

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 11, 2006**

The Lincoln County Board of County Commissioners and the Planning Board  
met in a joint session on September 11, 2006,  
at the James W. Warren Citizens Center, Commissioners Room,  
115 West Main Street, Lincolnton, North Carolina,  
at 6:30 p.m..

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
James Buddy Funderburk, Vice Chairman  
Carrol Mitchem  
Marie Moore  
Alex E. Patton

Planning Board Members Present:

Jerry Geymont, Chairman  
John Pagel, Vice Chairman  
Terry Whitener, Secretary  
George Arena  
Clyde Brown  
Larry Craig  
Darrell Harkey  
Harold Howard Jr.  
Louis McConnell

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of Building & Land Development  
Randy Hawkins, Zoning Administrator  
Andrew Bryant, Associate Planner  
Candi Cornwell, Review Officer  
Amy Brown, Clerk to the Planning Board  
Steve Gilbert, Director of Public Works  
Barbara Pickens, Sheriff  
Erma Deen Hoyle, Director of Recreation  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the September 11, 2006, meeting of the Lincoln County Board of Commissioners to order.

Commissioner Patton gave the Invocation and led in the Pledge of Allegiance.

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

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**SEPTEMBER 11, 2006**

- |    |         |  |
|----|---------|--|
|    | 6:30 PM | Call to Order                                      |
|    | 6:31 PM | Invocation   |
|    | 6:34 PM | Pledge of Allegiance                               |
| 1. | 6:35 PM | Adoption of Agenda                                 |
| 2. | 6:37 PM | Consent Agenda                                     |
|    |         | - Approval of Minutes                              |
|    |         | - August 21, 2006                                  |
|    |         | - Tax Requests for Releases – More than \$100      |
|    |         | - July 16 – August 15, 2006                        |
|    |         | - Tax Requests for Refunds – More than \$100       |
|    |         | - August 14 – 27, 2006                             |
|    |         | - Budget Adjustments 23 – 24                       |
|    |         | - Waived Fees                                      |
|    |         | - Covenant Bible Church “All Praise Choir”         |
|    |         | - Crisis Pregnancy Center of Lincoln County        |
|    |         | - Sponsored Group Status                           |
|    |         | - Lincoln County Concert Association               |
|    |         | - Litter Sweep                                     |
|    |         | - Clean Air Resolution                             |
| 3. | 6:40 PM | Zoning Map Amendment No. 534 – S & L Sawmill, Inc. |
| 4. | 6:50 PM | Zoning Public Hearings                             |

ZMA #536 Marty Mull, applicant (Parcel ID# 02443 and 31039) A request to rezone 0.8 acres from B-N (Neighborhood Business) to B-G (General Business). The property is located on the east side of Hwy. 16 about 600 feet north of Campground Road in Catawba Springs Township.

CUP #274 Martin Gordon, applicant (Parcel ID# 00379) A request for a conditional use permit to place a Class B (doublewide) mobile home in the

R-S (Residential Suburban) district. The 1.5-acre site is located about 500 feet north of Crouse School Road and 500 feet west of Pleasant Grove Church Road in Howards Creek Township.

CUP #275 Jeff Wilkinson, applicant (Parcel ID# 25575) A request for a conditional use permit to allow an auto sales lot in the B-N (Neighborhood Business) district. The proposed 1.0-acre site is located on the north side of Hwy. 27 and east side of James Street in Ironton Township.

PCUR #76-A3 Westport Lakeside Development LLC (Parcel ID# 34325) A request to amend a conditional use district that was approved in 2001, permitting a Planned Mixed Use (P-MU) development. The proposed amendment involves a 28.7-acre tract located on the east side of Fairfield Forest Road about 1,000 feet east of Hwy. 16 in Catawba Springs Township. The tract is approved for 52 townhomes and 27 single-family homes. The applicant is proposed to amend the portion of the district that's approved for single-family homes to instead permit 72 townhomes.

PCUR #110A Burton Creek Investment LLC, applicant (Parcel ID# 56262) A request to amend a conditional use district that was approved in 2005, permitting a P-R (Planned Residential) development with 350 single-family homes and 95 townhomes. The 250-acre parcel borders Blades Trail, Burton Lane and Webbs Road in Catawba Springs Township. The applicant is proposing changes in the mix of dwelling types (the amended plan calls for 385 single-family homes and no townhomes) and changes in vehicular access and circulation.

PCUR #138 Reliable Insulation Inc., applicant (Parcel ID# 25014) A request to rezone 1.2 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit an office/storage building. The property is located on the east side of Hwy. 27 and north side of Cinnabar Lane in Ironton Township.

PCUR #139 Martin Marietta Materials Inc., applicant (Parcel ID# 31267, 02477, 02714, 02466, 02476, 02690 and 57422) A request to rezone 159 acres from R-T (Transitional Residential) and I-G (General Industrial) to CU I-G (Conditional Use General Industrial) to permit a rock quarry. Part of the property is grandfathered as a quarry, and a 52-acre tract is proposed to be added to the operation. The property is located about 2,400 feet southwest of Hwy. 16 near the Catawba County line.

PCUR #140 Westport Lakeside Development LLC, applicant (Parcel ID# 02324 and 84952) A request to rezone 64 acres from RL-14, B-N (Neighborhood Business) and R-SF (Residential Single-Family) to CU P-R (Conditional Use Planned Residential) to permit the development of 52 lots for single-family homes and 74 condominiums. The property is

located north of Lake Shore Drive South and south of Golf Course Drive South in Catawba Springs Township.

PCUR #141 Lincoln County Shrine Club, applicant (Parcel ID# 54354) A request to rezone a 3.8-acre parcel from R-S (Residential Suburban) to CU R-T (Conditional Use Transitional Residential) to permit a meeting facility for a fraternal organization. The property is located on the east side of Cat Square Road about 1,600 feet south of Bill Sain Road in Howards Creek Township.

5. 9:00 PM Public Hearing – Industrial Incentive Grant for Prospect Company
6. 9:05 PM Public Hearing – Industrial Incentive Grant for Existing Industry
7. 9:10 PM Public Hearing – Industrial Incentive Grant for Existing Industry
8. 9:15 PM Resolution Requesting the State Department of Transportation to Name the Section of the New 150 Bypass in Crouse “L. Berge Beam, Sr. Memorial Highway”.
9. 9:20 PM Consideration of Transactions involving Lincoln County, Lincoln Health System, LMC Properties, and The Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas HealthCare System
10. 9:30 PM Request to Purchase a Water Truck Kit – Steve Gilbert
11. 9:40 PM Lincoln County Tracking System – SouthSales Communication
12. 9:45 PM Park Survey Contracts – Erma Deen Hoyle
13. 9:55 PM Other Business

Adjourn

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda removing item 3 due to the fact that it has been withdrawn by the applicant.

**Consent Agenda:**

- Approval of Minutes
  - August 21, 2006
- Tax Requests for Releases – More than \$100
  - July 16 – August 15, 2006

NAME	YEAR	A/C NO	AMOUNT
Atnip, Maryann	2005	0179786	\$ 110.00
Beam, Peter Michael	2005	0193845	\$ 130.95

Beaver, Carl Lee	2006	0176321	\$ 168.84
Beaver, Wanda Thrift	2005	0192989	\$ 250.50
Burke, Dawn Marie	2006	0194639	\$ 191.06
Caroleasing Inc.	2005	0065547	\$ 754.36
Carolina Kenworth Leasing	2005	0167349	\$ 148.41
Cutter, John Hastings III	2005	0193360	\$ 100.24
Daniel, Edward Lee	2006	0194657	\$ 111.38
Davis, Brandi Lanet	2006	0145226	\$ 440.74
Earle, Raymond Walter	2005	0193474	\$ 113.61
Eisenhower, Therese T.	2006	0120049	\$ 134.86
Evans, James Jr. Estate	2006	0072012	\$ 103.24
Farjardo, Jose Francisco	2005	0183047	\$ 104.43
Helms, Lori Ann	2006	0079569	\$ 117.71
Houser, Marshall Cleatus	2005	0071543	\$ 134.17
Johns, Hugh Thomas Jr.	2006	0194015	\$ 131.39
Koch, Kyle Paul	2006	0194654	\$ 118.05
Lassiter, John L.	2006	0134238	\$ 176.52
Lawing, Dwight David Jr.	2006	0194870	\$ 125.19
Motto, Richard M.	2006	0155936	\$ 168.97
Pierce, Raymond Hugh III	2006	0185407	\$ 118.76
Pope, Dale Clyde	2006	40912	\$ 181.24
Pou, John Williams III	2006	0120743	\$ 119.92
Ramsey, Dennie Willis III	2006	0084171	\$ 119.12
Shephard, Clifford Freeman II	2006	0140887	\$ 122.66
Smith, Scott Steven	2006	0167852	\$ 139.11
Storey, Helen J.	2006	11038	\$ 120.88
Watts, Mary Carver	2006	0195440	\$ 140.40
Wolfe, Mark Robert	2006	0106921	\$ 160.56
		<b>TOTAL</b>	<b>\$ 5,057.27</b>

NAME	YEAR	A/C NO	AMOUNT
Armstrong, Wayman Jr.	2006	0062513	\$ 198.94
B & B Construction	2006	0179026	\$ 110.00
B & L Vending	2006	0148148	\$ 257.40
Beckham, Raymond Baron	2005/06	0101891	\$ 102.25
Body Dynamics Racing	2006	0192910	\$ 421.33
Boger City Baptist Church	2006	33533	\$ 207.00
Boyles, Kenneth	2006	0193697	\$ 1,439.91
Clement, Ronald Jerry	2006	0089470	\$ 418.72
Denver United Methodist Ch	2006	33560	\$ 139.45
Dream Builders Investments	2006	0181969	\$ 619.23

First Charter Real Estate	2006	0155984	\$ 469.92
Fleetwood Retail Corp. of NC	2006	0148104	\$ 1,654.18
G & B Carpentry	2005/06	0151752	\$ 354.76
Gilbert Family Trust The	2006	0151297	\$ 7,874.75
Gordon, William Dewey	2003-06	0107356	\$ 439.21
Greenscapes Landscaping	2006	0183734	\$ 330.85
Gwynn Peoples, Betty C.	2006	0130910	\$ 172.70
Hague Quality Water of the	2006	0153965	\$ 476.68
Heafner, Tommy H.	2006	02075	\$ 3,106.25
Herrstromer, Mats	2006	0189031	\$ 142.48
Historic Preservation	2006	0189818	\$ 789.20
Horvat, Andrej	2006	28017	\$ 131.08
Houser, Daniel Johnson	2006	0135380	\$ 1,290.37
Hull, Janice B.	2006	0136499	\$ 1,076.96
Johnson, Randall Barry	2006	0070262	\$ 320.25
K C Construction	2005	0148735	\$ 216.52
Langley, Archie Lloyd	2006	09912	\$ 138.00
Lincoln House The	2006	0171106	\$ 643.50
Locklair, Baron D. Jr.	2006	10708	\$ 2,174.34
Madison Excavation	2006	0178908	\$ 646.28
Martin, Clifford	2006	42683	\$ 139.00
McCraw, Dean	2006	10097	\$ 134.00
Mitchem, Wayne E.	2006	0155287	\$ 4,154.15
Nantz, Helms (Debra)	1996-06	0100785	\$ 1,533.82
Nazif, Mamoun M.	2006	0160026	\$ 119.40
Neal, Bartley E.	2006	0134295	\$ 156.66
Olsen Construction Co. DBA	2006	0187465	\$ 379.80
Perry, William M. jr.	2006	0189780	\$ 138.00
Poole, Jimmy Lee & Nancy	2006	13924	\$ 126.72
Racetrac Gas #598	2006	0132502	\$ 236.33
Riley, William Charles	2006	0124864	\$ 159.35
Sanders, Pamela England	2003-06	0148034	\$ 1,565.31
Simmons, Jerry W.	2006	37858	\$ 1,714.16
Stroupe, D. Walter	2006	0114107	\$ 8,562.04
True Craft Builders Inc.	2006	0183672	\$ 124.25
Valdedale Angus Farm Inc.	2006	26208	\$ 4,612.75
Vaughn, Howard	2002-06	0061457	\$ 679.00
Victory N Faith	2005	0179148	\$ 108.90
Walter, Jeff	2006	0170929	\$ 146.80
Washington, Beverly	1995-06	30958	\$ 1,048.18
Whitworth, Flossie Grigg	2006	0095825	\$ 281.87
Worldwide Engineering Inc.	2006	0193712	\$ 124.40

**TOTAL**

**\$ 52,607.40**

- Tax Requests for Refunds – More than \$100
- August 14 – 27, 2006

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (AUGUST 14, 2006-AUGUST 27, 2006)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Calhoun, Gary	2005	ELFD/ELSD	0154442	113.84
<b>TOTAL</b>				<b>\$113.84</b>

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (August 21, 2006-August 27, 2006)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#
	AMOUNT	REASON	
B & G Grading	2005	CFD	0170183
			252.73
<b>TOTAL</b>			<b>\$ 252.73</b>

- Budget Adjustments 23 – 24
  - No. 23 – Transfer funds to cover CATS contract
  - No. 24 – Move monies to correct negative balances for new position created by BOC 08/21/06
- Waived Fees
  - Covenant Bible Church “All Praise Choir”
  - Crisis Pregnancy Center of Lincoln County
- Sponsored Group Status
  - Lincoln County Concert Association
- Litter Sweep

**LITTER SWEEP**  
**2006**  
**A PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes a Fall roadside cleanup campaign to ensure clean roadsides throughout our State; and

WHEREAS, a Fall LITTER SWEEP campaign has been planned for September 16 - 30, 2006, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2006 Fall cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim September 16 - 30, 2006, as "**FALL LITTER SWEEP**" in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

- Clean Air Resolution

**CLEAN AIR RESOLUTION**

WHEREAS, clean air is vital to the health and well-being of all of North Carolina's citizens, especially our children and senior citizens;

WHEREAS, the natural beauty of our mountain, coastal, and forested landscapes is a source of pride and inspiration to the citizens of North Carolina and millions of other Americans who visit our state every year;

WHEREAS, the health of our agriculture, forestry, and tourism industries as well as our recreational and commercial fisheries are important to the economy of North Carolina;

WHEREAS, air pollution degrades our scenery, harms our health, compromises our commercial and recreational fisheries, and damages our forests, creeks and farms;

WHEREAS, in 2002, North Carolina's citizens, business leaders, electric utilities and elected officials established a clear, bipartisan, and nearly unanimous agreement to improve our air quality by passing the Clean Smokestacks Act;

WHEREAS, this legislation will, by 2013, limit the harmful effects of air pollution from our coal-fired power plants by reducing emissions of nitrogen oxides and sulfur dioxides by roughly 78% and 73% respectively;



WHEREAS, a large portion of North Carolina's air pollution originates from facilities operated by utilities in neighboring states that are not subject to our Clean Smokestacks Act;

WHEREAS, bills may soon be considered by Congress that would relax utilities' requirements to reduce pollution that were set forth in the 1990 amendments to the federal Clean Air Act and that would also undermine North Carolina's legal authority to seek reductions in pollution that originates in upwind states;

WHEREAS, relaxing the pollution standards for other states, particularly upwind states, only harms North Carolina's citizens, businesses and electric utilities and could jeopardize the progress our own state is making toward improving the quality of North Carolina's air;

WHEREAS, all North Carolinians, including our elected members of Congress, should work together to uphold our Clean Smokestacks Act and reduce air pollution in our state:

THEREFORE, BE IT RESOLVED, that Lincoln County respectfully urges the honorable members of North Carolina's Congressional delegation to support the health, economy and environment of our county and state by working to reduce pollution that originates beyond our state's borders. We urge support for national legislation that would reduce pollution as quickly and to a similar extent as is required by our own Clean Smokestacks Act. Please oppose any legislation that would weaken pollution standards for neighboring states, as set forth in the Clean Air Act and its amendments of 1990, or that would undercut or delay North Carolina's authority to seek reductions in the portion of our pollution that originates in upwind states.

This the 11<sup>th</sup> day of September, 2006.

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Thomas R. Anderson, PE, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda with a correction in the minutes.

**Zoning Map Amendment No. 534 – S & L Sawmill, Inc.** Per Randy Hawkins, Zoning Administrator, S & L Sawmill, Inc., officially withdrew its rezoning request (ZMA #534) September 7, 2006.

**Zoning Public Hearings – Randy Hawkins:**

Chairman Anderson announced there would be a three minute time rule for anyone speaking, if someone is speaking for a group, they will have five minutes. He asked if there were any ex parte discussions on any of the zoning cases.

**Zoning Map Amendment #536 – Marty Mull, applicant:** A request to rezone 0.8 acres from B-N (Neighborhood Business) to B-G (General Business). Auto repair, auto sales and mini-warehouses are permitted uses by right in the B-G district, but not in the B-N district. (Auto sales is a conditional use in the B-N district.

The property is located on the east side of Hwy. 16 about 600 feet north of Campground Road in Catawba Springs Township. It is adjoined by property zoned B-N, B-G and R-SF (Residential Single-Family). County water and sewer are available at this location. This property is located in an area designated by the Lincoln County Land Use Plan as a neighborhood center, suitable for concentrating primarily commercial development.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 536 – Marty Mull, applicant.

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

**Conditional Use Permit No. 274 – Martin Gordon, applicant:** A request for a conditional use permit to place a Class B (doublewide) mobile home in the R-S (Residential Suburban) district. The proposed 1.5-acre site would be subdivided from a 4.1-acre parcel. The front portion of the parcel is zoned I-G (General Industrial). The doublewide would be placed on the rear portion.

The property is located about 500 feet north of Crouse School Road and 500 feet west of Pleasant Grove Church Road in Howards Creek Township. It is adjoined by property zoned R-S and I-G. This area is not designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

Commissioner Moore asked if there was something on the I-G property.

Mr. Hawkins stated that this is the site of the old Crouse School and there is a parts business there.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 274 – Martin Gordon, applicant.

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

**Conditional Use Permit #275 – Jeff Wilkinson, applicant:** A request for a conditional use permit to allow an auto sales lot in the B-N (Neighborhood Business) district. The proposed 1.0-acre site is located on the north side of Hwy. 27 and east side of James Street in Ironton Township. It is adjoined by property zoned B-N and R-S (Residential Suburban). The Chuckwagon Grill is located on the other corner of James Street. County water is available at this location.

Randy Hawkins stated that there is a minor change in the plan, instead of two driveways there would only be one 24' wide driveway. DOT has approved the driveway permit.

Mr. Hawkins advised of a phone call he received from a property owner in the area, Delores Barton, who called him to express concerns about traffic and congestion in that area.

Chairman Anderson opened the public hearing concerning Conditional Use Permit #275 – Jeff Wilkinson, applicant.

Sue Guynn, 189 James Street, stated that this area of road on Hwy. 27 is very dangerous with numerous wrecks every week. She stated that she just wanted to point out how dangerous the road is and a car lot would be good there if the traffic wasn't so bad. She stated that a used car lot would make it worse due to people looking at cars. Ms. Guynn stated that the property floods every time it rains. She said that she would oppose any businesses in this area until improvements are made.

Norma Beal stated that they hauled in dirt there and packed it, which made the water back up onto her property. She stated that the ditch should be opened back up.

Bill Guynn, 189 James Street stated that not long ago they were awakened by a tanker truck that exploded and he has seen three people killed in front of the Chuckwagon Grill. He stated that this is a dangerous area. Mr. Guynn also pointed out that there are drainage problems and their septic tanks have problems because of the water backup. He asked the Board not to approve this and make the road more dangerous.

Jeff Wilkinson stated that he is the applicant and is just trying to change the zoning. He stated that he has not purchased any land and any clearing done in the past was not done by him. He stated that he is not arguing that there are water problems. He stated that if there needs to be a ditch, that is not a problem. Mr. Wilkinson commented that he only has 8 to 10 customers per day on his lot. He stated that he is relocating from Salem Church Road. Mr. Wilkinson said that Chuckwagon Grill has 150 – 200 people per day, American Fitness gym has 150 people per day and Fox's Fish Camp has 500 to 600 people Friday and Saturday nights.

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

**Parallel Conditional Use Request #76-A3 – Westport Lakeside Development LLC, applicant:** A request to amend a conditional use district that was originally approved in 2001, permitting a Planned Mixed Use (P-MU) development. The proposed amendment involves a 28.7-acre tract, one of three portions of the P-MU district. An amended plan for this tract was approved in May 2005, permitting 52 townhomes and 27 single-family homes. The applicant is proposing to amend the portion of the district that's approved for single-family homes to instead permit 72 townhomes. This would result in a total of 124 townhomes on the tract, or 4.3 units per acre. (The plan that was originally approved called for 122 townhomes on this tract.

The property is located on the east side of Fairfield Forest Road about 1,000 feet east of Hwy. 16. It is adjoined by property zoned RL-14, R-SF and B-N. County water and sewer are available at this location. Goal 4 of the Land Use Plan states: "Multi-family and higher density residential development.....will be encouraged at a density range of three to seven units per gross acre and will be guided to locations in which adequate water and wastewater disposal services and sufficient road system are available."

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #76-A3 – Westport Lakeside Development LLC, applicant.

James Young, 2513 Lakeshore Road, stated that he would like to know the results of the DOT study. He stated that traffic has changed in that area and the number of developments are going to make it hard for everybody to get around.

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

**Parallel Conditional Use Request #140 – Westport Lakeside Development LLC, applicant:**

A request to rezone 64 acres from RL-14, B-N (Neighborhood Business) and R-SF (Residential Single-Family) to CU P-R (Conditional Use Planned Residential) to permit the development of 52 lots for single-family homes and 74 condominiums. The property is located north of Lake Shore Drive South and south of Golf Course Drive South in Catawba Springs Township. This property is not located in an area that's designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development, meaning it is suitable for residential development.

Mr. Hawkins stated that most of the property is currently zoned RL-14, which allows lots as small as 1/3 of an acre. Because the applicant is asking approval for more than 50 homes, it is a planned district. The traffic impact study concluded that to accommodate the traffic this development was contributing to Fairfield Forest Road and Highway 16, it recommended the installation of a northbound right turn lane on Highway 16 at Fairfield Forest Road with 100' of storage and a right turn lane on Fairfield Forest Road at the entrance to this development with 75' of frontage.

Mr. Hawkins stated that this property does adjoin Lakeshore Drive South, there is no entrance proposed there, there is an emergency access road that will be gated and only used for emergencies. The road would loop through the development and back to Golf Course Drive South.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #140 – Westport Lakeside Development LLC., applicant.

James Young asked questions concerning the emergency exit on Lakeshore Road. He stated that he doesn't have the facts on this request, the residents weren't notified in time to get this information. He stated that it is right beside his house where the emergency exit will be located.

Lanette Duck stated that she is new to the street and her property backs up to the proposed development. She stated that she doesn't feel the infrastructure is in place to support this many homes. She commented that on a few occasions since she's lived there they lost power and water pressure. There is a fire hydrant not in service near this location. Ms. Duck stated that she opposes this change because it will have an impact on the area

Bill Robinson stated that he lives across the street from the emergency exit. He asked what would have to be done if this were changed from an emergency exit to a primary street in the future. He stated that he has been there 24 years and the area has really changed. He said that accidents have become a real problem in that area.

Randy Hawkins stated that the developer would have to come back to the Board for approval and DOT would also have to approve opening that road up.

Tom Daniel, developer, stated that he hears the traffic concerns. He stated that he had not proposed an emergency exit, but the Fire Marshal recommended one. He stated that the density by right would be 2.5 units per acre. He presented pictures of the ranch style condos, which are marketed, but not restricted to seniors.

Celia Deese stated that there is a problem with traffic already. She said that the more houses there are, there are that many more people to contend with. Ms. Deese said it is just not feasible to have any more people on their road.

George Nichols stated that it was brought to his attention that a report was done previously where there would 2.5 residences per acre and now we're up to 4 and change. He asked why this is and about water runoff problems.

Randy Hawkins stated that the impervious coverage for the condominium section is below 24% of the total land area. The townhome section will be 33% impervious coverage.

Heidi Young stated that she will be directly impacted by this because they live right next to where the emergency exit will come out. She stated that traffic is a big issue. Ms. Young stated that they lose water pressure all the time and there is a fire hydrant right where they are going to place the emergency exit. She stated that she is concerned about her property values. She asked if they will cut all the trees down and if there will be big overhead lights.

Randall West stated that he lives on Blades Trail. He said the reason people moved to Denver is quality of life. He stated that there is a cumulative effect to all these developments and it's important to take this under consideration. He said that the services water, sewer, fire, police, and schools cannot handle all this development.

Carolyn Franklin stated that she has lived there since Dec. 2005 and there are numerous power outages and water issues. She said that there is a lot of traffic and a lot of developments going in. She said the traffic on 16 now is incredible. Ms. Franklin stated that she opposes this.

David Borges stated that he is opposed to this. He stated that with the traffic from the church, it is impossible to get onto Highway 16. He stated that there is a pond in his yard, which fills up and drains into Lake Norman. He asked where this water will run once the trees are gone. He asked if the buffer is 50'. He asked what will stop people from renting these units out.

Sue Nikodem stated that she opposes this. She stated that she has problems with water, traffic, and density. She said that she would like to know what type of greenways are presented. She commented that she hasn't seen enough of the plan to know what is proposed.

Dawn Nichols stated that she has lived there about 10 years. She stated that she purposely bought there because of the land, the wooded area, and the older neighborhood. She stated that

progress happens, but it is a shame to see woods taken down. She stated that not all property owners got letters in the mail. Ms. Nichols said that she opposed this.

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

**Parallel Conditional Use Request #110A – Burton Creek Investment LLC, applicant:** A request to amend a conditional use district that was approved in February 2005, permitting the development of a P-R (Planned Residential) development with 350 single-family homes and 95 townhomes. The applicant is proposing changes in the mix of dwelling types (the amended plan calls for 385 single-family homes and no townhomes) and changes in vehicular access and circulation.

The 250-acre parcel borders Blades Trail, Burton Lane and Webbs Road. It is adjoined primarily by property zoned RL-20 Single-Family and R-SF (Residential Single-Family). County water and sewer are available in this area.

John Pagel asked if the same amenities will be put in this development.  
Randy Hawkins stated that there will be a swimming pool and clubhouse.

John Pagel stated that he would think that traffic studies would have to be amended due to the other developments that have been approved on the road since the development was originally approved.

Randy Hawkins stated that they did not look at site accesses, they just looked at intersections on Hwy 16, Webbs Road, and Burton Lane. This did not include Norman Point, but included Eastwind Cove at 154 homes (which was later reduced to 97 homes). The study was sealed by an engineer July 7, 2005. Some of the traffic counts were taken in December 2002 for the original Paradise Lakes. DOT would not require a new traffic study. Westport did include Burton Creek in their numbers.

Chairman Anderson asked if the original TIA includes any Webbs Road improvements. He stated that given the age of the TIA there is nothing to preclude this board from asking for another study.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #110A – Burton Creek Investment LLC, applicant.

Gary Eudy stated that with the growth coming to area, the residents realize there are going to be homes across the street from them. He stated that they live in small finger-coves, coves very shallow and narrow. He and his neighbors worry about sedimentation leaving the site and rendering property with substantially less value. He stated that he has investigated concerns and walked on the DOT right of way. He stated that he has seen off-site sedimentation and clear cutting. He said that over 100 acres have been clear cut. Mr. Eudy stated that he would like to request a baseline on how deep coves are now. He stated that in the findings of fact one of the factual reasons cited is that the use will not injure adjoining or abutting property. He stated that he feels this whole property needs to be reevaluated.

Milton Starnes stated that he has some concern about the proposal before the Board now. He stated that the plan is taking main problem on thoroughfare and putting it on a narrow, winding, dangerous road. He said that there are 4 curves on this road where school buses and trucks cannot pass. He said that this needs to be addressed in some manner. Mr. Starnes stated that the new entrance is in a bad, dangerous curve. So far, on those curves, there have been 7 accidents to date. He stated that he would like to see the road widened so two vehicles could pass and turning lanes at accesses.

Diedre West stated that the size and price of these homes are not consistent with the homes already in Westport. She stated that the low to medium price homes will have a detriment on home values in the area, will have an impact on school, and crime rate. She stated that significant sedimentation has gone into the lake.

Henry Fogle, 8112 Blades Trail, stated that he lives across from Burton Cove. Mr. Fogle stated that the developer of Burton Creek submitted a plan to the LNRC, which the committee did not approve of due to the clearcutting of trees. Mr. Fogle spoke concerning the clearcutting of trees on the property. Mr. Fogle presented pictures of the sedimentation problems that are coming from Burton Creek. He stated that the county should appoint an employee to look over the site and make the developer provide a one million dollar cash bond to repair the damage to the coves.

Randal West, 8268 Blades Trail, referenced Article 4, 11.13.A.50, which is the Sedimentation Pollution Control Act of 1973 and it mandates certain standards when land disturbing activities are done, it permits development with the least detrimental effects from pollution of sedimentation. There is some teeth to that legislation, which the Board should use. He asked the Board to stop this nuisance.

Harold Sellers, 7846 Blades Trail, stated that he would like to address the new entrance coming onto Blades Trail. He stated that the entrance would be insane where it is. He stated that he has trouble getting out of his driveway into that corner. He stated that he doesn't see why the bridge would be taken away for environmental reasons when the property has been completely clearcut.

Tommy Touchstone, 7826 Blades Trail, stated that the new access comes out to his front yard. He stated that the curve will be suicide. He stated that the access needs to be reevaluated. He said he's not sure why that access can't be turned to Sarah Drive. Mr. Touchstone said that they are not opposed to this project, just want the developer to follow the rules. He spoke about the sedimentation problems and the lack of infrastructure for this many homes.

Terry Mills, 8274 Blades Trail, stated that this comes down to a way of life for the community. She spoke concerning the lack of infrastructure and the silt going into the lake.

Dick McMahan stated that he is having a difficult time understanding the developer and why he thinks he doesn't have to answer to Lincoln County. Mr. McMahan stated that he supports the million dollar bond suggested by Mr. Fogle.

Crystal Lotero stated that she lives in Lake Haven Estates. She asked if there will be a turning lane installed. She asked what the buffer of trees will be between her property and this development.

Peter Steven stated that he lives on Lakehaven Drive and his big concern is traffic on Webbs Road. He stated that this is a two-lane road with horrible traffic and major accidents.

Greg Duncan, 3536 Lakeshore Road South, stated that the amenities have not been changed. There will be a walking trail as well as the previous amenities planned. He stated that he is going to change the road access. He stated that he is asking for 385 residences, the original approval was for 445 homes. Mr. Duncan stated that Eastwind Cove and Norman Pointe were done after this development and their traffic study took this one into effect. There will be a decel right turn lane into Burton Creek. Mr. Duncan stated that the development is using level spreaders for sediment and erosion control. He stated that each phase has sediment and erosion plans. They are clearing and putting in erosion control in phases.

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

**Parallel Conditional Use Request #138 – Reliable Insulation Inc., applicant:** A request to rezone 1.2 acres from R-SF (Residential Single-Family) to CU B-N (Conditional Use Neighborhood Business) to permit a 6,240-square foot office/storage building. The proposed site would be subdivided from a 2.9-acre parcel. Because the applicant has opted to apply for a conditional use rezoning, a site plan is included and would be binding if the rezoning is approved.

The property is located on the east side of Hwy. 27 and the north side of Cinnabar Lane in Ironton Township. It is surrounded by property zoned R-SF. This property is not located in an area designated by the Lincoln County Land Use Plan as suitable for concentrating commercial development. Goal 5 of the Land Use Plan states: “The residential integrity of existing residential areas will be maintained by discouraging the encroachment of incompatible non-residential land uses in such areas.”

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #138 – Reliable Insulation Inc., applicant.

Johnny Dodson stated that this is across from his property and it would not bother him for this to be here. He stated that it will not affect him at all.

Rebecca Wilson, owner of Reliable Insulation, stated that she wants to preserve the site and leave the mature trees. She stated that the site will have low traffic and some deliveries.

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

**Parallel Conditional Use Request #139 – Martin Marietta Materials, Inc., applicant:** A request to rezone 159 acres from R-T (Transitional Residential) and I-G (General Industrial) to CU I-G (Conditional Use General Industrial) to permit a rock quarry. Part of the property is grandfathered as a quarry, and a 52-acre tract is proposed to be added to the operation.



The property is located about 2,400 feet southwest of Hwy. 16 near the Catawba County line. It borders the new Hwy. 16 corridor. It is adjoined by property zoned R-T and I-G. This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #139 – Martin Marietta Materials, Inc., applicant.

Paxton Badham spoke on behalf of the Denver quarry, which is a grandfathered non-conforming use that was there before zoning. He stated that it is better to be a conforming use under the zoning ordinance. He stated that he is asking for the rezoning of the 52 acres highlighted and to put the whole quarry site under a special use permit to replace some property that DOT took for the new highway. He said that he is not going to do anything they do not do today, just adding to the life of the quarry. He stated that they won't blast any closer to any residential structures than they already are.

Brian North stated that the Denver Quarry produces 450 tons per hour or 825,000 tons per year. He stated that they are in compliance with state air quality standards. The proposed zoning request would not have an impact on air quality at this site. Mr. North presented a report on Air Quality.

Bill Lyke, Consulting Geologist, stated that based on his experience, he estimates that the water table could be impacted anywhere from 250 to 350 feet from the quarry wall. He estimated a 100 feet radius around a water supply well. He stated that he would go 550 feet distance from the future pit and there are no wells in that area. The closest are 600 feet at the closest. He stated that he does not believe there will be any impact on the water supply in the area.

John Pagel asked if there were any concerns with Killian Creek. Mr. Lyke stated that he did not study Killian Creek.

David Abernathy stated that he is a local real estate agent, who has been working here all his life. He stated that this change will have no negative impact on the property in the immediate area.

Dean Weighand stated that he is the Manager of Explosive Engineering for Martin Marietta. He stated that what they do is big and impressive but not loud. He stated that blasting is a necessary requirement in today's society.

Charlotte Isbill stated that her mother owns property adjacent to this site and she would like to request copies of all the documents presented.

Joe Siefert stated that the blasting situation not only affects residential, but there are problems with the companies on Burnwood Trail. He stated that he developed this area and still owns lots there. He asked what will happen to their water supply.

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

**Parallel Conditional Use Request #141 – Lincoln County Shrine Club, applicant:** A request to rezone a 3.8-acre parcel from R-S (Residential Suburban) to CU R-T (Conditional Use Transitional Residential) to permit a meeting facility for a fraternal organization. Facilities for civic, social and fraternal organizations are allowed as a conditional use in the R-T district, but not in the R-S district.

The property is located on the east side of Cat Square Road about 1,600 feet south of Bill Sain Road in Howards Creek Township. It is adjoined by property zoned R-S. Property zoned R-T lies about 400 feet to the southeast. The Shrine Club's existing meeting building is located adjacent to this parcel.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request #141 – Lincoln County Shrine Club., applicant.

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

The Planning Board recessed their meeting on the 2<sup>nd</sup> floor balcony.  
Chairman Anderson called for a brief recess and called the meeting back to order.

**Public Hearing – Industrial Incentive Grant for Existing Company:** Barry Matherly presented an incentive grant for Actavis Corporation (formerly Alpharma). They are planning to make a \$14 million investment with 30 new jobs. The County will provide cash grants to ACTAVIS of \$44,835.00 per year for a five-year period.

Greg Sherwood stated that he has been with Alpharma/Actavis for 12 years. They are planning on closing the Baltimore plant and moving it to Lincolnton.

Chairman Anderson opened the public hearing concerning the Industrial Incentive Grant for Actavis Corporation.

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

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to adopt the Resolution.

### **RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH ACTAVIS CORPORATION**

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, Actavis Corporation., has developed plans for the installation of machinery and equipment at its manufacturing facility in Lincoln County; and

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

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

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

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 11<sup>th</sup> day of September, 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 11th day of September, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and ACTAVIS CORPORATION, a New Jersey limited liability company (hereinafter referred to as "ACTAVIS").

WITNESSETH:

WHEREAS, ACTAVIS has developed plans for the installation of manufacturing machinery and equipment in Lincoln County, North Carolina; 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 ACTAVIS 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 October 1, 2006, ACTAVIS shall begin the installation of manufacturing machinery and equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, ACTAVIS shall make an investment upon such site in machinery and equipment of \$14,000,000, of which \$9,800,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, ACTAVIS shall provide at such site at least 30 new jobs paying average weekly wages of \$620.00.
4. In consideration of the performance of the aforesaid obligations by ACTAVIS, the County will provide cash grants to ACTAVIS of \$44,835.00 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 ACTAVIS within 30 days after ACTAVIS 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 II 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 ACTAVIS 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. ACTAVIS 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, ACTAVIS 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.

ACTAVIS

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

ATTEST:

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

NORTH CAROLINA

LINCOLN COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me \_\_\_\_\_  
[Name of Corporate Secretary] and acknowledged that he/she is Secretary of ACTAVIS., a New Jersey  
limited liability company, and that by authority duly given and as the act of the corporation, the foregoing  
instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her  
as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

LINCOLN COUNTY

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

ATTEST:

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

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

**Public Hearing – Industrial Incentive Grant for Existing Industry:** Barry Matherly presented National Fruit Products Incentive Grant. He stated that National Fruit plans to spend \$8.6 million of which \$6,095,000 will qualify for incentives. At least 35 new jobs paying average weekly wages of \$500.00 will be created. The County will provide cash grants to NATIONAL FRUIT of \$27,884.63 per year for a five-year period.

Chairman Anderson opened the public hearing concerning The Industrial Incentive Grant for National Fruit

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

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement with National Fruit Products Company, Inc.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH NATIONAL FRUIT PRODUCTS COMPANY, INC.**

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, NATIONAL FRUIT PRODUCTS COMPANY, INC., has developed plans for the installation of machinery and equipment at its manufacturing facility in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and NATIONAL FRUIT PRODUCTS COMPANY, INC.

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 11<sup>th</sup> day of September 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 11th day of September, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and NATIONAL FRUIT PRODUCTS COMPANY INCORPORATED, a Virginia Corporation (hereinafter referred to as "NATIONAL FRUIT").

**WITNESSETH:**

WHEREAS, NATIONAL FRUIT has developed plans for the installation of manufacturing machinery and equipment in Lincoln County, North Carolina; 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 NATIONAL FRUIT 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 July 2007, NATIONAL FRUIT shall begin the installation of manufacturing machinery and equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, NATIONAL FRUIT shall make an investment upon such site in machinery and equipment of \$8,600,000, of which \$6,095,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, NATIONAL FRUIT shall provide at such site at least 35 new jobs paying average weekly wages of \$500.00.
4. In consideration of the performance of the aforesaid obligations by NATIONAL FRUIT, the County will provide cash grants to NATIONAL FRUIT of \$27,884.63 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 NATIONAL FRUIT within 30 days after NATIONAL FRUIT 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 II 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 NATIONAL FRUIT 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. NATIONAL FRUIT 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, NATIONAL FRUIT 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.

NATIONAL FRUIT



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

ATTEST:

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

NORTH CAROLINA

LINCOLN COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me \_\_\_\_\_  
[Name of Corporate Secretary] and acknowledged that he/she is Secretary of NATIONAL FRUIT., a  
New Jersey limited liability company, and that by authority duly given and as the act of the corporation,  
the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and  
attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

LINCOLN COUNTY

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

ATTEST:

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

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

**Public Hearing – Industrial Incentive Grant for Prospect Industry:** Barry Matherly presented a grant from Cully and United Plate Glass. They are planning an investment of \$4.5 million, of which \$3.9 million will qualify for grants. Ten new jobs will be created. The County will provide cash grants to CULLY AND UNITED PLATE GLASS of \$15,463.50 per year for a five-year period.

Chairman Anderson opened the public hearing concerning The Industrial Incentive Grant for Cully and United Plate Glass.

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

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Resolution.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH  
CULLY INVESTMENTS, LLC. AND UNITED PLATE GLASS**

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, CULLY INVESTMENTS, LLC. AND UNITED PLATE GLASS have developed plans for construction of a new facility and the installation of machinery and equipment for at the 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 CULLY INVESTMENTS, LLC. AND UNITED PLATE GLASS.

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 11<sup>th</sup> day of September 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 11th day of September, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and CULLY INVESTMENTS, a Pennsylvania Limited Liability Corporation (hereinafter referred to as “CULLY”) and UNITED PLATE GLASS COMPANY, a Pennsylvania corporation, (hereinafter referred to as “UNITED PLATE GLASS”)

WITNESSETH:

WHEREAS, CULLY AND UNITED PLATE GLASS has developed plans for constructing a new facility and the installation of manufacturing machinery and equipment in Lincoln County, North Carolina; 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 CULLY AND UNITED PLATE GLASS 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 July 2007, CULLY AND UNITED PLATE GLASS shall begin construction of a new facility and the installation of manufacturing machinery and equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, CULLY AND UNITED PLATE GLASS shall make an investment upon such site in machinery and equipment of \$4,500,000, of which \$3,900,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, CULLY AND UNITED PLATE GLASS shall provide at such site at least 10 new jobs paying average weekly wages of \$450.00.
4. In consideration of the performance of the aforesaid obligations by CULLY AND UNITED PLATE GLASS, the County will provide cash grants to CULLY AND UNITED PLATE GLASS of \$15,463.50 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 CULLY AND UNITED PLATE GLASS within 30 days after CULLY AND UNITED PLATE GLASS 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 II 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 CULLY AND UNITED PLATE GLASS 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. CULLY AND UNITED PLATE GLASS 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, CULLY AND UNITED PLATE GLASS 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.

CULLY INVESTMENTS, LLC

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

President

ATTEST:

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

UNITED PLATE GLASS COMPANY

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

ATTEST:

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

PENNSYLVANIA

\_\_\_\_\_ COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me \_\_\_\_\_  
[Name of Corporate Secretary] and acknowledged that he/she is Secretary of CULLY INVESTMENTS, a  
Pennsylvania limited liability company, and that by authority duly given and as the act of the corporation,  
the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and  
attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

PENNSYLVANIA

\_\_\_\_\_ COUNTY

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally came before me \_\_\_\_\_  
[Name of Corporate Secretary] and acknowledged that he/she is Secretary of UNITED PLATE GLASS  
COMPANY, a Pennsylvania company, and that by authority duly given and as the act of the corporation,  
the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and  
attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

LINCOLN COUNTY

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

ATTEST:

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

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

**Consideration of Transactions involving Lincoln County, Lincoln Health System, LMC Properties, and The Charlotte-Mechlenburg Hospital Authority, d/b/a Carolinas HealthCare System:** Danny Richard asked the Board for their consideration of the documents.

Chairman Anderson stated that the documents before the Board have been reviewed by 3 legal firms.

Chairman Anderson said that he would like to take this opportunity to say he is ecstatic over what opportunities this arrangement brings to the citizens of Lincoln County. Without this step forward, citizens would be denied opportunities for medical care that we could never bring to them. He voiced his sincere appreciation to Mr. Richard and the other hospital board members for their hard work with this matter.

Commissioner Moore brought up two issues – 1 – If the hospital is not built, there is a 50 year lease that is a contractual agreement that can be enforced and 2 – giving up control of the hospital board.

Danny Richard stated that the cost has to be linked to long term lease, it is not feasible for Carolinas Healthcare System to spend that much money for a short term lease.

Mr. Richard stated that the county is not giving up input, there will be an advisory board. He said that the state controls hospitals, so there would be control over the hospital. He stated that the only thing the Board cannot do is lease the current hospital facility to another hospital. It can be used for the County's Health Department or Home Health.

Attorney Bob Wilson addressed the concerns as well. He stated that the only restriction on competition relates specifically to what will be done on the existing hospital facility.

Mr. Richard stated that we are entering into an agreement to lease the current hospital facility to Carolinas Healthcare Systems, who has been in a position of management and operation on that facility for the past years. During that time, the hospital has had the most success in history. Part of the agreement says in the next 10 years that \$50 million will be invested in technology and building updates at the current facility. It also says that immediately, they will apply for a CON approval for a location to be determined in Lincoln City Limits to construct a brand new facility. CHS will spend no less than \$100 million on the new facility. There will be a healthcare place in West Lincoln and an ambulatory surgery center in East Lincoln. The new hospital should be built in 4 years. The East and West Lincoln centers would be started immediately.

Commissioner Patton stated that he appreciates all the work that has been put in with this and cannot imagine a small county hospital providing as good of service. He stated that the worst case scenario is the county will get \$50 million worth of improvements to our hospital.

Carrol Mitchem stated that this is probably one of the most important decisions that will be made that will affect all the citizens of Lincoln County. He stated that it is a win-win situation for all of Lincoln County.

A MOTION by Commissioner Mitchem to approve the Certificate of Resolution.

Commissioner Funderburk stated that he would like to thank the Hospital Board as well.

Chairman Anderson stated that there a large number of documents before the Board. He stated that they can spend time being concerned with the issue of control, but he has spent enough time on the Hospital Board to realize that the obligation of this board is to bring world class medical care to Lincoln County. He stated that if one wants to spend time worrying about control, they may do so.

Commissioner Moore stated that the issue of control is not it, it's the quality of life. She stated that there are two points in the agreement that should be changed. She stated that up until a couple weeks ago, she was not aware of this. She said that she would feel better if she had heard from the public on this matter.

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

**COUNTY OF LINCOLN**  
**CERTIFICATE OF RESOLUTIONS**

WHEREAS, the County of Lincoln, North Carolina (the “County”), conveyed its right, title, and interest in Lincoln Medical Center (the “Hospital Facility”), including the buildings, land, and equipment associated with the Hospital Facility, to Lincoln Health System, a North Carolina nonprofit corporation (“LHS”), subject to the terms and conditions set forth in the Transfer Agreement, dated September 15, 1995 (the “Transfer Agreement”), and N.C. Gen. Stat. § 131E-8; and

WHEREAS, the County, LHS, and The Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas HealthCare System (the “Authority”), have determined that it is in the best interests of the citizens and residents of Lincoln County for the Authority to enhance more directly the Authority’s involvement in the continued improvement of hospital and health care services provided in Lincoln County, and wish to enter into an arrangement whereby the Authority assumes complete operational control of the Hospital Facility; and

WHEREAS, the County and the Authority desire to enter into an Interlocal Agreement attached hereto as Exhibit A, which more completely sets forth those parties’ duties and responsibilities relating to the on-going operation of the Hospital Facility, as well as, among other things, the Authority’s investment of no less than One Hundred Million Dollars (\$100,000,000.00) for the development and construction of a new hospital and other healthcare facilities to be located in Lincoln County as more specifically set forth in the Interlocal Agreement; and



WHEREAS, in order to fulfill the terms of the Interlocal Agreement, LMC Properties, a North Carolina nonprofit corporation (“LMC”), has been formed and will receive conveyance of the Hospital Facility’s real estate (the “Hospital Real Property”) from LHS pursuant to a Special Warranty Deed and lease the Hospital Real Property to LHS in accordance with the terms and conditions of a Lease Agreement attached hereto as Exhibit B; and

WHEREAS, in connection with the formation and organization of LMC, the County wishes to ratify the actions of the Incorporator and approve the appointment of the LMC Board of Directors; and

WHEREAS, under said Lease Agreement, and pursuant to its specific terms and conditions, LHS has offered to pay rent to LMC in the amount of Ten Thousand Dollars (\$10,000.00) per year in exchange for a lease term of fifty (50) years; LHS has committed to provide, or cause to be provided, over the first four (4) years of the Lease term, routine maintenance and upkeep of the Hospital Facility; LHS also has committed, by and through its relationship with the Authority, in the event that no new hospital has been constructed and developed within the first four (4) years of the lease term as provided in the Interlocal Agreement, to invest no less than Fifty Million Dollars (\$50,000,000.00) during the remainder of the first ten (10) years of the Lease term in the Hospital Facility and in healthcare facilities and services in Lincoln County; LHS also has committed to develop and maintain, or cause to be developed and maintained, cardiac services at the Hospital Facility to be staffed on a regular and continuous basis, twenty-four (24) hours per day, seven (7) days per week; LHS also has committed to develop, or cause to be developed, the West Lincoln project, which will include an urgent care center, with primary care services and imaging services in 2007; LHS also has

committed to develop, or cause to be developed, a new East Lincoln facility which will include an ambulatory surgery center, imaging services, and medical offices in 2008; and

WHEREAS, the County also desires to amend and assign the Transfer Agreement to LMC, in order to permit and facilitate the above-described conveyance of the Hospital Real Property by LHS to LMC, and to permit and facilitate the above-described lease of the Hospital Facility by LMC to LHS, among other things, in further fulfillment of the terms of the Interlocal Agreement, a copy of which Assignment and Amendment of Transfer Agreement is attached hereto as Exhibit C; and

WHEREAS, to implement the amended and assigned Transfer Agreement, it will be necessary for the County to convey any reversionary interest it may have in the assets of the Hospital Facility not including the Hospital Real Property to LHS by a Bill of Sale, a copy of which is attached hereto as Exhibit D; and

WHEREAS, the overall structure of the relationships among the County, the Authority, LHS, and LMC are all as set forth in the Master Agreement among them, a copy of which is attached hereto as Exhibit E; and

WHEREAS, in order to fulfill the terms of the Master Agreement, LHS will be required to convert its corporate organizational form from a nonmember nonprofit corporation to a membership nonprofit corporation in which Carolinas Hospital Network, Inc. is the sole member, and intends to accomplish such reorganization with the execution and filing of Articles of Restatement, and the adoption of Amended and Restated Bylaws, copies of which are attached hereto as Exhibit F; and

WHEREAS, the Articles of Restatement will amend the method of appointment for the members of LHS's Board of Directors and such an amendment requires the approval of the County pursuant to Article XII of LHS's existing Articles of Incorporation; and

WHEREAS, after considering the transactions contemplated by this Certificate of Resolutions, and in accordance with the provisions hereof, the County has determined that the transactions contemplated by this Certificate of Resolutions will help substantially to meet the health-related needs of the citizens of the County; and

WHEREAS, the County Board of Commissioners finds that the transactions contemplated by this Certificate of Resolutions are in the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Commissioners hereby authorize and approve the transactions contemplated by this Certificate of Resolutions and the Master Agreement, Lease Agreement, Interlocal Agreement, Assignment and Amendment to Transfer Agreement, Bill of Sale, and Articles of Restatement; and

FURTHER RESOLVED, that the County Board of Commissioners hereby authorizes the Chairman of the County Board of Commissioners, the Clerk of the County Board of Commissioners, and such other persons as may be required, on behalf of the County, to complete the following actions:

1. Execute on behalf of the County a Master Agreement, Lease Agreement, Interlocal Agreement, Assignment and Amendment to Transfer Agreement, and Bill of Sale substantially in accordance with the terms, provisions, and conditions set forth in the documents attached hereto as Exhibits A through E. The Chairman of the Board of Commissioners and the County Clerk are authorized and directed to execute the documents attached hereto as Exhibits A through E, as well as such other and further documents as are necessary or appropriate to

complete the transactions contemplated by this Certificate of Resolutions, in accordance with the terms hereof;

2. Ratify the actions of the Incorporator in the establishment of LMC Properties, and confirm and ratify the appointment of the Board of Directors of LMC Properties, all as undertaken by the Incorporator; and

3. Take such other and further actions as may be necessary to conclude and implement the transactions described in this Certificate of Resolutions; and

BE IT FURTHER RESOLVED that the officers and directors of LMC Properties, and such other persons as may be required, are hereby authorized to complete the following actions:

1. Execute on behalf of LMC Properties the Master Agreement and Lease Agreement substantially in accordance with the terms, provisions, and conditions set forth in the Master Agreement and Lease Agreement attached hereto as Exhibits B and D, and to execute such other and further documents as are necessary or appropriate to lease the “Existing Hospital” and the “Existing Hospital Real Estate,” as those terms are defined in the Lease Agreement attached hereto as Exhibit B, to LHS;

2. Ratify the actions of the Incorporator in the establishment of LMC Properties, and confirm and ratify the appointment of the Board of Directors of LMC Properties, all as undertaken by the Incorporator; and

3. Take such other and further actions as may be necessary to conclude and implement the transactions described in this Certificate of Resolutions.

**EXHIBIT A**

**INTERLOCAL AGREEMENT**

**EXHIBIT B**

**LEASE AGREEMENT**

**EXHIBIT C**

**ASSIGNMENT AND AMENDMENT TO TRANSFER AGREEMENT**

**EXHIBIT D**

**BILL OF SALE**

**EXHIBIT E**

**MASTER AGREEMENT**

**EXHIBIT F**

**ARTICLES OF RESTATEMENT**

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

**Resolution Requesting the State Department of Transportation to Name the Section of the New 150 Bypass in Crouse “L. Berge Beam, Sr. Memorial Highway”:**

Chairman Anderson read the following Resolution.

**RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO NAME  
THE SECTION OF THE NEW 150 BYPASS IN CROUSE  
“L. BERGE BEAM, SR. MEMORIAL HIGHWAY”**

**WHEREAS**, The Board of Commissioners for Lincoln County finds it would be fitting and proper to honor the memory of L. Berge Beam, Sr.; and

**WHEREAS**, in recognition of his outstanding career in education and for his dedicated community service this Board would request that the portion of the New 150 Bypass in Crouse be named the L. Berge Beam, Sr. Memorial Highway in his memory; and

**WHEREAS**, Mr. Beam was the youngest Superintendent of Schools in North Carolina; and

**WHEREAS**, it was during Mr. Beam's tenure as County School Superintendent that the old, dilapidated wooden school buildings were replaced by modern brick, well-lighted schoolhouses; and

**WHEREAS**, Mr. Beam was responsible for the first consolidation of the Lincoln County Schools, as well as providing the first transportation for students; and

**WHEREAS**, in 1921, Mr. Beam implemented the first summer school program in Lincoln County to train teachers; and

**WHEREAS**, this Board finds that it would be in the best interest of the citizens of this County to memorialize L. Berge Beam, Sr., an outstanding educator and community servant by requesting that the State Department of Transportation name this section of the road in his memory.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Lincoln as follows:

1. That this Board does hereby request that the Department of Transportation for the State of North Carolina designate the Section of the New 150 Bypass in Crouse as the L. Berge Beam, Sr. Memorial Highway.
2. That upon said designation the State Department of Transportation cause to have erected appropriate signage to make the general public aware of said dedication.
3. That this resolution become effective upon its adoption.

ADOPTED this the 11<sup>th</sup> day of September, 2006.

ATTEST:

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

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

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

**Lincoln County Tracking System – SouthSales Communications, Inc.:** Sheriff Pickens stated that the Board has a contract in their packets. She stated that the first year of maintenance is provided, after the first year there will be a \$5 fee per unit. Sheriff Pickens stated that she and Ron Rombs both feel like it is well worth the county's money to be able to track vehicles and manage the county's resources.

Commissioner Moore asked where the money will come from.

Stan Kiser stated that the money will come out of the fund balance.

Commissioner Mitchem asked how many vehicles the Sheriff has. Sheriff Pickens stated that she has 87 and Ron Rombs has about 15 vehicles. He asked about just covering the Sheriff's vehicles and EMS vehicles for another year for a trial period.

Mr. Tim Rock stated that they can do 80 or 90 units with airtime, but with all the county vehicles there are no monthly fees, phone charges or anything.

**UPON MOTION** by Chairman Anderson , the Board voted unanimously to accept the contract and proceed to install these units on the vehicles originally intended.

**Request to Purchase a Water Truck Kit – Steve Gilbert :** Steve Gilbert presented a request to purchase a water truck kit to be used at the Landfill to fight fires and control dust. A recent review of the firefighting procedures for a landfill fire by the Fire Marshal's Office revealed a need for an update to the water truck currently in use. The old truck is a 1972 model and only holds 1,000 gallons of water. The recommendations were that we need at least 3,000 gallons to adequately fight a fire. We will also use the truck extensively for dust control, as required by our operating license. Three quotes were received for this. One was for a used water truck, and the other two were for a tank and pump kit to be mounted on a used Volvo truck chassis already at the landfill.

Mr. Gilbert requested authorization to spend \$40,467.64 for the purchase of a pump and tank kit to be mounted on an existing Volvo truck chassis at the Landfill to fight fires and for dust control.

**UPON MOTION** by Commissioner Moore, the Board voted 4 – 1 (Mitchem against) to approve the request to purchase the pump and tank for \$40,467.64.

**Park Survey Contracts – Erma Deen Hoyle:** Erma Deen Hoyle presented three proposals for the boundary and topographical survey work needed to being design of the construction documents for West Lincoln and Beattys Ford Parks. Wright & Associates is recommended as contract provider.

Provider:	West Lincoln	Beattys Ford
Wright & Associates (+ Const. Observation)	\$ 18,050 400 per trip	\$ 8,200 300 per trip
Eagle Engineering	\$ 22,600	\$ 11,600
Robinson & Sawyer* (includes project review)	\$ 37,375	\$ 20,786

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the request subject to completion in three weeks.

**Other Business:** Chairman Anderson reported on the Interbasin Transfer and asked for the Board to support the legal defense fund being put together if it comes to that.

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

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Amy S. Atkins, Clerk to the  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners