R. Anderson, PE



Chairman  
Lincoln County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board of Commissioners

MEMORANDUM OF UNDERSTANDING CONCERNING DIVISION OF  
TAX PARCELS BETWEEN GASTON AND LINCOLN COUNTIES

WHEREAS, Gaston and Lincoln Counties have worked together diligently to determine the precise location of the boundary between the respective counties; and

WHEREAS, by resolution adopted contemporaneously with this Memorandum of Understanding, the Gaston County Board of Commissioners and the Lincoln County Board of Commissioners have adopted coordinates that precisely describe said boundary; and

WHEREAS, certain parcels of real property straddle the county line of Gaston and Lincoln Counties such that portions of such parcels are in Gaston County and portions in Lincoln County, such parcels being shown on the eight pages attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, for purposes of levying the ad valorem property taxes of each county, the respective Tax Departments of each county need to have a clear division of which proportions of each parcel are in which county; and

WHEREAS, as a part of the process of determining the precise location of the county line, the Tax Departments have agreed on the divisions and allocations of acreage between the two counties as set forth on Exhibit B attached hereto and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby adopts and ratifies the division and allocation of tax parcels between the two counties as set forth and shown on Exhibits A and B attached hereto and incorporated herein by reference and that such divisions and allocations shall become effective as of January 1, 2007.

Adopted this 14<sup>th</sup> day of December, 2006.

GASTON COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

**Public Hearing – Road Naming Petition:** Leroy Buff presented a Road Naming Petition for Bobby Harris Lane.

Chairman Anderson opened the public hearing.

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

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the Road Naming Petition for Bobby Harris Lane.

**Bids for Landfill Fencing – Steve Gilbert:** Steve Gilbert presented Bids for Landfill Fencing.

Bids were received from three contractors to install 12,942 linear feet of perimeter fencing at the Lincoln County Landfill. The fencing, which will be 6-foot chain link with three strands of barbed wire, will provide a deterrent to illegal entry and vandalism, which have been a problem in the past. The bids are as follows:

Gaston Fence Co., Inc.	\$120,080.38
Skidmore Builders	\$139,531.74
Spivey Construction Co. Inc.	\$144,291.80

Based on the bids submitted, Mr. Gilbert recommended the fencing contract be awarded to Gaston Fence Co. Inc. of Dallas, NC in the amount of \$120,080.38. Funds for this project were included in this year's landfill budget.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to award the bid for landfill fencing to Gaston Fence Co., Inc. in the amount of \$120,080.38.

**Review of 2007 Calendar:** Chairman Anderson presented the 2007 Calendar for review.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to adopt the 2007 calendar as presented.

**Adoption of Amended Rules of Procedure:** Chairman Anderson presented the Amended Rules of Procedure for adoption.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Amended Rules of Procedure.

The report will take 10-12 weeks to complete, and the consultant will start in January, 2006.

**Commissioner Organizational Assignments:** Chairman Anderson presented the Commissioner Organization Assignments.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to table and discuss at the Planning Session in January.

**Commissioner Board/Committee Participation Policy – Commissioner Klein:**  
Commissioner Klein presented the Commissioner Board/Committee Participation Policy.

The Lincoln County Board of Commission shall consider the development of a policy that limits board member participation to organizations that:

1. Are required by state statute;
2. Have as a primary objective a regional, inter-county state or national focus (RPO, CCOG)
3. Have as a primary objective an economic development focus (Airport Authority, LEDA, LLCCC, DDA, CMC)
4. Have as a primary objective the functions/needs of county governments (NCACC)
5. Are formed on an ‘ad hoc’ basis

**UPON MOTION** by Commissioner Klein, the Board voted unanimously that said motion is “deferred for consideration” per the BOC’s adopted rules of procedure, which allows it to brought up at any point within the next 100 days.

Commissioner Klein stated that this Commission has over the years become too involved at too many levels of local government. The Board’s role is a policy-making body, not staff. The Board does not and should not run anything. He stated that he is particularly bothered when there are Commissioners who are on a Committee or Board and that same group comes for money at budget time. He stated that this seems to be a conflict to him.

Commissioner Klein stated that he realizes that the bylaws of some Committees and Boards state that a Commissioner must serve and unless there is an obvious and compelling reason, the Board should ask them to reconsider that.

Chairman Anderson stated that he serves on a fair number of Boards and Commissions. He stated that it is extremely critical that this Board of Commissioners reach out beyond this Board and not isolate themselves from what is going on around them. He stated that no Commissioner is required to serve on these Boards if he or she chooses not to.

**Lincoln County Commission Budget Strategies – Commissioner Klein:**  
Commissioner Klein presented the Lincoln County Commission Budget Strategies.

**Debt Margin Policy** - To direct the county manager to develop a policy for the LC Commission’s consideration with respect to defining, establishing and maintaining an adequate debt burden upper limit. The policy shall provide supporting documentation as to each element contained therein, any element(s) explicitly excluded therein and its calculation methodology.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to direct the County Manager to develop a Debt Margin Policy.

**Fund Balance Policy** – To direct the county manager to develop a policy for the LC Commission's consideration with respect to defining, establishing and maintaining an adequate fund balance annually. The policy shall provide supporting documentation as to each element contained therein, any element(s) explicitly excluded therein and its calculation methodology.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to direct the County Manager to develop a Fund Balance Policy.

**2006-07 Budget Adjustment(s)** –To direct the county manager to identify and propose those budgeted revenues and expenses that will reduce the fund balance contribution of \$5.7mm to the approved FY06-07 budget by at least 50%. The proposed plan shall be presented to the Commission at its regularly scheduled meeting on January 22, 2007. Further, any Lincoln County Department Head whose budget is impacted by the county manager's proposal(s) shall be present at this meeting to answer questions and to factually articulate his/her position on the proposal.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to direct the County Manager to identify and propose those budgeted revenue and expenses that will reduce the fund balance contribution to the approved FY 06-07 budget by at least 50%.

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

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

**Finance Officer's Report:** Leon Harmon, Finance Officer, presented the Budget Performance Report for November, 2006.

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

**County Commissioners' Report:** Chairman Anderson called the Board's attention to the 2007 – 2008 legislative goals for the NCACC. He stated that there will be a Legislative Goals Conference in Pinehurst in January and the Board needs to appoint a voting delegate.

It was the consensus to appoint Chairman Anderson as the voting delegate.

Chairman Anderson presented a letter from Attorney John Cutchin concerning access to property on Pine Ridge Road.

It was the Board's consensus to have Building and Land Development investigate the options for getting another access for this area.

**County Attorney's Report:** Jeff Taylor, County Attorney, reported on the Interbasin Transfer.

**Calendar:** Chairman Anderson presented the January 2007 calendar.

**Other Business:** Chairman Anderson asked Commissioners Patton and Carlton to work with staff concerning the county line issue and come back to the January 18 meeting with a recommendation as to how the Board should proceed.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners