

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 3, 2020

The Lincoln County Board of County Commissioners met on February 3, 2020, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair
Richard Permenter, Vice Chair
Anita McCall
Milton Sigmon
Bud Cesena

Others Present:

Kelly G. Atkins, County Manager
Wesley Deaton, County Attorney
Josh Grant, Programs Manager
Amy S. Atkins, Clerk to the Board

Members Present:

Jamie Houser, Chairman
Matt Burton, Vice-Chairman
Doug Tallent, Secretary
James Dean
Tracy Ledford
Robert Shugarman

Staff Present:

Andrew Bryant, Director
Randy Hawkins, Zoning Administrator
Jeremiah Combs, Planner
Jordan Tubbs, Planner
Amy Brown, Clerk to Planning Board

Call to Order: Chairman Mitchem called the February 3, 2020 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and the Eagle Scouts in attendance led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 3, 2020
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton NC 28092

Call to Order - Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Approval of Minutes – January 6, 2020; January 20, 2020
 - Waived fees
 - Boy Scouts of America
 - Long Shoals Wesleyan Academy/ Lincoln County Home Educators Prom
 - VTS Refunds
 - Resolutions Honoring Eagle Scouts
3. Presentations to Eagle Scouts
- 3a. Report Concerning Traffic Accident on Highway 16 - Jay Flynn
4. Zoning Public Hearings - Jeremiah Combs and Randy Hawkins

Quasi-Judicial

PA #49 Brent Long, applicant (Parcel ID# 26930) A request for sketch plan/preliminary plat approval for a 14-lot residential subdivision with new public roads. The 23.5-acre tract is located at 2399 NC 73 Highway in Ironton Township.

CUP #415 Frank Smith, applicant (Parcel ID# 02701) A request for a conditional use permit to build a detached garage that would extend past the front building line of a house on a lot adjacent to Lake Norman. The 0.67-acre parcel is located at 7503 Pine Ridge Road in Catawba Springs Township.

CUP #416 Eric McComb, applicant (Parcel ID# 51983, 56446, 56447, 56448, 56449, 56450, 56451, 56452, 56453, 56454, 56455 and 56456) A request for a conditional use permit to operate a ready-mix concrete plant in the I-G (General Industrial) district. The proposed 14.4-acre site is located on Sugar Wood Lane about 1,400 feet west of N.C. 16 Business and 1,000 feet north of Mundy Road in Catawba Springs Township.

Legislative

ZMA #671 M.C. Schroeder Company, Inc., applicant (Parcel ID# 70347) A request to rezone a 2.2-acre lot from B-N (Neighborhood Business) to B-G (General Business). The property is located at 405 N. Pilot Knob Road, on the west side of Pilot Knob Road about 1,500 feet south of its intersection with Hagers Ferry Road, in Catawba Springs Township.

CZ #2020-2 Lyfe Marine, Inc., applicant (Parcel ID# 53779) A request to rezone a 0.49-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General

Business to permit retail sales (including sales of boat lifts and other marine products with outside display and storage), contractor's office, and other uses permitted in the B-G district. The property is located at 1873 N. NC 16 Business Highway, on the west side of N.C. 16 Business about 350 feet south of its intersection with Lake Shore Road South in Catawba Springs Township.

5. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
6. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
7. KACO Amendment Request - John Dancoff
8. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - Project Blade - John Dancoff

Approval of Authorizing Resolution for Project Blade

9. Resolution of Support for the 2020 Census - Andrew Bryant
10. Reclassification of Position #2965 Sign Addressing Tech to Code Enforcement Officer - Candy Burgin, Andrew Bryant
11. Public Comments
12. Resolution Ordering the Advertisement of Delinquent Real Estate Property Tax Liens - Susan Sain
13. Approval of Rachel Ray No Kill Excellence Grant in the amount of \$40,000 - Hannah Beaver
14. Update on Courthouse Project - John Henry
15. Award of Design Contract to Mosely Architects in the amount of \$875,400 for new Emergency Services Facility - John Henry
16. Update on Purchase of SWAT Equipment - John Henry
17. Request to Sell 2004 Ford F-150 truck to the Lincoln County Fire and Rescue Association - John Henry
18. Vacancies/Appointments
19. Other Business
20. Closed Session - § 143-318.11.(a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged

Adjourn

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the agenda removing Item 15 and adding 3a – Report Concerning Traffic Accident on Highway 16.

Consent Agenda: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Consent Agenda.

Consent Agenda

- Approval of Minutes – January 6, 2020; January 20, 2020
- Waived fees
 - Boy Scouts of America
 - Long Shoals Wesleyan Academy/ Lincoln County Home Educators Prom
- VTS Refunds
- Resolutions Honoring Eagle Scouts

Resolutions Honoring Eagle Scouts: The Board presented Resolutions Honoring the following Eagle Scouts: Stephen Paul Oakes, Collin C. Bonner, Alexander Luc Perrin, Mason Rudd, William Stoner, Joey Benson, and Jeremy Morris. All seven Eagle Scouts are from Troop 84, which is chartered by Denver United Methodist Church.

Report Concerning Traffic Accident on Highway 16 - Jay Flynn offered Denver Fire and Emergency Services prayer for the loss of the driver in the accident and the families involved. He gave an update from the tanker truck accident on Highway 16 and the cleanup involved with this accident. Mr. Flynn offered his appreciation to everyone who had a part in this event.

Zoning Public Hearings:

New Business/Advertised Public Hearings: Wesley Deaton gave information on quasi judicial and legislative zoning cases, asking if anyone had ex parte communications.

Planning Board member Matt Burton revealed that a resident reached out to him concerning a case, but he did not respond.

Plat Approval #49 - Brent Long, applicant: Jeremiah Combs presented the following information:

The applicant is requesting approval of a preliminary plat review/ sketch plan for a 14-lot residential subdivision with new public roads. Street trees will be required on both sides of the new roads. The lots will be served by individual wells and septic systems. Article 9.6 of the Lincoln County Unified Development Ordinance states that all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing, for approval, disapproval, or approval with conditions.

Site Area & Description

The 23.5-acre site is located at 2399 NC 73 Highway in the Ironton Township.

The subject property is zoned R-T (Transitional Residential). It is adjoined by properties zoned R-T and R-SF (Residential Single-Family).

Land Use Plan

The Lincoln County Land Use plan designates this area as Large Lot Residential, suitable for single family homes with densities of 0.20 – 1.35 units per acre.

Chairman Mitchem opened the Public Hearing concerning Plat Approval #49 – Brent Long, applicant.

Brent Long, applicant, said he would like to develop a nice subdivision with 1 to 2 acre lots. This will be strictly site built homes with wells and septic tanks. He said he prepared the Findings and incorporated them into his testimony.

George Dellinger, 2338 Highway 73, said he lives adjacent to the property in question. He said Highway 73 is awful with traffic and more homes should not be considered. He said schools are overcrowded and this means the taxpayers will be responsible for adding to schools or building new schools. He asked if the road will be paved with curb and gutter and if the subdivision will have deed restrictions. Mr. Dellinger said he is opposed to this request.

Robert Maxwell, 2353 Highway 73, said his property borders the property in question on two sides. He spoke concerning the bad traffic on Highway 73. He said he likes to shoot on his property and work in his shop, which will not be good with a subdivision behind him. He said if this is approved, his property will be placed up for sale. Mr. Maxwell said he is opposed to this request.

David Harrill, 5843 E Hwy 150, said he is one of the original owners of this property. He said a previous speaker and another neighbor were offered the opportunity to purchase the property and declined. He said Mr. Long bought the property and will put really nice houses there. He said with 15 lots on 23 acres, it will not create a traffic jam.

Brent Long said everything will be up to DOT standards as far as the drainage. He said there will be restrictions on the homes, probably 1600 to 1800 square foot houses in the \$250,000 to \$300,000 price range.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CUP #415 Frank Smith, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to build a residential accessory structure, a proposed 960-square-foot detached garage, that would extend past the front building line of an existing house on a lot adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, an accessory structure cannot extend in front of the front line of the principal structure unless it is set back a minimum of 100

feet from the edge of the road right-of-way; or, in the case of a lot adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit to allow an accessory structure to be located in the road yard, a minimum of 30 feet from the edge of the road right-of-way. A site plan submitted as part of the application shows that the proposed garage would be located 74 feet from the edge of the road right-of-way and extend 12 feet past the front building line of the house.

SITE AREA AND DESCRIPTION

The 0.67-acre lot is located at 7503 Pine Ridge Road. It is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

Chairman Mitchem opened the public hearing concerning CUP #415 – Frank Smith, applicant.

Frank Smith, applicant, said he prepared the findings of fact and incorporated them into his testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CUP #416 Eric McComb, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to operate a ready-mix concrete plant in the I-G (General Industrial) district. Under the Unified Development Ordinance, readymix concrete manufacturing and distributing is a conditional use in the I-G district. A site plan has been submitted as part of the application.

SITE AREA AND DESCRIPTION

The proposed 14.4-acre site is located on Sugar Wood Lane about 1,400 feet west of N.C. 16 Business and 1,000 feet north of Mundy Road. Sugar Wood Lane is a private road that ends at the last of the 12 lots that currently make up the proposed site. The subject property is adjoined by property zoned I-G and R-SF (Residential-Single Family). Land uses in this area include industrial, business and residential. The subject property is part of an area designated by the Lincoln County Land Use plan as an Industrial Center, suitable for manufacturing and distribution of products.

Chairman Mitchem opened the public hearing concerning CUP #416 – Eric McComb, applicant.

Eric McComb, applicant, said he is closing on all the properties in the next few weeks. He said the hours are typically from 6:00 AM to 5:00 or 6:00 PM. He said early morning pours could start earlier. He said they are a small family owned company. He said they typically work with smaller contractors.

Commissioner Cesena informed Mr. McComb that Lincoln County Noise Ordinance is currently 7:00 AM to 11:00 PM.

Mr. McComb said they will start with about four trucks and would hopefully have between ten and fifteen trucks at this location. Mr. McComb said he will do whatever the ordinance requires, but plans to install fencing for their protection. He said they recycle all the gray water, which goes back into the plant. There will be sediment ponds.

There was a lengthy discussion concerning the property and the proposed use.

Tom Cheek, 4000 Creekview Lane, said he has 23 acres that backs up to this property. He said he now has 10 duplexes at the end of his driveway. There is a precast company at the back of his property that has expanded and do not follow the 7 to 11 noise ordinance. He said they are getting a lot of drainage from all the development. He expressed concerns that they will be getting more noise, dust, drainage and light pollution from another business. He asked for conditions to be put in place to help the residential area.

Kimberly Helms, 5663 Mundy Road, said her property backs up to this property. She said there are already 2 concrete companies and Denver Construction in the area. She said the current companies operate all hours and do not honor the Noise Ordinance.

There was a discussion about a traffic impact and environmental impact study. Mr. Deaton said the County would not require these studies just because someone asked for one.

David Oxendine, 5851 Mundy Road, said he has lived there over 20 years and seen growth. He said there are issues with drainage and much of his property is falling into the Killians Creek area. He asked about the effects on the surrounding property.

Edwin Suddreth, Engineer for the project, said he is here to answer any questions. He said they have not considered doing an Environmental Impact Study. He said they will meet the Lincoln County Development Ordinance and temporary sediment control basins will be left post construction.

Jerry Minton said he is owner of some of the parcels, which are under contract to be sold to Mr. McComb.

Mr. McComb said the plant will be closer to Highway 16 and over 1600 feet to any residential properties. He spoke concerning the water recycling method used. He said they want to keep the sediment control basins in place. He said he does not know what an Environmental Impact Study entails, but he could speak to the Engineer about that. He said there are trees, but he would be open to sound buffer vegetation. Mr. McComb said he would anticipate one well and will probably at some point tie into the county lines.

Being no additional speakers, Chairman Mitchem closed the public hearing.

ZMA #671 M.C. Schroeder Company, Inc., applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 2.2-acre lot from B-N (Neighborhood Business) to B-G (General Business). A 7,600-square-foot office building is located on the property, and the applicant is proposing to build a second office building. The standards for the B-N district limit the gross floor area of a development to 10,000 square feet. In the B-G district, a gross floor area of up to 50,000 square feet is permitted.

This subject property is located at 405 N. Pilot Knob Rd., on the west side of Pilot Knob Road about 1,500 feet south of its intersection with Hagers Ferry Road. It is adjoined by properties zoned B-N, B-G and R-T (Transitional Residential). It is located in the Eastern Lincoln Development District (ELDD) overlay district. Land uses in this area include business, residential and religious. This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center.

Permitted uses

Under current B-N zoning: offices, retail sales, services, etc., with a gross floor area of up to 10,000 square feet.

Under proposed B-G zoning: offices, retail sales, services, etc., with a gross floor area of up to 50,000 square feet.

Adjoining zoning and uses

East (opposite side of Pilot Knob Road): zoned R-T, church.

South: zoned B-G, business.

West: zoned B-N, businesses and church.

North: zoned B-N, day care center.

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing concerning ZMA #671 M.C. Schroeder Company, Inc., applicant.

Deana Stroupe, 483 Countrytyme Lane, said she is the Vice President of MC Schroeder and they have owned that lot for over 20 years. She said they do not really have a plan, but will look at putting more office buildings on the lot.

Lee Killian spoke concerning the accident and the fact that Highway 16 was all stop and go traffic. He wanted the Board to be aware of that.

Being no additional speakers, Chairman Mitchem closed the public hearing.

CZ #2020-2 Lyfe Marine, Inc., applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 0.49-acre lot from B-N (Neighborhood

Business) to CZ B-G (Conditional Zoning General Business) to permit retail sales (including sales of boat lifts and other marine products with outdoor display and storage), a contractor's office, and other uses permitted in the B-G district. An existing 1,920-squarefoot commercial building would be utilized, with a 600-square-foot storage building proposed to be located behind it. A site plan has been submitted as part of the application, showing the proposed outdoor display and storage areas. Minutes from a Jan. 2 community involvement meeting are also included.

Retail sales of boat lifts and a contractor's office are not permitted in the B-N district, and are conditional uses in the B-G district and in the Eastern Lincoln Development District (ELLD), in which this property is located. If this rezoning request is approved, other uses permitted in the B-G district and in the ELDD would also be allowed, but not other conditional uses such as vehicle sales. Other uses permitted in the B-G district and in the ELDD without exception include business and medical offices and personal services such as a hair salon.

The subject property is located at 1873 N. NC 16 Business Hwy., on the west side of N.C. 16 Business about 350 feet south of its intersection with Lake Shore Road South. It is adjoined by property zoned B-N and R-SF (Residential-Single Family). Land uses in this area include business, residential and religious (church). This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center.

Permitted uses

Under current B-N zoning: general retail, business or medical offices, services, etc..

Under proposed zoning: retail sales of boat lifts and other marine products, contractor's office, and other uses permitted in B-G district.

Adjoining zoning and uses

East (opposite side of N.C. 16 Business): zoned R-SF, church.

South: zoned R-SF, strips of land that provides access to residential properties.

West: zoned R-SF, residence.

North: zoned B-N, businesses.

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing concerning CZ #2020-2 Lyfe Marine, Inc., applicant.

Randy Jordan, applicant, said this is not a high volume business. He said this will be his only store at the moment.

Being no additional speakers, Chairman Mitchem closed the public hearing.

Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff – John Dancoff presented information concerning a proposed Industrial Development Incentive Grant for Mid-Atlantic Roofing.

Chairman Mitchem opened the public hearing on the proposed Industrial Development Incentive Grant for Mid-Atlantic Roofing. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant with Mid-Atlantic Roofing.

**RESOLUTION TO ADOPT ECONOMIC
INCENTIVE GRANT AGREEMENT WITH (Mid-
Atlantic Roofing).**

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, (Mid-Atlantic Roofing), have developed plans for expansion of their manufacturing equipment 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, (Mid-Atlantic Roofing).

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 3rd day of February 2020.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 3rd of February 2020 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Mid-Atlantic Roofing Supply, a North Carolina corporation hereinafter referred to as (“Mid-Atlantic Roofing”).

WITNESSETH:

WHEREAS, Mid-Atlantic Roofing has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

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 Mid-Atlantic Roofing 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 February 3rd, 2020, Mid-Atlantic Roofing shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Mid-Atlantic Roofing shall make an investment upon such site in building/land and/or machinery and equipment of \$4,350,000 (the expected capital investment) of which \$4,245,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

3. Within two years of the effective date of this agreement, Mid-Atlantic Roofing shall provide at such site at least 10 new jobs paying average hourly wages of \$18.00 including benefits.

4. In consideration of the performance of the aforesaid obligations by Mid-Atlantic Roofing, the County will provide cash grants to Mid-Atlantic Roofing of \$16,527.91 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 Mid-Atlantic Roofing within 30 days after Mid-Atlantic Roofing 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. Mid-Atlantic Roofing shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by Mid-Atlantic Roofing pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by Mid-Atlantic Roofing pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. Mid-Atlantic Roofing 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, Mid-Atlantic Roofing 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.

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff – John Dancoff presented information concerning a proposed Industrial Development Incentive Grant for KACO-USA.

Chairman Mitchem opened the public hearing on the proposed Industrial Development Incentive Grant for KACO-USA. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant with KACO-USA.

**RESOLUTION TO ADOPT ECONOMIC
INCENTIVE GRANT AGREEMENT WITH (KACO-
USA).**

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, (KACO-USA), have developed plans for expansion of their manufacturing equipment 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, (KACO-USA).

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 3rd day of February 2020.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 3rd. day of February 2020 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and KACO-USA, a Delaware corporation (hereinafter referred to as “KACO”).

WITNESSETH:

WHEREAS, KACO has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

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 KACO 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 February 3, 2020, KACO shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.

2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), KACO shall make an investment upon such site in building/land and/or machinery and equipment of \$2,345,579 (the expected capital investment) of which \$1,641,905.30 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

3. Within two years of the effective date of this agreement, KACO shall provide at such site at least 3 new jobs paying average hourly wages of \$20.00 including benefits.

4. In consideration of the performance of the aforesaid obligations by KACO, the County will provide cash grants to KACO of \$6,392.76 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 KACO within 30 days after KACO 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. KACO shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by KACO pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by KACO pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. KACO 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, KACO 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.

KACO Amendment Request: UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the First Amendment to Incentive Grant Agreement for KACO-USA.

**RESOLUTION TO AMEND ECONOMIC
INCENTIVE GRANT AGREEMENT WITH KACO
USA, Inc.**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic

development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, KACO USA, Inc., known as Project Crayon in the Agreement, expanded its facility in Lincoln County as planned in its 2016 Incentive Grant Agreement, (the “Agreement”) having invested over \$8 Million in new building improvements and equipment; and

WHEREAS, KACO USA, Inc., was able to maintain full employment during a period of reduced market activity beyond its control and now has the opportunity to expand again and continue making considerable new investments in Lincoln County as encouraged by the County’s Incentive Grant Program; and

WHEREAS, Lincoln County and KACO USA, Inc., wish to amend the Agreement to support such new investment; 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 amendment to the Agreement to adjust the job creation requirement to 5 new jobs, as further described in the attached Exhibit “A” and incorporated herein by reference.
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 3rd day of February 2020.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

EXHIBIT “A”
(Amendment)

FIRST AMENDMENT TO INCENTIVE GRANT AGREEMENT

This First Amendment to Incentive Grant Agreement (“**Amendment**”) is made as of February 3, 2020 (“**Effective Date**”) between Lincoln County, a body corporate and politic authorized pursuant to the laws of the State of North Carolina (“**County**”), and Kaco USA, Inc., also known as Project Kaco, a Delaware corporation (“**Kaco**”).

A. County and Kaco, then referred to as Project Crayon in the Agreement, entered into the Incentive Grant Agreement dated December 5, 2016, (the “**Agreement**”) whereby the County gave certain cash grants to Kaco and Kaco agreed to invest in economic development and job creation in Lincoln County.

B. Kaco and County desire to amend the Agreement.

C. Any capitalized term used, but not defined, in this Amendment shall have the meaning given to that term in the Agreement.

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 3 of the Agreement is amended by deleting the same in its entirety and inserting in lieu thereof the following:

By February 16th, 2020, Kaco shall provide at such site at least 5 new jobs paying average annual wages of \$37,727.00.

2. Full Force and Effect. The terms of the Agreement shall remain in full force and effect, as amended hereby. To the extent any of the terms of the Agreement conflict with this Amendment, this Amendment shall control.

3. Counterparts. This Amendment may be executed in multiple counterparts which, when assembled, shall constitute one original. An executed counterpart delivered by e-mail or facsimile transmission shall be deemed an original.

Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff – John Dancoff presented information concerning a proposed Industrial Development Incentive Grant for Project Blade.

Chairman Mitchem opened the public hearing on the proposed Industrial Development Incentive Grant for Project Blade. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant with Project Blade.

**RESOLUTION TO ADOPT ECONOMIC
INCENTIVE GRANT AGREEMENT WITH (Project
Blade).**

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, (Project Blade), have developed plans for expansion of their manufacturing equipment 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, (Project Blade).

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 3rd day of February 2020.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 3rd of February 2020 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Project Blade, a Delaware corporation (hereinafter referred to as “Project Blade”).

WITNESSETH:

WHEREAS, Project Blade has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

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 Project Blade 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 February 3rd, 2020, Project Blade shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Project Blade shall make an investment upon such site in building/land and/or machinery and equipment of \$20,750,000 (the expected capital investment) of which \$14,745,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Project Blade shall provide at such site at least 28 new jobs paying average annual wages of \$43,292 including benefits.
4. In consideration of the performance of the aforesaid obligations by Project Blade, the County will provide cash grants to Project Blade of \$66,241.91 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 Project Blade within 30 days after Project Blade has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level II grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. Project Blade shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by Project Blade pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by Project Blade pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. Project Blade 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, Project Blade 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.

Authorizing Resolution for Project Blade: John Dancoff presented the following:

The County is applying to the NC Department of Commerce for a Building Reuse project for "Project Blade" to assist a local company to expand their operations in the County. They will invest over \$24.6 million in machinery and equipment. The County is seeking \$200,000 to loan to the company to assist in building renovations totaling \$745,943.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Authorizing Resolution for Project Blade.

AUTHORIZING RESOLUTION BY LINCOLN COUNTY

for the

North Carolina Department of Commerce

Building Reuse Program

“Project Blade”

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the renovation of a vacant building in a project described as the "Project Blade"; and

WHEREAS, the County intends to request funding assistance from the North Carolina Department of Commerce from its Building Reuse Program for the project;

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

That the County is in full support of the application and the project, if funding is received, and

That the County will arrange for a local cash match of at least 5% of the requested grant amount, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and that Kelly Atkins, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

Adopted this the 3rd day of February 2020 in Lincolnton, North Carolina.

Carrol D. Mitchem, Chairman

ATTEST:

Amy Atkins, Clerk

(Seal)

Resolution of Support for the 2020 Census – Andrew Bryant presented the following Resolution for the Board’s approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution of Support for the 2020 Census.

2020 Census Partnership

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS Lincoln County is committed to ensuring every resident is counted;

WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts;

WHEREAS information from the 2020 Census and American Community Survey is vital for economic development and increased employment;

WHEREAS the information collected by the census is confidential and protected by law;

WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents;

WHEREAS the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to insure a complete and accurate count;

WHEREAS Lincoln County and its appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community;

Now, therefore, BE IT RESOLVED that Lincoln County is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

1. Support the goals for the 2020 Census and will disseminate 2020 Census information;
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
3. Provide CCC members and Census advocates to speak to County and Community Organizations;
4. Support census takers as they help our County complete an accurate count; and,
5. Strive to achieve a complete and accurate count of all persons within our borders.

Adopted at Lincoln County, North Carolina this 3rd day of February, 2020.

LINCON COUNTY

By: _____

Carrol Mitchem, Chair
Lincoln County Board of County Commissioners

ATTEST:

Amy Atkins
Clerk to the Board

Reclassification of Position #2965 Sign Addressing Tech to Code Enforcement Officer – Candy Burgin and Andrew Bryant presented the following:

Planning and Inspection requests reclassification of position #2965 Sign Tech Addressing to Code Enforcement Officer. The Code Enforcement Officers have always served as a backup to the Sign Tech and are well trained in the area. The reclassification and merged job duties will allow for more timely installation of signs across the county as the Code Enforcement Officers complete other duties in the area. The total increase in salary and benefits is \$1,033.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the reclassification of position #2965 Sign Tech Addressing to Code Enforcement Officer.

Public Comments: Chairman Mitchem opened Public Comments.

Robert Avery, 4466 Hwy 182, asked the Commissioners to move forward with a Resolution to elect Commissioners by district before the fall election.

Linda Ostergaard, 8514 Pine Lake Road, asked the Board to update the UDO and put requirements in place so the county can grow in a reasonable and sustainable manner.

Being no additional speakers, Chairman Mitchem closed Public Comments

Resolution Ordering the Advertisement of Delinquent Real Estate Property Tax Liens – Susan Sain presented information concerning the Advertisement of Delinquent Real Estate Property Tax Liens.

The Board asked Ms. Sain to get prices from other area newspapers, including online publications, to advertise in addition to the Lincoln Times.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Resolution as presented.

RESOLUTION ORDERING THE ADVERTISING OF DELINQUENT REAL ESTATE PROPERTY TAX LIENS

THAT WHEREAS, NCGS 105.369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published one (1) time between March 1 and June 30; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property.

Passed and adopted this the 3rd day of February 2020.

BY: _____
Carrol Mitchem, Chair
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

Approval of Rachel Ray No Kill Excellence Grant in the amount of \$40,000: Hannah Beaver requested the Board’s approval to accept a Best Friends Rachel Ray No Kill Excellence grant in the amount of \$40,000 for fiscal year 2020. The money will be used by the Animal Shelter to help dogs that come in with behavior problems, or that may benefit from behavioral services such as training.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve and accept the grant as presented.

Update on Courthouse Project: John Henry gave an update on the Courthouse project, with renderings of the new building.

Update on Purchase of SWAT Equipment: John Henry gave an update on the purchase of SWAT Equipment saying the total cost for the purchase was \$259,672.55.

Request to Sell 2004 Ford F-150 truck to the Lincoln County Fire and Rescue Association: John Henry presented a request to sell a 2004 Ford F-150 with 137,428 miles to the Lincoln County Fire and Rescue Association.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to sell a 2004 Ford F-150 to the Lincoln County Fire and Rescue Association.

Vacancies/Appointments: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to make the following appointments:

- **ABC Board**
 1. **Tom Anderson (start date 3/1/20)**
 2. **Appoint Gene Poinsette as chair (start date 3/1/20)**

- **Airport Authority**
 1. **Appoint Worth Roberts (start date 2/1/20)**
 2. **Appoint Tom Anderson as Chairman**

- **Board of Animal Appeals**
 1. **Appoint Rodney Karnes as alternate**
 2. **Reappoint Link Grass**
 3. **Reappoint Lester White**
 4. **Reappoint Robin Franklin**
 5. **Appoint Mark Connolly as Regular member**

- **Community Friends Corp.**
 1. **Appoint Erma Deen Hoyle to Ironton Township**

- **Lincolnton City Planning Board – ETJ position**
 1. **Appoint Steve Silva**

- **Recreation Commission**
 1. **Reappoint Karen Duncan (Northbrook Township)**
 2. **Appoint Nolan Nance (Northbrook Township)**
 3. **Appoint Kate Turnure (Howard’s Creek Township)**
 4. **Reappoint Todd Stempien (Lincolnton)**
 5. **Appoint Nick Maurizio (At Large)**
 6. **Appoint Todd Downey (Catawba Springs)**

Other Business: Mr. Atkins informed the Board that the joint meeting with the Board of Education has been rescheduled to February 27, 2020 at 6:00 PM.

Closed Session: UPON MOTION by Commissioner Permenter, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11.(a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged

The Board returned to open session and Chairman Mitchem announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners