

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 5, 2006

The Lincoln County Board of County Commissioners and the Planning Board
met in a joint session on June 5, 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
Candi Cornwell, Review Officer
Amy Brown, Clerk to the Planning Board
Kevin Starr, Director of Cooperative Extension
Leigh Guth, Family & Consumer Science Agent
Steve Gilbert, Director of Public Works
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the June 5, 2006, meeting of the Lincoln County Board of Commissioners to order.

Invocation – Commissioner Funderburk: Commissioner Moore gave the invocation.

Pledge of Allegiance: Commissioner Moore 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

JUNE 5, 2006

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| | 6:30 PM | Call to Order |
| 1. | 6:31 PM | Invocation – Commissioner Moore |
| 2. | 6:32 PM | Pledge of Allegiance |
| 3. | 6:33 PM | Adoption of Agenda |
| 4. | 6:35 PM | Consent Agenda <ul style="list-style-type: none">- Approval of Minutes<ul style="list-style-type: none">- May 15, 2006- Budget Adjustment No. 100 – 111, 114 – 124, 126 - 128- Tax Requests for Releases – More than \$100<ul style="list-style-type: none">- April 16 – May 15, 2006- Waive Preliminary Approval of Petitions for Road Additions- Capital Project Ordinances |
| 5. | 6:40 PM | Public Hearings – Zoning – Randy Hawkins |

ZMA #530 Ronny Carswell, applicant (Parcel ID# 57281 and 82065) A request to request 11.5 acres from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is located on the south side of Hwy. 27 about 800 feet east of Shoal Road in Howards Creek Township.

CUP #201A Gary Dellinger, applicant (Parcel ID# 79328) A request to amend a conditional use permit, approved for a facility to manufacture concrete products in the I-G (General Industrial) district, to allow an 18,000-square-foot addition. The 28-acre parcel is located on the west side of Hwy. 16 about 2,000 feet north of Mundy Road in Catawba Springs Township.

PCUR #134 Ronny Carswell, applicant (Parcel ID# 13326, 78548, 13255, 78546, 13254 and 81859) A request to rezone 72.7 acres from R-S (Residential Suburban) to CU P-R (Conditional Use Planned

Residential) to permit the development of 101 lots for single-family homes. The property is located on the north side of Reepsville Road near Wise Road and Howards Creek Mill Road in Howards Creek Township.

PCUR #135 Aston Properties Inc., applicant (Parcel ID# 34194, 34193 and 50188) A request to rezone 16 acres from R-T (Transitional Residential) and B-G (General Business) to CU B-G (Conditional Use General Business) to permit the development of a retail center with 87,000 square feet of space and four outparcels. The property is located on the north side of Hwy. 73 about 1,200 feet west of Hwy. 16 in Catawba Springs Township.

6. 8:00 PM Update on Land Use Plan – Bill Duston
7. 8:10 PM Public Hearing – Lincoln County Solid Waste Plan Update and Resolution Accepting and Endorsing Lincoln County’s 2006 Solid Waste Management Plan
8. 8:20 PM Public Hearing – Industrial Development Incentive Grant for Robert Bosch Tool Corp.
9. 8:30 PM Lincoln County Industrial Park Funding – Barry Matherly
10. 8:40 PM Permanent Site for Lincoln County Farmer’s Market – Kevin Starr
11. 8:55 PM Update on InterBasin Transfer Request – Steve Gilbert
12. 9:00 PM COPS Resolution for Middle School Financing – Leon Harmon
13. 9:10 PM Other Business

Recess until June 6 at 1:00 p.m.

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

Consent Agenda:

- Approval of Minutes
 - May 15, 2006
- Budget Adjustment No. 100 – 111, 114 – 124, 126 – 128
 - No. 100 – Transfer \$2,000,000 from East Lincoln Sewer District operating Fund 62 to East Lincoln Sewer District Capital Improvement Fund for current & future Capital projects
 - No. 101 – Increase Funding for Economic Development CIP per approval 12/19/05
 - No. 102 – Increase Misc. Grants to cover cost of Future Forward Economic Alliance dues for \$3,330 & Fireworks approved \$9,000

- No. 103 – Transfer County share of funds to construct sewer line to new elementary school on Rock Dam Rd., project no longer to be financed
- No. 104 – Transfer funds to CIP to cover estimated cost of sewer line along Hwy. 321 to Sewer Industrial Park, project no longer to be financed
- No. 105 – Move Hwy. 27 West Booster pump funds to correct account
- No. 106 – Revise Sewer District Capital project budget to reflect current budget estimates
- No. 107 – Budget for Pump station & Force main upgrade project ELWSD CIP
- No. 108 – Allocate funds to water CIP to cover estimated cost of water line extension on Hwy. 73 and Airport Drive
- No. 109 – Transfer funds from water fund to Water CIP to cover current & future Capital projects
- No. 110 – To account for revenue from Lincolnnton Recreation Commission for their share of the BWSC contract for the Comprehensive Systemwide Master Plan for Recreation & for contract payment
- No. 111 – To transfer money from Capital Projects Fund (Fund 44) to Fund 11 to cover costs for comprehensive system-wide study (BWSC contract)
- No. 114 – Increase revenue & expenses for Volunteer Fire Departments tax collection to cover anticipated collections
- No. 115 – Budget final payment to Benchmark for CDBG grant
- No. 116 – Lake Norman RPO \$3,071 for 04-05 Fiscal Year paid in October 05 & current year expense \$4,365
- No. 117 – Lake Norman RPO \$3,071 for 04-05 Fiscal Year paid in October 05 & current year
- No. 118 – Expenses related to APFO \$34,288; Hwy. 73 Planning \$1,978
- No. 119 – Budget final payment to Benchmark for CDBG grant
- No. 120 – Increase allocation to Mental Health to account for ABC revenues used for alcohol rehab
- No. 121 – Transfer additional developer contributions to Capital Reserve
- No. 122 – Due to increased Sales Tax collections, increase restricted portion to Capital Reserve & decrease amount needed from General Fund
- No. 123 – Increase in number & cost of autopsies; On-call pager contract cost
- No. 124 – Increase in revenues resulting from increased call volume, Medicare settlement, HRSA Grant; Increase in expenditures due to staff shortages & increase in part-time usage; Several major body damages to apparatus due to deer strikes, two major ambulance repairs; Increase in billing charges relating from increase in call volume; Increase in maintenance contracts
- No. 126 – Reallocate school bond funds to appropriate projects
- No. 127 – Budget for Certificate of Participation Financing to construct new middle school
- No. 128 – Budget adjustment requested as additional funds were allocated to Income aide program from Office on Aging
- Tax Requests for Releases – More than \$100
 - April 16 – May 15, 2006

NAME	YEAR	A/C NO	AMOUNT
Afalava, Mike Leleae	2005	0192199	\$ 196.44
Ari Fleet LT	2005	0165662	\$ 500.99
Arroyo, Juan C. Melendez	2005	0172750	\$ 119.42
Barrow, Margaret Chang	2005	0191267	\$ 216.57
Barton, Oscar Eugene	2005	0192488	\$ 122.94
Bullock Building Consultants	2005	0142466	\$ 186.42
Burke, Ryan D.	2005	0190737	\$ 133.73
Cortes, Randall Madriz	2005	0140161	\$ 117.41
Davis, Mary Workman	2005	0192178	\$ 363.52
Dorsey, Leonard Clarke	2005	0191563	\$ 123.66
Draper, David William	2005	0189385	\$ 137.45
Dyer, Robert Braxton Jr.	2005	0102335	\$ 125.54
Foster, John Wayne Jr.	2005	0068831	\$ 110.00
Furr, Angela Rose	2005	0162257	\$ 139.52
Garrison, Phyllis Walling	2005	0192398	\$ 286.30
Goodson, Kelly Maree	2005	0173111	\$ 137.17
Hall, Daniel Junius	2005	0192372	\$ 140.52
Jones, Tabatha Lynn	2004	0168712	\$ 114.76
Lingerfelt, Carroll & Fran	2005	36739	\$ 158.15
Moten, Carolina Littlejohn	1997-99	0089346	\$ 294.40
Perrella, Vincent Patrick	2005	0182104	\$ 109.13
Ricker, Axel C.	2005	0146751	\$ 124.22
Solek, Edwin W. Jr.	2005	0158396	\$ 169.31
Younts, Richard Neil	2005	0192537	\$ 228.27

TOTAL \$ 4,355.84

NAME	YEAR	A/C NO	AMOUNT
Double D Distributors	2005	0165792	\$ 148.20
Flynn, Lewis Terry	2005	0186072	\$ 101.38
Performance Research	2001/03	0151783	\$ 560.38
Presto, Douglas A.	2005	0142677	\$ 156.27
Ruffin, Richard G.	2005	0126194	\$ 324.38
Simons, Richard	2002-05	0115876	\$ 367.14
Warners Greenscape Inc.	2004/05	0149602	\$ 365.75

TOTAL \$ 1,993.80

- Waive Preliminary Approval of Petitions for Road Additions
- Capital Project Ordinances

Capital Project Ordinance
Forney Creek Wastewater Treatment Plant Upgrade
Revision #1

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the expansion of the Forney Creek Wastewater Treatment Facility to serve the citizens of the East Lincoln County Water and Sewer District.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

	Original	Change	Revised
Engineering	\$ 82,500	71,800	154,300
Construction	995,000	207,035	1,202,035
Contingency		35,000	35,000
Total	\$1,077,500	313,835	1,391,335

Section 4. The following revenues are anticipated to be available to complete this project:

	Original	Change	Revised
Sewer CIP Fund Bal.	\$1,077,500	313,835	1,391,335
Total	\$1,077,500	313,835	1,391,335

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 5th day of June, 2006

Capital Project Ordinance
Highway 73 and Airport Rd Water Line Extension

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of new waterlines the along highway 73 from Highway 27 east to East Lincoln Middle school and along Airport Drive to serve the airport, school, and the citizens of the Lincoln County.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$ 65,750
Distribution Lines	2,339,600
Total	\$ 2,405,350

Section 4. The following revenues are anticipated to be available to complete this project:

Transfer from General Fund (airport portion EDA related)	\$ 251,884
School Bond Funds	1,300,000
Water CIP Fund Balance	853,466
Total	\$ 2,405,350

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 5th day of June, 2006

Capital Project Ordinance
Pump Station & Force Main Upgrade Webb Rd & 16

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the upgrade of sewer pump station and force mains on Webb Road and Highway 16 to serve the citizens of the East Lincoln County Water and Sewer District.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering	\$182,625
Construction	2,128,763
Total	\$2,311,388

Section 4. The following revenues are anticipated to be available to complete this project:

Developer Contributions	\$979,029
Sewer CIP Fund Balance	\$1,332,359
Total	\$2,311,388

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission and the lending institution.

Section 6. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 5th day of June, 2006

UPON MOTION by Commissioner Funderburk, the Board voted unanimously to approve the Consent Agenda.

Zoning Cases – Randy Hawkins:

Zoning Map Amendment #530 – Ronny Carswell, applicant: A request to rezone to request 11.5 acres from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is part of two parcels that total 21.2 acres.

The property is located on the south side of Hwy. 27 about 800 feet east of Shoal Road in Howards Creek Township. It is adjoined by property zoned R-S and B-N. County water is available at this location. This property is located in an area designated by the Lincoln County Land Use Plan as a rural community center, suitable for concentrating primarily residential development surrounding small-scale retail, civic, and institutional uses serving the local area.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment No. 530 – Ronny Carswell.

Larry Canipe stated that the land joins behind his. He stated that the traffic is bad already and kids will be cutting classes from the high school and middle school.

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

Conditional Use Permit #201A – Gary Dellinger, applicant: A request to amend a conditional use permit, approved for a facility to manufacture concrete products in the I-G (General Industrial) district, to allow an 18,000-square-foot addition. The existing facility is 21,900 square feet. The 28-acre parcel is located on the west side of Hwy. 16 about 2,000 feet north of Mundy Road in Catawba Springs Township. It is adjoined by property zoned I-G and B-N (Neighborhood Business). This property is located in an area designated by the Lincoln County Land Use Plan as a commercial and employment center, suitable for concentrating primarily non-residential, regional-scale development.

Chairman Anderson opened the public hearing for Conditional Use Permit #201A.

Gary Dellinger, applicant, stated that he has found it necessary to increase the size of their plant. They have outgrown their plant, which was originally done four years ago. They didn't realize they had to come back to expand and it is already underway.

George Arena, Planning Board member, asked if there were any traffic accidents there or DENR violations. Mr. Dellinger stated that there have been no traffic accidents there and no DENR violations.

Connie Zmijewski stated that she is concerned because it came before the Board rather quickly and she is concerned about the environmental impact. She stated that she is also concerned with the traffic and concrete trucks.

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

Parallel Conditional Use Request #134 – Ronnie Carswell, applicant: A request to rezone 72.7 acres from R-S (Residential Suburban) to CU P-R (Conditional Use Planned

Residential) to permit the development of 101 lots for single-family homes. This would be an extension of an existing subdivision, Carltons Ridge, which contains 26 lots.

The property is located on the north side of Reepsville Road near Wise Road and Howards Creek Mill Road in Howards Creek Township. It is adjoined by property zoned R-S. The Union Volunteer Fire Department is located on an adjoining parcel. County water is available at this location. The Lincoln County Land Use Plan designates this area as a rural community center, suitable for concentrating primarily residential development surrounding small-scale retail, civic and institutional uses serving the local area.

Mr. Hawkins presented a letter from a citizens who was not able to be at the meeting.

Mr. Hawkins stated that there could be 86 lots if the property could be divided perfectly if $\frac{3}{4}$ acre lots were used. He stated that most of the lots in Carlton's Ridge are 20,000 square feet, which were developed before the zoning regulations were changed.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Request No. 134.

Ronny Carswell stated that he started Carlton's Ridge in 2001 as a 26-lot subdivision and is expanding it to over 50 lots. He stated that the 20,000 square foot lots have worked out fine so far. There are seven homes in the development and everyone in there is 55 and older. He stated that the development will be done in phases and will take 15 to 20 years to complete. There will be a homeowner's association, street lights, picnic area, nature trails and 9 – 10 acres of common space. County water will be in the development and there will be 9 or 10 hydrants throughout the subdivision. Mr. Carswell stated that he is not age restricting the development, but is marketing it towards 55 and older.

Dale Devine stated that he lives at 4591 Reepsville Road, across the road from this development. He commented that the lots should not be any smaller than $\frac{3}{4}$ acre. More lots than this would cause a fire problem, more traffic, and more families with kids in schools, which are already overcrowded.

Tom Gould stated that he is a teacher and homebuilder that has sold houses in this neighborhood. He stated that he has sold 3 houses in the neighborhood since March. The trend is toward retirement homes in the development. Three of the seven homes have bought an extra lot. He stated that this development is a good addition to Lincoln County.

Mike Kiser stated that he owns the land to the southwest, which has been owned by his family since the 1800's. He and his family hunt on the land and will continue to do so.

William Steveson stated that he and his wife moved to Carlton's Ridge from Wyoming. He stated that he generally supports this proposal. He said that he lives on Jetton Drive

and would hope there would be other entrances to the subdivision so all the traffic does not go by his house. He stated that he would like to see larger lots and more roads.

Rodney Seagle, 4458 Reepsville Road, stated that he owns two houses nearby and is the Fire Chief of Union Volunteer Fire Department. He said that as a homeowner and Fire Chief, he does not think there should be any lot less than $\frac{3}{4}$ acre. He stated that the houses in the development are beautiful, but everyone cannot afford an extra lot. Mr. Seagle spoke concerning the widening of Reepsville Road, which is a very busy road.

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

Parallel Conditional Use Request #135 – Aston Properties Inc., applicant: A request to rezone 16 acres from R-T (Transitional Residential) and B-G (General Business) to CU B-G (Conditional Use General Business) to permit the development of a retail center with 87,000 square feet of space and four outparcels.

The property is located on the north side of Hwy. 73 about 1,200 feet west of Hwy. 16 in Catawba Springs Township. It is adjoined by property zoned B-G, R-S (Residential Suburban) and R-T. A Wal-Mart Supercenter is planned on an adjoining site to the west of this property. Across the road, a Lowe's Home Improvement store is planned. 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 an employment and commercial center, suitable for concentrating primarily non-residential, regional-scale development.

Chairman Anderson stated that there is quite a bit of activity at the intersection of Hwys. 16 and 73. He stated that there will be a tremendous amount of construction traffic there. He asked if there is any way to get construction schedules to oversee, monitor, and manage the disruption of traffic flow through this intersection.

Randy Hawkins stated that they do not have construction schedules for Wal-Mart or Lowe's. No building permits have been issued. He stated that they will try to work with developers to keep the disruptions to a minimum.

Chairman Anderson asked Mr. Hawkins to bring a plan to the Board at the appropriate time as to how to deal with the different construction projects.

George Arena, Planning Board member, asked Mr. Hawkins for an update from a meeting with DOT.

Mr. Hawkins stated that Hwy. 73 will be 5 lanes from old 16 to the new 16 with a right turn lane at Little Egypt Road. DOT has asked WalMart to include in their project some improvements at the immediate area of the intersection of 16 and 73, so those lane changes will be in place when DOT does the Moving Ahead projects later. The plan is for Wal-Mart to have one project from Little Egypt Road to the 16 and 73 intersection. The estimated cost of these improvements is now \$2.5 million. DOT plans to reimburse Wal-Mart for some improvements at the 16 and 73 intersection, which was included in

the Moving Ahead money. The new 16 may not be finished by the end of this year, it may be next spring or summer before it's finished. Hwy. 16 South onto Hwy. 73 will have a free-flowing right turn lane, and a through lane on 16 North with a right turn lane onto 73 East, a right turn lane from 73 West onto 16 North which creates a through lane on 73 West. The Moving Ahead project will extend those lanes and create two receiver lanes on Northbound 16 for the left turns off eastbound 73. It looks like the schedule will be that the new 16 opens to 73 around the same time the 5 lane 73 is completed. It will be 2008 before the Moving Ahead projects are completed.

Mr. Hawkins said that there is a site plan for a Walgreens on the corner of 16 and 73. There will be an access from the Aston site. DOT would not permit an access on 73, but would permit a right in/right out on 16. Aston's site is also connected to the Wal-Mart site.

Commissioner Mitchem asked if the Board has any authority to control the traffic flow due to construction projects.

Chairman Anderson stated that he doesn't know that the Board has the authority to say when projects can start and stop, but can try to coordinate projects to manage construction traffic.

Kelly Atkins, Director of Building and Land Development, stated that they can help the Board with a timeline for construction of the projects.

Mr. Hawkins stated that DOT received federal funds to improve traffic flow by connecting all traffic signals together.

Karen Partee, with Aston Properties, gave a Powerpoint Presentation concerning the request. She stated that they have met with adjacent landowners and have joined up with a group of quality consultants.

Jay Clapp, with Ramey Kemp and Associates, gave his report of findings on the traffic study done for Aston Properties. He stated that typically their development would come online the same time as Wal-Mart, because they hope to capture some of Wal-Mart's traffic. He identified improvements needed at the driveway location as well as the NC 16 and 73 intersection to help mitigate the impact of the Aston Properties site. Mr. Clapp stated that a right turn lane will be added at the site entrance to help remove the right turning vehicles from the through movement. That improvement will be provided as part of the overall project that Wal-Mart will be constructing. Ashton Properties will reimburse Wal-Mart for these improvements. The other improvement is an additional northbound lane on NC 16 that will be stripped as a through right lane. That improvement will be provided by the Moving Ahead funds and a contribution will be made by Ashton Properties for this project. Wal-Mart is going to hire and pay the contractor for the improvements on 73 and will be reimbursed for certain portions of this. Work on 16 will not begin until the improvements on 73 are completed.

Tim Campbell, with AC&S Engineering, stated that they developed the parking lot layout, landscaping plans, site lighting, all the stormwater and erosion control. The outparcels will have no direct access to Highway 73. Landscape islands will be provided throughout the parking lot as with the Wal-Mart project. Sidewalks and curb cuts will be provided to the outparcels along with sidewalks to provide connectivity for the whole development. They are providing the screening along the rear property line and a buffer along Hwy. 73 as with the Wal-Mart. Landscape islands have also been added to the parking lot. Dumpsters will be screened in harmony with the building elevations. The site lighting was also developed in conformance with Wal-Mart, however the polls will not exceed 30 feet tall and will also be shielded from adjacent property as well. The rear elevation will be 15 feet below the property behind it and there will be screening. The back of the building will be painted, as it will not be seen by the public.

Bill Robinson stated that they looked at the Sardis Road Wal-Mart and it's outparcels to design these buildings, which have different sizes, shapes, colors, and building materials. The storefronts have stepping in and out to create identity for tenants and break up the storefront.

Liz Craig stated that she lives in Prospect Hill. She stated that the residents live in East Lincoln and don't want to live in Mooresville. She asked the Board to slow down and take a breath, asking the right questions. She asked the Board to table this until a master plan is in place and until they have a handle on it.

Connie Zmijewski stated that she spoke with Peter Browne of ELBA this week. Some of his concerns were traffic, what's coming when, how many traffic lights, etc. She stated that this intersection is exploding. She stated that the new 16 is happening very slow and the traffic improvements will probably not be complete by opening. She stated that they are longing for an area to gather and asked them to increase sidewalk size. Ms. Zmijewski said that there is a fire safety issue that has not been answered. She asked the Board to consider everything before making a decision.

Gary Caldwell, from Riverwalk Apartments, stated that their property backs up to the proposed Wal-Mart. He stated that Riverwalk has 144 upscale apartment homes in Denver and a second phase of 144 more apartments planned. A second entrance onto 73 is part of that plan. This second entrance would have to be built for safety reasons before a second phase would be approved. Mr. Caldwell stated that they have already paid water taps for phase two. He said that he does not want to make waves with Aston Properties or Wal-Mart, but would like the stipulation to keep the proposed right of way to Highway 73.

Brian Moates asked the Board to considering tabling the matter at this time, because there is too much up in the air.

Jerry Meade, a Denver resident, stated that the community needs this development. He said that he does design work such as this and that he would like to see a third party traffic study done. He said that he does not understand why the buildings are all in the

back of the site. Mr. Meade stated that the site looks like they would be difficult to get in and out of.

Karen Partee stated that the Traffic Engineer was a DOT preferred engineer. She stated that the sidewalks are 15'. She stated that Wal-Mart will be closing on their site in the next few days. Wal-Mart cannot open their store until the traffic improvements are completed. She stated that they will be contributing \$75,000 towards the Moving Ahead funds.

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

Chairman Anderson called a brief recess.

Chairman Anderson called the meeting back to order.

The Planning Board recessed their meeting on the 2nd floor balcony.

Update on Land Use Plan – Bill Duston: Bill Duston presented an update on the Land Use Plan. He presented the Board a spreadsheet with input from the four forums held.

Public Hearing – Lincoln County Solid Waste Plan Update and Resolution Accepting and Endorsing Lincoln County's 2006 Solid Waste Management Plan: Bill Duston presented the Lincoln County Solid Waste Plan Update and Resolution.

Commissioner Mitchem asked about the need to look for a new landfill site.

Bill Duston stated that the steering committee could look at this and he will bring it to their attention.

Chairman Anderson opened the public hearing concerning the Lincoln County Solid Waste Plan Update.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the Resolution for Lincoln County's 2006 Solid Waste Management Plan as presented.

**RESOLUTION ACCEPTING AND ENDORSING LINCOLN
COUNTY'S 2006 SOLID WASTE MANAGEMENT PLAN**

WHEREAS, it is a priority of the community of Lincoln County to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, proper equipment and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Lincoln County recognizes its role in the encouragement of recycling markets by purchasing the recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Lincoln County Solid Waste and Recycling Division and the City of Lincolnton Public Works and Utilities Department have jointly undertaken and completed a long-ranged planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS:

That Lincoln County's 2006 Ten Year Comprehensive Solid Waste Management Plan is accepted and placed on file with the Clerk to the Lincoln County Board of Commissioners on this day, June 5, 2006.

ATTEST:

Thomas R. Anderson, P.E., Chairman
Lincoln County Board of Commissioners

Amy Atkins, Clerk to the Board

Public Hearing – Industrial Development Incentive Grant for Robert Bosch Tool Corp.: Barry Matherly presented the Industrial Development Incentive Grant for Robert Bosch Tool Corporation.

Chairman Anderson opened the public hearing concerning the Industrial Development Incentive Grant for Robert Bosch Tool Corporation. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH ROBERT BOSCH TOOL 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, Robert Bosch Tool 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 Robert Bosch Tool 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 1st day of June, 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 1st day of June, 2006, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and ROBERT BOSCH TOOL CORPORATION, a Delaware corporation (hereinafter referred to as "Bosch").

WITNESSETH:

WHEREAS, Bosch 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 Bosch 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 December 31, 2006, Bosch shall begin the installation of manufacturing machinery and equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Bosch shall make an investment upon such site in machinery and equipment and business and personal property of \$3,000,000, of which \$2,100,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Bosch shall provide at such site at least 60 new jobs paying average weekly wages of \$600.00.
4. In consideration of the performance of the aforesaid obligations by Bosch, the County will provide cash grants to Bosch of \$8326.50 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 Bosch within 30 days after Bosch has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Bosch 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. Bosch 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, Bosch 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.

ROBERT BOSCH TOOL CORPORATION

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 Robert Bosch Tool Corporation., a Delaware corporation, 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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Robert Bosch Tool Corporation as presented.

Lincoln County Industrial Park Funding – Barry Matherly. Barry Matherly presented the following information regarding Lincoln County Industrial Park Funds.

On December 19, 2005, the Lincoln County Board of Commissioners voted unanimously to approve the transfer of funds in the amount of \$487,000 from the General Fund to the LEDA Board for the Lincoln County Industrial Park Phase VII.

At the same meeting, the Lincoln Economic Development Association informed the Lincoln County Board of Commissioners that it intended to use the funds from the sale of the last two lots the county owned at the Lincoln County Industrial Park for Phase VII.

However, LEDA has learned that the first lot has already been applied to Phase VI instead of using the General Funds; this saved approximately \$269,000 in General Funds but left the Economic Development Capital Fund under funded by the same amount.

LEDA is requesting proceeds from the sale of the second lot, when received, and the difference in the project cost (approximately \$269,000) from the General Fund be transferred into the Economic Development Capital Fund to complete this approved project.

UPON MOTION by Commissioner Patton, the Board voted unanimously to apply \$269,000 from the General Fund to LEDA to move forward with Phase VII development.

Permanent Site for Lincoln County Farmer's Market – Kevin Starr. Kevin Starr and Leigh Guth presented a proposal for the development of a permanent site for Lincoln County's Farmer's Market. The project would be a joint endeavor between Lincoln County and the City of Lincolnton. The proposed site is city-owned property at the intersection of North Aspen and West Pine Streets in Lincolnton. The market is currently operating at the county-owned parking lot beside the Historical Coordinator's office on West Water Street. After experimenting with various sites, it has become clear that the market can only reach its full potential if it has a permanent, highly visible site with a shelter. The ultimate goal is to have a shelter with a hard roof and restroom facilities.

Kevin Starr requested that the Board initiate official discussions with the City of Lincolnton regarding the potential for this project. In addition to our normal budget

funds, Cooperative Extension has requested \$10,000 to pay for detailed plans and other costs that may be associated with initiating this project.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to fund \$10,000 for the Farmer's Market contingent upon discussion with the City of Lincolnton.

Update on InterBasin Transfer Request – Steve Gilbert.: Steve Gilbert presented an update on the InterBasin Transfer Request.

Last December, the Board passed a resolution opposing the Interbasin Transfer request that has been made by the cities of Concord and Kannapolis to withdraw up to 36 MGD (average 22 MGD) of water from the Catawba River Basin to meet their short-term water supply demands. The request has to be approved by the State because the water that will be withdrawn will be discharged outside of the Catawba Basin. This request is now under consideration by the State, and an Environmental Impact Statement has been prepared for public review and comment.

The State is requesting comments in regards to this issue to be submitted in writing to them for their consideration before making a decision on the request. The comment period for this project will extend until July 25, 2006. While the resolution that was passed by the Board was clear in its opposition to allowing the transfer of water out of the Catawba Basin, it is possible that a more detailed comment document from this Board will lend more credibility to the opposition issue. Mr. Gilbert asked if the Board would like to provide a more detailed comment document.

It was the consensus of the Board to further express its sincere disagreement with this interbasin transfer.

COPS Resolution for Middle School Financing – Leon Harmon.: Leon Harmon presented the COPS Resolution for Middle School Financing.

Chairman Anderson introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title and summarized by the Finance Director:

RESOLUTION APPROVING THE SALE BY LINCOLN COUNTY PUBLIC FACILITIES CORPORATION OF CERTIFICATES OF PARTICIPATION EVIDENCING PROPORTIONATE AND UNDIVIDED OWNERSHIP INTERESTS IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE COUNTY OF LINCOLN, NORTH CAROLINA, PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT ENTERED INTO TO FINANCE A NEW MIDDLE SCHOOL, APPROVING SAID AGREEMENT, CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING OTHER OFFICIAL ACTION IN CONNECTION THEREWITH

WHEREAS, the County of Lincoln, North Carolina (the "County") has determined that it is necessary and expedient to finance the construction, equipping and furnishing of a new middle school, including the acquisition of land therefor (the "Project"); and

WHEREAS, in order to effectuate such plans to finance the Project, the County and Lincoln County Public Facilities Corporation (the "Corporation") have been negotiating certain financing documents and arranging for the negotiated sale of Certificates of Participation evidencing proportionate and undivided ownership interests in certain Installment Payments (as defined in the hereinafter defined Installment Financing Agreement) to be made by the County pursuant to an Installment Financing Agreement, to be dated as of June 15, 2006 (the "Installment Financing Agreement"), between the Corporation and the County, pursuant to the authority granted to the County under Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the County has determined that it is in the best interests of the County that the County and the Corporation enter into the Installment Financing Agreement to make available to the County funds with which to finance the Project; and

WHEREAS, the County and the Corporation have retained investment bankers for the purpose of underwriting said Certificates of Participation; and

WHEREAS, said Certificates of Participation are expected to be marketed in the expectation of executing a Certificate Purchase Agreement with respect thereto on or about June 16, 2006 and delivering said Certificates of Participation on or about June 29, 2006; and

WHEREAS, in connection with such financing, it is necessary for the County to approve the sale of said Certificates of Participation by the Corporation, to approve certain other documents relating thereto and to authorize certain action in connection therewith; and

WHEREAS, there have been presented at this meeting copies of the following documents relating to the delivery of the 2006 Certificates (as hereinafter defined):

(a) a draft, dated April 28, 2006, of the proposed Certificate Purchase Agreement for the 2006 Certificates (the "Purchase Agreement"), to be dated on or about June 16, 2006, among the Corporation, the County and Banc of America Securities LLC, as underwriter (the "Underwriter"), relating to the purchase and sale by the Underwriter of the 2006 Certificates;

(b) a draft, dated June 2, 2006, of the proposed Installment Financing Agreement, pursuant to which the Corporation will make available to the County funds to be derived from the sale of the 2006 Certificates with which to finance the Project, and the County will be obligated to make Installment Payments (as defined in the Installment Financing Agreement) and certain other payments, among other requirements;

(c) a draft, dated June 2, 2006, of the proposed Trust Agreement, to be dated as of June 15, 2006 (the "Trust Agreement"), by and between the Corporation and First-Citizens Bank & Trust Company, as trustee (the "Trustee"), under which the Trustee will make available to the County the proceeds of Certificates of Participation (Lincoln County Middle School Project), Series 2006 evidencing proportionate and undivided ownership interests in the Installment Payments to be made by the County under the Installment Financing Agreement (the "2006 Certificates") to pay (i) the cost of the Project, and (ii) financing costs related thereto ;

(d) a draft, dated June 2, 2006, of the proposed Deed of Trust, to be dated June 15, 2006 (the "Deed of Trust"), from the County to The Fidelity Company, as trustee, for the benefit of the Corporation;

(e) a draft, dated June 2, 2006, of the Preliminary Official Statement, to be dated on or about June 7, 2006 (the "Preliminary Official Statement"), relating to the offering of the 2006 Certificates;

(f) a draft, dated June 2, 2006, of the Construction and Acquisition Agreement, to be dated as of June 15, 2006 (the "Construction Agreement"), between the County and the Lincoln County Board of Education (the "Board of Education"), pursuant to which the Board of Education will use its best efforts to cause the construction of the Project; and

(g) a draft, dated June 2, 2006, of the Lease Agreement, to be dated as of June 15, 2006 (the "Lease Agreement"), between the County and the Board of Education; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln, North Carolina:

Section 1. Capitalized words and terms used in this resolution and not defined herein shall have the same meanings in this resolution as such words and terms are given in the Trust Agreement and the Installment Financing Agreement.

Section 2. The County hereby approves the sale of the 2006 Certificates by the Corporation. The 2006 Certificates shall mature in such amounts and at such times and shall bear interest at such rates as

shall be determined by the President, any Vice President or the Treasurer of the Corporation; provided, however, that the aggregate principal amount of the 2006 Certificates shall not exceed \$20,000,000, the final maturity of the 2006 Certificates shall not extend beyond December 31, 2027, and the true interest cost of the 2006 Certificates shall not exceed 5.08% per annum.

The 2006 Certificates shall be issued in fully registered form in denominations of \$5,000 or any whole multiple thereof. Interest with respect to the 2006 Certificates shall be payable on December 1, 2006 and thereafter semiannually on each June 1 and December 1 until the 2006 Certificates are fully paid. Payments of principal and interest with respect to the 2006 Certificates shall be made by the Trustee to the registered owners of the 2006 Certificates in the manner set forth in the Trust Agreement.

Section 3. The 2006 Certificates shall be subject to prepayment at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement; provided, however, that no prepayment premium shall exceed 2%.

Section 4. The proceeds of the 2006 Certificates shall be applied as provided in Section 2.05 of the Trust Agreement.

Section 5. The forms, terms and provisions of the Installment Financing Agreement, the Trust Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreement and the Lease Agreement are hereby approved in all respects, and the Chairman or Vice Chairman of the Board of Commissioners or the County Manager is hereby authorized and directed to execute and deliver the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreement and the Lease Agreement, in substantially the forms presented to this meeting, together with such changes, modifications and deletions as she or he, with the advice of counsel, may deem necessary and appropriate, including, but not limited to, changes, modifications and deletions necessary to incorporate the final terms of the 2006 Certificates as shall be set forth in the Purchase Agreement; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the County.

Section 6. The County hereby approves the award of the 2006 Certificates to the Underwriter pursuant to the Purchase Agreement, subject, however, to the limitation on true interest cost contained in Section 2.

Section 7. The County hereby authorizes the use and distribution of the Preliminary Official Statement in connection with the public offering of the 2006 Certificates, and the Official Statement, in substantially the form of the Preliminary Official Statement, with such changes as are necessary to reflect the maturities, interest rates, prepayment premiums and initial offering prices of the 2006 Certificates, is hereby approved, and the Chairman or Vice Chairman of the Board of Commissioners, the County Manager or the Finance Director is hereby authorized to execute, on behalf of the County, the Official Statement in substantially such form, together with such changes, modifications and deletions as she or he, with the advice of counsel, may deem necessary or appropriate; such execution shall be conclusive evidence of the approval thereof by the County. The County hereby also approves and authorizes the distribution and use of copies of the Official Statement, the Trust Agreement, the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreement and the Lease Agreement by the Underwriter in connection with the sale of the 2006 Certificates.

Section 8. The Chairman or Vice Chairman of the Board of Commissioners, the County Manager, the Finance Director, counsel to the County and the Clerk to the Board of Commissioners are authorized and directed (without limitation except as may be expressly set forth herein) to take such actions and to execute and deliver such documents, certificates, undertakings, agreements and other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Trust Agreement, the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreement and the Lease Agreement.

Section 9. This resolution shall take effect immediately upon its passage.

After consideration of the foregoing resolution, upon motion of Commissioner Funderburk, seconded by Commissioner Patton, the foregoing resolution entitled: "RESOLUTION APPROVING THE SALE BY LINCOLN COUNTY PUBLIC FACILITIES CORPORATION OF CERTIFICATES OF PARTICIPATION EVIDENCING PROPORTIONATE AND UNDIVIDED OWNERSHIP INTERESTS IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE COUNTY OF LINCOLN, NORTH CAROLINA, PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT ENTERED INTO TO FINANCE A NEW MIDDLE SCHOOL, APPROVING SAID AGREEMENT, CERTAIN OTHER

DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING OTHER OFFICIAL ACTION IN CONNECTION THEREWITH” was passed by the following vote:

Ayes: Unanimously approved

Noes:

Recess: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to recess until June 6 at 1:00 p.m.

Amy S. Atkins, Clerk to the
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners