

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

The Lincoln County Board of County Commissioners met in regular session on  
September 18, 2006, at the James W. Warren Citizens Center, Commissioners Room,  
115 West Main Street, Lincolnton, North Carolina,  
the regular place of meeting at 7:05 p.m.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
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  
Steve Gilbert, Director of Public Works  
Leroy Buff, Director of Communications  
Leon Harmon, Director of Finance  
Madge Huffman, Director of Tax

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

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

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**SEPTEMBER 18, 2006**

- |            |                    |
|------------|--------------------|
| 7:05 PM    | Call to Order      |
| 1. 7:07 PM | Adoption of Agenda |

2. 7:10 PM Consent Agenda
    - Approval of Minutes
      - September 11, 2006
    - Budget Adjustments 25 - 27
    - Proclamation – 2006 Industry Appreciation Week
    - Waived fees
      - Lincoln Medical Center
  3. 7:15 PM Public Comments
  4. 7:30 PM Planning Board Recommendations
    - ZMA #536 - Marty Mull, applicant
    - CUP #274 - Martin Gordon, applicant
    - CUP #275 - Jeff Wilkinson, applicant
    - PCUR #76-A3 - Westport Lakeside Development LLC
    - PCUR #110A - Burton Creek Investment LLC, applicant
    - PCUR #138 - Reliable Insulation Inc., applicant
    - PCUR #139 - Martin Marietta Materials Inc., applicant
    - PCUR #140 - Westport Lakeside Development LLC, applicant
    - PCUR #141 - Lincoln County Shrine Club, applicant
  5. 8:15 PM Road Naming Public Hearing – Family Way
  6. 8:20 PM Backhoe Purchase Request – Steve Gilbert
  7. 8:25 PM Request to Approve McGill Associates Engineering Contract – Steve Gilbert
  8. 8:30 PM Capital Project Reports – Steve Gilbert
  9. 8:35 PM Finance Officer's Report
  10. 8:40 PM County Manager's Report
  11. 8:45 PM County Commissioners' Report
  12. 8:50 PM County Attorney's Report
  13. 8:55 PM Calendar
  14. 9:00 PM Vacancies/Appointments
  15. 9:05 PM Other Business
- Adjourn

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the agenda with the items added.

**Consent Agenda:**

- Approval of Minutes
  - September 11, 2006
- Budget Adjustments 25 - 27
- No. 25: for Social Services for additional funds that were allocated to In-Home Aide Program from Office on Aging
- No. 26: for Recreation encumbrances
- No. 27: to budget for Utilities Reduction Specialists Fees for phone savings
- Proclamation – 2006 Industry Appreciation Week
- Waived fees
- Lincoln Medical Center

**UPON MOTION** by Commissioner Funderburk, 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.

Henry Fogle, speaking as President of the Westport Homeowner's Association, stated that a lot of fire hydrants have garbage bags over them and are not working through Westport. He asked what would happen in the case of a fire.

Steve Gilbert stated that what the residents are possibly seeing are the new hydrants that have not been placed in service yet. He stated that the fire departments know of all the hydrants that are available for them to use.

Robert Avery asked if the Board has considered a survey similar to the one Gaston County has done. Chairman Anderson stated that it is the Board's intent to take up the matter at the next work session.

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

**Planning Board Recommendations**

**Zoning Map Amendment #536 – Marty Mull, applicant:** The Planning Board voted 6-0 to recommend approval.

Case No.: ZMA #536

Applicant: Marty Mull  
Parcel ID#: 02443 and 31309  
Location: East side of Hwy. 16, about 600 feet north of Campground Road  
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 as a neighborhood center, suitable for concentrating primarily commercial development.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the Planning Board's recommendation and statement of consistency and reasonableness for Zoning Map Amendment No. 536 – Marty Mull, applicant.

**Conditional Use Permit #274 – Martin Gordon, applicants:** The Planning Board voted 6-0 to recommend approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Conditional Use Permit #274 – Martin Gordon, applicant, based on the Planning Board's recommendation and findings of fact presented.

#### **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.
2. The use meets all required conditions and specifications. YES   X   NO         
Factual reason cited: Meets 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: Not going to change adjoining property; other doublewides in 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: Other manufactured homes in area; consistent with Land Use Plan.

**Conditional Use Permit #275 – Jeff Wilkinson, applicant:** The Planning Board voted 6-0 to recommend approval.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Conditional Use Permit #275 – Jeff Wilkinson, applicant, based on the Planning Board’s recommendation, with the findings of fact as presented.

### **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 any more than it already is.
2. The use meets all required conditions and specifications. YES   X   NO         
Factual reason cited: Will meet all required conditions and specifications; DOT has reviewed and approved access off James Street.
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: Similar businesses located adjacent to this 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: Building façade shown on submittal.

**Parallel Conditional Use Rezoning No. 76-A3 – Westport Lakeside Development LLC Association, applicant:** The Planning Board voted 3-1 to recommend approval, with the following conditions:

1. That the developer obtain a watershed conditional use permit to exceed the 24% limit on built-upon area.
2. That the developer obtain a sewer flow acceptance letter and a water availability letter from Lincoln County Public Works for allowable capacity each year.

Upon motion by Commissioner Funderburk, the Board voted unanimously to approve the amendment to the 2001 rezoning previously approved.

### **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: Developer has agreed to implement the improvements recommended in the traffic study.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve Finding of Fact No. 1.

2. The use meets all required conditions and specifications. YES   X   NO \_\_\_\_\_  
Factual reason cited: Does meet all required conditions and specifications.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Findings of Fact No.2.

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.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve Findings of Fact No.3.

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.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Findings of Fact No. 4.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the condition that the developer obtain a watershed conditional use permit to exceed the 24% limit on built-upon area.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously that the developer obtain a sewer flow acceptance letter and a water availability letter from Lincoln County Public Works for allowable capacity each year.

**Parallel Conditional Use Rezoning No. 110A – Burton Creek Investment LLC,**  
**applicant:** The Planning Board voted 3-1 to recommend approval with the following conditions:

1 – That the developer evaluate the feasibility of shifting Seagull Way to exit on Red Robin Trail/Sarah Drive.

2 – That NCDOT advise the developer and the Board of Commissioners of the responsibility of the developer regarding possible improvements to the intersections of Fairfield Forest Road and Hwy. 16, Fairfield Forest Road and Golf Course Drive North, and Webbs Road and Hwy. 16, and that the developer adhere to those recommendations.

3 – That the developer hire an independent firm to measure the depth of the five coves downstream from this development within 30 days of the approval of this amendment and to monitor the depth monthly and report the results to Lincoln County Building and Land Development until NCDENR gives final approval of this final phase of construction, and that the developer clean up any proven sediment flow from this development as determined by NCDENR.

Mr. Hawkins stated that NCDOT is going to require a technical memorandum, not a full traffic study. One of the firms on our list would evaluate the impact of this development on the existing road system and make recommendations as to possible improvements that need to be made.

Commissioner Moore asked if the developer has agreed to those conditions. Randy Hawkins stated that the applicant has.

Commissioner Moore stated that she spoke with a DENR representative today who said that they would not get involved, because they do not have the authority.

Randy Hawkins stated that if DENR cites them for sediment flow into the lake that would be the trigger.

Mr. Hawkins stated that the way this would work if they got a reading back from the firms that the depth of the coves had decreased, they would contact DENR to see if they could verify that there was sediment flow from this development into the lake.

Commissioner Mitchem asked if DENR would accept that as one of their reasons for giving a citation. Mr. Hawkins stated that we will depend on the normal DENR citation procedure.

Chairman Anderson stated that there are 2 issues, 1 – to have a mechanism to see if the coves in question are being silted up, if they are, that information will be provided to DENR and they will be able to advise the county and developer if this increase in silt has come from this developer. If we do not have the ability to monitor the depth of these coves, then we have no way to notify DENR that damage has been done.

Chairman Anderson stated that he can recall very few if any matters that have been before the Board that he's received more email and phone contact on. He stated that in every single instance there is a desire to see these conditions imposed.

**UPON MOTION** by Commissioner Funderburk, the Board voted 4 – 1 (Moore against) to approve the amendment to the previously approved rezoning.

## **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: Traffic pattern has been improved; lower density.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Findings of Fact No. 1.

2. The use meets all required conditions and specifications. YES   X   NO         
Factual reason cited: According to Zoning Administrator.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Findings of Fact No. 2.

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: Condition regarding sediment.

**UPON MOTION** by Commissioner Funderburk, the Board voted 4-1 (Moore: No) to approve Findings of Fact No. 3.

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: Planned residential district; lower density.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Findings of Fact No. 4.

Chairman Anderson suggested modifying condition no. 1 to read: require that the developer shift Seagull Way to exit on Red Robin Trail/Sarah Drive.

**A MOTION** by Commissioner Patton to require that the developer shift Seagull Way to exit on Red Robin Trail/Sarah Drive subject to DOT granting a driveway permit for that location.

Greg Duncan, applicant, stated that he is not opposed to this condition, and actually thought it was a good idea. He presented a letter from DOT stating that they do not recommend it.

Vote: Unanimously approved.

Chairman Anderson stated that Condition 2 should be modified in view of Jackie McSwain's letter, to say that the technical memo recommended by DOT be prepared and that the developer and BOC be advised of the responsibility of the development as set forth in that memorandum.



**UPON MOTION** by Commissioner Moore, the Board voted unanimously to modify condition 2, in view of Jackie McSwain's letter to say that the technical memo recommended by DOT be prepared and that the developer and Board of Commissioners be advised of the responsibility of the development as set forth in that memorandum.

3 – That the developer hire an independent firm to measure the depth of the five coves downstream from this development within 30 days of the approval of this amendment and to monitor the depth monthly and report the results to Lincoln County Building and Land Development until NCDENR gives final approval of this final phase of construction, and that the developer clean up any proven sediment flow from this development as determined by NCDENR or such consultant as the county may choose.

**UPON MOTION** by Commissioner Moore, the Board voted 4 – 1 (Funderburk against) to approve Condition 3 - That the developer hire an independent firm to measure the depth of the five coves downstream from this development within 30 days of the approval of this amendment and to monitor the depth monthly and report the results to Lincoln County Building and Land Development until NCDENR gives final approval of this final phase of construction, and that the developer clean up any proven sediment flow from this development as determined by NCDENR or such other authority as the county may choose.

Chairman Anderson stated that we require the placement of a crushed stone entry at any entrance to the development. He stated that the Burton Lane entrance has no stone.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to require that the developer provide stone entries as required by DENR and if they have been installed, that they are reinstalled due to the fact that they are not effective.

Chairman Anderson stated that as an area is being cleared, cleared areas should be grassed. He stated that he does not know the developer's intent, but in speaking with grading contractors who have looked at this site, there is no reason grassing cannot begin immediately.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to place the condition that on the areas that have been cleared that the grassing operations typically required by DENR begin immediately.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to require the developer to post a bond or letter of credit in the amount of \$500,000 to the county to cover the cost of sediment removal determined to have been deposited from the development by measurements made under condition 3 and that the county will withhold building permits if the developer fails to take the necessary corrective action for silting into the coves.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the rezoning subject to the conditions imposed.

**Parallel Conditional Use Rezoning No. 138 – Reliable Insulation Inc., applicant:** The Planning Board voted 6-0 that the rezoning request be denied. The applicant withdrew the request on 09/14/06.

**Parallel Conditional Use Rezoning No. 139 – Martin Marietta Materials, applicant.:** The Planning Board voted 6-0 to recommend approval, with the condition that the applicant provide a sufficient buffer or adequate mitigation efforts to protect the water rights of businesses on Burnwood Trail. :

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

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Rezoning No. 139, applicant, and to accept the Findings of Fact as a whole, as submitted by the Planning Board in connection with this matter with the condition presented.

#### **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.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the statement of consistency and reasonableness.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve Parallel Conditional Use Permit No. 139

**Parallel Conditional Use Rezoning #140 – Westport Lakeside Development LLC, applicant:** The Planning Board voted 4-0 to recommend approval, with the following condition:

- The applicant shall obtain a sewer flow acceptable letter and a water availability letter from Lincoln County Public Works for allowable capacity each year.

**UPON MOTION** by Commissioner Moore, the Board voted unanimously to approve the rezoning.

### **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.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve finding no. 1.

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.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve finding no. 2.

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.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve finding no. 3.

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.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to approve finding no. 4.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the condition imposed by the Planning Board that the applicant shall obtain a sewer flow acceptable letter and a water availability letter from Lincoln County Public Works for allowable capacity each year.

**UPON MOTION** by Commissioner Funderburk, the Board voted unanimously to accept the statement of consistency and reasonableness.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Parallel Conditional Use Permit No 140 – Westport Lakeside Development LLC, applicant with the findings of fact, condition, and statement of consistency and reasonableness.

**Parallel Conditional Use Rezoning No. 141 – Lincoln County Shrine Club, applicants:** The Planning Board voted 6-0 to recommend approval.

**UPON MOTION** by Mitchem, the Board voted unanimously to adopt the Planning Board’s recommendation to rezone Parallel Conditional Use Permit No. 141 – Lincoln County Shrine Club, applicant.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to accept the findings of fact with no special conditions.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt Parallel Conditional Use Permit No. 141 – Lincoln County Shrine Club, applicant, based on the findings of fact and statement of consistency and reasonableness.

Case No: PCUR #141  
Applicant: Lincoln County Shrine Club  
Parcel ID#: 54354  
Location: East side of Cat Square Road, about 1,600 feet south of Bill Sain Road  
Proposed  
Amendment: Rezone from R-S to CU R-T to permit a meeting facility for a fraternal organization

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 suitable for residential development, and a fraternal organization is allowed as a conditional use in some residential districts.

This proposed amendment is reasonable and in the public interest in that this property lies in close proximity to property that’s zoned R-T. The Shrine Club’s existing meeting building is located adjacent to this property. As a conditional use rezoning, the use will be limited to a meeting facility for a fraternal organization.

## **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 affect the public health or safety; current facility is adjacent to this property.
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: Existing facility is adjacent.
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: Fraternal organizations are allowed as a conditional use in R-T district.

**Interbasin Transfer:** UPON MOTION by Commissioner Patton, the Board voted unanimously to authorize Chairman Anderson to sign the letter to Mr. George Galleher expressing Lincoln County's opposition to Duke Energy's support of the proposed Concord Kannapolis interbasin water transfer.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Resolution Reiterating Opposition to Concord-Kannapolis Interbasin Transfer and Providing Funding for Legal Expenses.

RESOLUTION REITERATING OPPOSITION TO  
CONCORD-KANNAPOLIS INTERBASIN TRANSFER  
AND PROVIDING FUNDING FOR LEGAL EXPENSES

WHEREAS, the cities of Concord and Kannapolis, North Carolina, have filed an application with the State of North Carolina seeking approval for an interbasin transfer of up to 36 million gallons per day of water from the Catawba River basin to their cities, which are located within the Yadkin-Pee Dee River basin; and

WHEREAS, the Lincoln County Board of Commissioners adopted a resolution opposing the Concord-Kannapolis interbasin transfer on December 5, 2005; and

WHEREAS, the cities of Concord and Kannapolis did not fully explore all alternatives to this proposed IBT, including other alternatives that would have been less expensive; and

WHEREAS, the Yadkin-Pee Dee basin in which Concord and Kannapolis are located has almost twice the land area and half the population of the Catawba basin and has more water available per person than the Catawba; and

WHEREAS, when compared to the Yadkin-Pee Dee basin, the Catawba basin is relatively small, densely populated, and fast-growing with 18 power plants, more than 300 dischargers, and at least 22 major water users; and

WHEREAS, seven of the Catawba basin's 11 lakes are impaired and listed on either the North or South Carolina 303 (d) lists; and

WHEREAS, the drought of 2002 closed almost every public access area along the entire Catawba system and severely impaired the ability of the towns of Valdese and Belmont, North Carolina, to supply drinking water to their citizens; and

WHEREAS, the Lincoln County Board of Commissioners believes that the Concord-Kannapolis application is based on flawed modeling in that (1) the Low Inflow Protocol in connection therewith is voluntary and therefore might not cause conservation of water as the modeling assumes; and (2) the flows, lake levels, and LIP inputs related thereto are speculative at best; and

WHEREAS, the modeling run of an average 22 million gallons per day showed that the proposed interbasin transfer would trigger nine additional months of Low Inflow Protocol stage 1, representing a needed reduction of 3-5 percent in water usage; and

WHEREAS, reduction of 3-5 percent in water usage in Lincoln County for a period of nine months would cost the County at least \$116,250 in revenue, causing irreparable harm to the annual operating budget of the County's water system and preventing the County from keeping up with the increasing demands for water arising from growth; and

WHEREAS, the Lincoln County Board of Commissioners intends to join with other jurisdictions in the Catawba basin in North and South Carolina that intend to take legal action if necessary to stop the proposed interbasin transfer;

NOW, THEREFORE BE IT RESOLVED:

1. That the Lincoln County Board of Commissioners does hereby repeat its strenuous opposition to the Concord-Kannapolis interbasin transfer and demands that the IBT application be denied.

2. That the Board does hereby approve the expenditure of up to \$100,000 on legal and other expenses that may be incurred in the multi-jurisdictional effort to stop the interbasin transfer, with additional amounts to be considered in the future as necessary.

3. That county staff take all steps necessary to carry out the intent of this resolution and keep this Board apprised of all developments in connection therewith.

4. That staff transmit copies of this resolution to all appropriate authorities for consideration.

Duly adopted this 18<sup>th</sup> day of September, 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

\_\_\_\_\_

Amy S. Atkins, Clerk to the Board

**Road Naming Public Hearing – Family Drive – Leroy Buff:** Chairman Anderson opened the public hearing for Family Drive. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the road name Family Drive.

**Backhoe Purchase Request – Steve Gilbert:** Steve Gilbert requested authorization to purchase a Caterpillar brand Model 420D Backhoe Loader for the Landfill. This piece of equipment was rented to replace a backhoe that was sent to Webbs Road Convenience Site to pack down the waste material in the open-top containers and to move around the yard waste and brush. By packing down the waste, they are able to get more weight (approximately twice the weight) in each load and have greatly reduced the number of trips to haul the waste to the landfill. The rented backhoe has been put to full use at the landfill moving and hauling brush, moving and loading mulch, as well as occasionally taking it to other sites to pack the waste. Having one backhoe located permanently at Webbs Road has proven to be very helpful in maintaining that site, and there is a constant need for the second backhoe at the landfill and other sites, so they are requesting to purchase the rental unit. With credit given for the rental fees already paid, and adding in sales tax and interest charges, the backhoe can be purchased for \$42,898.17.

**UPON MOTION** by Commissioner Moore, the Board voted 4 – 1 (Mitchem against) to approve the purchase of the Caterpillar brand Model 420D Backhoe Loader for the landfill.

**Request to Approve McGill Associates Engineering Contract – Steve Gilbert:** Steve Gilbert requested approval of an Engineering Services Contract with McGill Associates of Hickory for the analysis of the water, sewer, and fire protection systems that serve the Indian Creek Industrial Park. Their primary tasks will be to analyze the current capacities and future expansion capabilities for these systems. The end product of this analysis will be a recommendation of the necessary improvements to accommodate future growth in the park.

McGill proposes to perform the work for a maximum not to exceed the amount of \$18,700.00, with the work to be billed on an hourly basis in accordance with the Basic Fee Schedule. It is felt that an hourly rate is the fairest way to be billed for this work. While the scope of the work is clear and well defined, some of the existing conditions and capacities will not be known until the work is clear and well defined, some of the existing conditions and capacities will not be known until the work begins. The fee of \$18,700.00 can not be exceeded without further authorization from the Board.

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the McGill Associates Engineering Contract.

**Finance Officer's Report – Leon Harmon:** Leon Harmon presented the budget performance report for August 2006.

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

**County Commissioners' Report:** Chairman Anderson reported from the Association of County Commissioners Annual Conference that he and Commissioner Moore attended. He spoke concerning a presentation he saw about electronic board packets. He advised that he has been appointed as a Director of the Association of the County Commissioners at large.

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report. He stated that he has spent a considerable amount of time on the Hospital and Interbasin Transfer. Mr. Taylor updated the Board on the Rhyne Mills Condemnation.

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

**Vacancies/Appointments:** Commissioner Funderburk presented the following vacancies.

Vacancies:

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

**Other Business:**

**Adjourn:** UPON MOTION by Commissioner Patton, 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