

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 21, 2006**

The Lincoln County Board of County Commissioners met in regular session on August 21, 2006, at the James W. Warren Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m.

**Commissioners Present:**

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

**Others Present:**

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Director of B&LD  
Randy Hawkins, Zoning Administrator  
Andrew Bryant, Associate Planner  
Candi Cornwell, Review Officer  
Rick McSwain, Director of Soil & Water  
Elizabeth Snyder, Division of Forest Services  
Kevin Starr, Director of Cooperative Extension  
Steve Gilbert, Director of Public Works  
Erma Deen Hoyle, Director of Recreation  
Leon Harmon, Director of Finance

**Call to Order:** Chairman Anderson called the August 21, 2006, meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Reverend Randy Powell from McKendree Methodist Church gave the invocation.

**Pledge of Allegiance:**

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

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**

## **AUGUST 21, 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 <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- August 7, 2006</li></ul></li><li>- Budget Adjustments 20 – 22</li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- July 31 – August 13, 2006</li></ul></li><li>- Letter of Credit No. 43</li><li>- Sponsored Group Status<ul style="list-style-type: none"><li>- Gideons International</li></ul></li><li>- BFI Grant Allocations</li></ul>   |
| 3. 6:40 PM | Public Comments   |
| 4. 6:55 PM | Planning Board Recommendations <ul style="list-style-type: none"><li>SOA #27 Lincoln County, applicant</li><li>ZMA #531 Glenn and Mabel Moffatt, applicants</li><li>ZMA #532 John Clark, applicant</li><li>ZMA #533 Lincoln Economic Development Association, applicant</li><li>ZMA #534 S &amp; L Sawmill Inc. applicant</li><li>ZMA #535 Don Cherry Jr., applicant</li><li>CUP #273 Christine Barker, applicant</li><li>PCUR #76AA Westport Lakeside Development LLC, applicant</li><li>PCUR #136 Robert Dedmon and David Poovey, applicants</li><li>PCUR #137 William Adkins, applicant</li><li>WSCUP #9 Balsom Ridge LLC, applicant</li></ul> |
| 5. 7:25 PM | Recommendation from Growth and Debt Service Committee – Don Ballard   |
| 6. 7:30 PM | Recommendation from Water Quality Committee – Rick McSwain  |
| 7. 7:40 PM | Public Hearing – Industrial Development Incentive Grant for Existing Industry   |
| 8. 7:45 PM | Request for Waiver of Fee for Variance – Bobby Harkey   |

9. 7:55 PM Report of Accomplishments – Division of Forest Services – Elizabeth Snyder
10. 8:00 PM Farmer's Market Update – Kevin Starr
11. 8:10 PM Cultural Center Repairs – Leon Harmon
12. 8:15 PM Capital Project Reports – Steve Gilbert
13. 8:20 PM Proposal for Beatty's Ford and West Lincoln Park - Erma Deen Hoyle
14. 8:30 PM Finance Officer's Report
15. 8:35 PM Closed Session
16. 9:45 PM County Manager's Report
17. 9:50 PM County Commissioners' Report
18. 9:55 PM County Attorney's Report
19. 10:00 PM Calendar
20. 10:05 PM Vacancies/Appointments
21. 10:10 PM Other Business

Adjourn

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to move Closed Session after Other Business, and add an item in Other Business.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the agenda, as amended.

**Consent Agenda:**

- Approval of Minutes
  - August 7, 2006
- Budget Adjustments 20 – 22
  - No. 20: Budget for BFI grant funds received May 2006 for payment in current fiscal year
  - No. 21: Carry over library gift fund balances from previous year
  - No. 22: Increasing expenditure/revenue line items for

- available funds to be used for emergency  
situations in domestic violence cases  
- Tax Requests for Refunds – More than \$100  
- July 31 – August 13, 2006

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (JULY 31, 2006-AUGUST 13, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Sanders, Pamela E.	2006	ELFD	0148034	1,018.43	Assessment adj. For real property
<b>TOTAL</b>				<b>\$1,018.43</b>	

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (July 31, 2006-August 13, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
VT Inc. as Trustee World Omni	2005	CITY	0111491	220.64	Pro-Rated Bill
<b>TOTAL</b>				<b>\$220.64</b>	

- Release of Letter of Credit No. 43 for Lakewood Subdivision
- Sponsored Group Status
  - Gideons International
- BFI Grant Allocations

07 August 2006

Board of Commissioners  
Lincoln County  
115 W. Main Street  
Lincolnton, NC 28092

Re: BFI Grant

The BFI Grant Committee met on Tuesday, July 25, 2006, to award \$50,000 in grant money from BFI/Allied Waste. The \$50,000 is divided into five \$10,000 increments, based on the five townships of Lincoln County, with each committee member representing one of the five townships. After each committee member designated the recipient(s) and the amount(s) of their township's portion of the grant money, the committee voted collectively and unanimously approved the following:

- Grace Studios Presents Kindermusik Inc. \$ 1,300
- Helping Hands Health Clinic \$ 5,000
- Lincoln County Department of Social Services \$ 1,200
- Lincoln County Historic Properties Commission \$ 2,500
- Lincoln County Historical Association Inc. \$20,000
- North Brook Elementary School Art Department \$ 2,500
- Union Elementary School Art Department \$ 2,500
- West Lincoln Optimist Club \$ 5,000
- YMCA – East Lincoln \$10,000

The BFI Grant Committee requests the Board of Commissioners' approval under tonight's consent agenda, so that we can proceed with awarding the monies. Thank you in advance for your consideration.

Larry S. Craig, Chair  
BFI Grant Committee

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the consent agenda.

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

***Martin Oakes*** stated that the School Board plans to ask for \$2 million emergency money. He stated that East Lincoln High School has been under funded for years. He stated that in this \$2 million emergency money, a culinary arts school has been funded (\$650,000) Mr. Oakes suggested only funding \$1 million of the request.

***Robert Avery*** stated that he has been before the Board several times concerning a survey Gaston County sent out to its residents. He asked when the Board will take action on his request.

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

## **Planning Board Recommendations**

**Subdivision Ordinance Amendment No. 27 – Lincoln County, applicant:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve Subdivision Ordinance Amendment No. 27 based on the recommendation from the Planning Board.

**Zoning Map Amendment No. 531 – Glenn and Mabel Moffatt, applicants:** The Planning Board voted 8-0 to recommend approval, along with the Statement of Consistency and Reasonableness.

Case No.        ZMA #531  
Applicant:     Glenn and Mabel Moffatt  
Parcel ID#:    30829  
Location:      2569 N. Hwy 16  
Proposed  
Amendment:   Rezone from R-SF to B-F

This proposed amendment is inconsistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is not located in one of the areas designated by the Land Use Plan as most suitable for concentrating development.

This proposed amendment is reasonable and in the public interest in that this property has been a business site for many years. It is adjoined by property zoned business. This property is located on a major highway. County water and sewer are available at this location.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Zoning Map Amendment 531 – Glenn and Mabel Moffatt, applicants based on the Planning Board's recommendation and the Statement of Consistency and Reasonableness.

**Zoning Map Amendment No. 532 – John Clark, applicant:** The Planning Board voted 8-0 to recommend approval.

Case No:        ZMA #532  
Applicant:     John Clark  
Parcel ID#:    02468 and 29525  
Location:      West side of Hwy. 16 about 500 feet south of Forest Oak Drive  
Proposed  
Amendment:   Rezone from B-N to B-G

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is located in an area designated by

the Land Use Plan as a neighborhood center, suitable for concentrating primarily non-residential development.

This proposed amendment is reasonable and in the public interest in that other properties in this area are zoned B-G. This property is located on a major highway. County water and sewer are available.

**A MOTION** by Commissioner Patton, the Board voted 4 – 1 (Moore against) to approve Zoning Map Amendment 532 – John Clark, applicant based on the Planning Board’s recommendation and the Statement of Consistency and Reasonableness.

**Zoning Map Amendment No. 533 – Lincoln Economic Development Association, applicant:** The Planning Board voted 8-0 to recommend approval.

Case No: ZMA #533  
Applicant: Lincoln Economic Development Association  
Parcel ID#: 17321, 17329 and 17338  
Location: South side of Hatchett Road, and east side of U.S. 321  
Proposed  
Amendment: Rezone from R-R to I-G

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is located in an area designated by the Land Use Plan as an employment and commercial center.

This proposed amendment is reasonable and in the public interest in that this property is adjoined by property zoned I-G. County water and sewer are available in this area. This property would be added to the Lincoln County Industrial Park. This property can be accessed by an internal road in the industrial park.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Zoning Map Amendment 533 – Lincoln Economic Development Association, applicant based on the Planning Board’s recommendation and the Statement of Consistency and Reasonableness.

**Zoning Map Amendment No. 534 – S & L Sawmill Inc., applicant:** The Planning Board voted 7-1 to table the case.

**Zoning Map Amendment No. 535 – Don Cherry Jr., applicant:** The Planning Board voted 8-0 that the request be denied.

Case No: ZMA #535  
Applicant: Don Cherry Jr.  
Parcel ID#: 31159 and 58118  
Location: South side of Hwy. 73 about 500 feet west of Hunters Bluff Drive  
Proposed  
Amendment: Rezone from R-SF to B-N

This proposed amendment is inconsistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that Goal 5 of the Land Use Plan calls for the county to maintain the residential integrity of existing residential areas by discouraging the encroachment of incompatible non-residential land uses.

This proposed amendment is not reasonable and no in the public interest in that this property is located in the middle of a residential area. It does not adjoin or lie in close proximity to an existing business district. Establishing a business district at this location would potentially create traffic problems.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to deny Zoning Map Amendment No. 535 – Don Cherry, Jr. applicant.

**Conditional Use Permit No. 273 – Christine Barker, applicant.:** The Planning Board voted 5-1 to recommend approval:

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Conditional Use Permit #273 – Christine Barker, applicant and to accept the Findings of Fact as a whole, as submitted by the Planning Board in connection with this matter.

#### **FINDINGS OF FACT**

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES   X   NO         
  
Factual reason cited: Will not endanger the public health or safety locating a mobile home on 5.8 acres.
2. The use meets all required conditions and specifications. YES   X   NO         
  
Factual reason cited: Does meet all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES   X   NO         
  
Factual reason cited: Where it's located is consistent with the general feel of that area.
4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES   X   NO



Factual reason cited: Will be in harmony with that area and is consistent with the Land Use Plan.

**Parallel Conditional Use Rezoning #76AA – Westport Lakeside Development LLC, applicant:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and findings of fact, understanding that there are groups of 6 townhouses.

### **FINDINGS OF FACT**

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES   X   NO

Factual reason cited: Plan as submitted is improvement from previous plan in terms of traffic access.

2. The use meets all required conditions and specifications. YES   X   NO

Factual reason cited: Meets all required conditions and specifications, did undergo technical review.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES   X   NO

Factual reason cited: Will be good for property.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES   X   NO

Factual reason cited: Will be in harmony with that area and will be consistent with the Land Use Plan, has received support from the Westport community.

**Parallel Conditional Use Rezoning #136 – Robert Dedmon and David Poovey, applicants:** The Planning Board voted 8-0 to recommend approval.

Case No: PCUR #136  
Applicant: Robert Dedmon and David Poovey  
Parcel ID#: 30136, 33170 and 33246  
Location: South side of Grassy Creek Road about 900 feet east of Hwy. 16  
Proposed  
Amendment: Rezone from R-SF and B-N to CU B-N to permit an office building

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is located in an area designated by the Land Use Plan as an employment and commercial center.

This proposed amendment is reasonable and in the public interest in that this property is located just off a major highway. A portion of this property is already zoned business. As a conditional use rezoning, the use will be limited to an office building.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Parallel Conditional Use Rezoning #136, and to accept the Findings of Fact as a whole, as submitted by the Planning Board in connection with this matter.

### **FINDINGS OF FACT**

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual reason cited: Type of business won't warrant much traffic.

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Will meet all required conditions and specifications.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited: Based on location; Will probably increase the value.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES ☒ NO ☐

Factual reason cited: Consistent with Land Use Plan for that area.

**Parallel Conditional Use Rezoning #137 – William Adkins, applicant:** The Planning Board voted 8-0 to recommend approval, with the condition that the developer implement the recommendations of the traffic study prepared by Kimley-Horn (construct exclusive eastbound left-turn lane on NC 150 (approximately 50 feet) at the proposed site driveway, and provide single southbound existing lane on the proposed site driveway).

Case No: PCUR #137  
Applicant: William Adkins  
Parcel ID#: 26816 and 71497  
Location: North side of Hwy. 150 about 2,800 feet east of Old Mill Road  
Proposed

Amendment: Rezone from R-S to CU P-R to permit the development of 70 lots for single-family homes

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that this property is not located in an area designated by the Land Use Plan as suitable for commercial development.

This proposed amendment is reasonable and in the public interest in that this property has access to a major highway. County water is available at this location. The proposed density is less than one home per acre.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Rezoning #137, and to accept the Findings of Fact as a whole, and the conditions as submitted by the Planning Board in connection with this matter.

### **FINDINGS OF FACT**

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual reason cited: Will not endanger the public health or safety, based on implementing recommendations of traffic impact analysis.

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Does meet all required conditions and specifications.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited: Will probably increase the value; Average of one home per acre.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES ☒ NO ☐

Factual reason cited: Is in harmony and in general conformity.

**Water Shed Conditional Use Permit No. 9 – Balsom Ridge LLC, applicant:** The Planning Board voted 7-0 to recommend approval, with the following conditions:

1. That the developer sign an agreement to comply with the Operations and Maintenance Plan submitted with this application.

2. That the developer provide a letter of credit payable to Lincoln County in an amount of not less than 1.25 times the cost of constructing the necessary stormwater control structures.
3. That a fee be paid in accordance with a fee schedule adopted by the Board of Commissioners for annual inspections of the stormwater control structures.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Water Shed Conditional Use Permit No. 9, and to accept the Findings of Fact as a whole, and the conditions as submitted by the Planning Board in connection with this matter.

### **FINDINGS OF FACT**

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual reason cited: Based on information presented.

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Based on staff's review.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited: Will keep the value or raise the value.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES ☒ NO ☐

Factual reason cited: Does coincide with Land Use Plan; Adjoins an existing industrial park.

**Recommendation from Growth and Debt Service Committee – Don Ballard:** Don Ballard, Chairman of the Growth and Debt Service Committee, presented the committee's recommendation to the Board. The committee made the following recommendations: **Debt** 1 – the committee supports the half cent sales tax increase for Lincoln County, 2 – The committee supports the next revaluation of real property in Lincoln County and recommends that the BOC practice extreme diligence and examine all other options and the tax rate NOT be adjusted downward to offset the revenue gain from the revaluation, 3 – Taxes should be adjusted to take full advantage of the lottery monies. If the county could receive additional monies from a modest increase in taxes, it should be considered. **Growth Management** 1 – the committee recommends that Centralina Council of Governments and Lincoln County B&LD staff continue updating

the Land Use Plan to address growth management. The committee further recommends that this committee be given the opportunity to extend its existence as a committee to meet in the future to discuss the Land Use Plan and make further recommendations.

Chairman Anderson thanked Mr. Ballard and the committee for their hard work.

Commissioner Funderburk also thanked Mr. Ballard and the committee.

Commissioner Mitchem stated that he appreciates the time the committee has spent on this. He stated that the committee, like the Board is at odds with what to do with the growth.

**Recommendation from Water Quality Committee – Rick McSwain:** Rick McSwain, Chairman of the Water Quality Committee, presented the committee's recommendations for the proposed Sediment and Erosion Control Ordinance and the Streamside Buffer Overlay District. The Water Quality Committee recommendations are: 1 – the approval of the Sediment & Erosion Control Ordinance to proceed to the State of N. C. for approval; 2 – Adopting the Streamside Buffer Overlay District with a starting date of March 1, 2007; and 3 – To look into the adoption of enforcement of the Catawba Buffer rules by July 1, 2008.

The Committee has agreed to meet later in the year to address the storm water issues and the goal is to have a recommendation to the Commissioners before January 1, 2008.

Mr. McSwain presented proposed budgets for Sediment and Erosion Control and the buffer districts.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to move forward and approve the work plan presented and budget adjustment to have the necessary employees in place to handle these ordinances when they are adopted.

**Public Hearing – Industrial Development Incentive Grant for Existing Industry:** Barry Matherly, Executive Director for Lincoln County Economic Development Association, stated that Crate and Barrel wants to expand their existing facility. They will make an investment of \$8,400,000 of which \$7,740,000 will qualify for incentives. There will be at least 10 new jobs created. The County will provide cash grants of \$35,140.50 per year for a five year period.

Chairman Anderson opened the public hearing concerning the Industrial Development Incentive Grant for Crate and Barrel.

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

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement With Euromarket Designs Inc. and TKC LXXII LLC.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH EUROMARKET DESIGNS, INC. and TKC  
LXXIII, LLC.**

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, Euromarket Designs, Inc. and TKC LXXIII, LLC. have developed plans for an expansion of a distribution 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, Euromarket Designs, Inc. and TKC LXXIII, LLC.

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

3. This resolution shall become effective upon adoption.

This 21<sup>st</sup> day of August, 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 21<sup>st</sup> day of August, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and EUROMARKET DESIGNS, INC., an Illinois corporation (hereinafter referred to as "Euromarket Designs"); and TKC LXXIII, LLC., a North Carolina limited liability company (hereinafter referred to as "TKC").

WITNESSETH:

WHEREAS, Euromarket Designs has developed plans for an expansion of their distribution facility in Lincoln County, North Carolina in the Lincoln County Industrial Park (hereinafter referred to as the "Park"); and

WHEREAS, TKC will construct an expansion of the facility on such property to be occupied by Euromarket Designs 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 Euromarket Designs and TKC 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 31, 2006, TKC shall begin construction of a distribution facility on such site for occupancy by Euromarket Designs.
2. Within two years of the date of this agreement, Euromarket Designs and TKC shall make an investment upon such site in building and equipment of \$8,400,000.00, of which \$7,740,000.00 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

3. Within two years of the date of this agreement, Euromarket Designs shall provide at such site at least 10 new jobs paying average weekly wages of \$450.00 per week.

4. In consideration of the performance of the aforesaid obligations by Euromarket Designs and TKC, the County will provide cash grants to Euromarket Designs of \$35,410.50 per year for a five-year period. One full year after the project's completion, such cash grants will be paid to Euromarket Designs 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 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 Euromarket Designs and TKC 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. Euromarket Designs and TKC 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, Euromarket Designs and TKC 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 received by Euromarket Designs.

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

EUROMARKET DESIGNS, INC.

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

ATTEST:

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

TKC LXXIII, LLC.

By: \_\_\_\_\_  
Authorized Member



LINCOLN COUNTY

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

ATTEST:

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

State of Illinois - County of Cook

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 Euromarket Designs, Inc. a Illinois 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

State of North Carolina – County of Mecklenburg

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 authorized member of TKC LXXIII, LLC. a North Carolina limited liability company, 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

**Request for Waiver of Fee for Variance – Bobby Harkey:** Bobby Harkey presented his request for the waiver of a variance fee in regards to the construction of an accessory building. Mr. Harkey said that he started his project in 1986 before zoning and has been working on it since. He has hauled in gravel and has built a rock retaining wall there.

The Board discussed the request and the precedence this may set.

**UPON MOTION** by Commissioner Moore, the Board voted 3 – 2 (Mitchem, Funderburk against) to not waive the fee due to the length of time that has passed.

**Report of Accomplishments – Division of Forest Services – Elizabeth Snyder:** Elizabeth Snyder, County Ranger, presented a report of accomplishments for 2005-2006.

**Farmer's Market Update – Kevin Starr:** Kevin Starr, Director of Cooperative Extension, updated the Board on the status of building a permanent market on the corner lot of Aspen and Pine Streets. He presented cost estimates to build a permanent shelter on the lot the City owns at the corner of Aspen and Pine Streets. The bare minimum price is \$385,000 and a nicer building would be around \$500,000. Mr. Starr advised that they may proceed with the plan for the current Farmer's Market Site in order to save money.

Chairman Anderson stated that he would like to see what the City is willing to put toward this project, what private funds would be available, and a firm plan for proceeding with a permanent Farmer's Market site.

**Cultural Center Repairs – Leon Harmon:** Leon Harmon, Director of Finance, presented a memorandum to the Board regarding Cultural Center Repairs, along with an estimate for the repairs. Over the past two years, the water problem in the basement of the Cultural Center has been addressed and repaired. As the water problems were addressed, it was necessary to remove the two restrooms and the damaged portions of the carpet in the hallway in the front of the basement. These areas had to be removed because of damage due to repeated flooding over the years, to replace some windows that had been covered over on the inside, and to inspect the inside of the wall to make sure it remained dry after the waterproofing project. Now that the waterproofing project is complete and the basement walls remain dry, it is time to replace the restrooms in this area.

Mr. Harmon stated that the Cultural Center has obtained estimates for these repairs in the amount of \$33,745.

The Board advised Mr. Harmon to acquire written estimates from three companies.

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

**Proposal for Beatty's Ford and West Lincoln Park – Erma Deen Hoyle:** Erma Deen Hoyle presented information regarding the proposal for Beatty's Ford and West Lincoln Park.

Chairman Anderson stated that he would like to see an additional survey and geotechnical.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the proposal dated August 14, 2006 to begin design work.

**Finance Officer's Report – Leon Harmon:** Leon Harmon presented the budget performance report for July 2006, along with an update on several financial aspects.

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

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report. Mr. Taylor updated the Board regarding the condemnation of Lincolnton Textile Mill, in which the owner had previously been unable to do anything due to a lawsuit. He stated that the case has been dismissed, and that Wayne Godfrey and staff will check the site tomorrow to confirm if any work has been done. Mr. Taylor also updated the Board regarding the Interbasin Transfer, in which Donna Lisenby will keep him advised of. He stated that the remedy appears to be in the court system, as they've given up on the State.

**Calendar:** Chairman Anderson presented the September calendar.

**Vacancies/Appointments:**

Vacancies:

Centralina Workforce Development Board	1
Nursing and Adult Care Home Advisory Committee	4

Appointments:

Reappoint:

Library Board

- Beverly Gantt
- Crystal Hartsoe

Mountain Island Lake Marine Commission

- Chris Watson

Region F Aging Advisory Board

- Betty Neal

Appoint:

Region F Aging Advisory Board

- Lucille Johnson

Pathways Board  
- Dr. Wissam Edward Nadra

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

**Other Business:** Commissioner Patton stated that he has been approached by the Pumpkin Center Fire Department concerning the school land on Amity Church Road. The Fire Department would like a small portion of that land to construct a new fire department, due to the fact that the property is the best location for a station. They will sell their current site to put the funds toward building on this site.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to allow Pumpkin Center Volunteer Fire Department to build a new fire station on a portion of the school property on Amity Church Road, contingent upon Pumpkin Center Volunteer Fire Department selling not less than 15 of the 20 acres they have to construct a new station within a three year time frame.

Commissioner Mitchem stated that during budget work sessions, there were discussions about Crouse Volunteer Fire Department having a contract with the Landfill for \$15,000. Crouse Fire Department has the largest tract of land that the county owns, which is a landfill. They cannot collect any tax on this property. They also have lower property values due to the landfill being in their district. Crouse Fire Department also has to fight fires at the landfill.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to draw up a contract giving \$15,000, from the Solid Waste Fund, each year to Crouse Volunteer Fire Department for fighting fires at the landfill and for losing value on the land.

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

**Closed Session:** **UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to enter Closed Session to discuss Contractual Matters, Personnel Matters, and Acquisition of Real Estate that are confidential pursuant to N.C.G.S. 143-318.11.1

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

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to reallocate a portion of funds to build an EDA office on property donated by First Charter.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the lease on the Bank of America Building, subject to determination of questions by Counsel.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners