

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 7, 2015

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 7, 2015, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Cecelia A. Martin, Chairman
Carrol Mitchem, Vice Chair
Martin Oakes
Alex E. Patton
Bill Beam

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
Jeffrey Todd Burgin
John Dancoff
Floyd Dean
Jamie Houser
Keith Johnson
Greg Smith
Andrew Robinson

Others Present:

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

Call to Order: Kelly Atkins, County Manager, called the meeting to order and welcomed everyone to the meeting. He called for a Moment of Silence and led in the Pledge of Allegiance.

Election of Chair: Mr. Atkins called for nominations for Chair.

Commissioner Mitchem nominated Cecelia Martin for Chair. Being no other nominations, Mr. Atkins closed nominations and called for a vote, which was unanimously approved.

Election of Vice Chair: Chair Martin called for nominations for Vice Chair.

Chair Martin nominated Carrol Mitchem for Vice Chair. Being no other nominations, she closed nominations and called for a vote. Vote: 4 – 1 (Oakes against)

Chair Martin appointed Commissioner Patton as the new Appointments Coordinator.

Adoption of Agenda: Chair Martin presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, December 7, 2015
6:30 PM

James W. Warren Citizens Center
Auditorium
115 West Main Street
Lincolnton, North Carolina

Call to Order - Kelly Atkins, County Manager

Pledge of Allegiance

Election of Chairman

Election of Vice-Chair

1. Adoption of Agenda

2. Consent Agenda

- Tax Request for Refunds over \$100 - October 19 - November 1, 2015
- Vehicle Tax Refunds over \$100 for September 2015
- CDBG (Community Development Block Grant) Status Updates
- Sponsored Group Status - First Baptist Church - Upward Sports Ministry Awards Celebration
- Waived fees - Toys for Tots Pageant
- Declaration of Intent to Reimburse (Wastewater Treatment Plant Expansion Project)
- Declaration of Intent to Reimburse (Landfill Cell Expansion Project)
- Waived fees - Special Events/Mass Gathering - Cat Square Christmas Parade
- Resolutions 2015-28 - 31: Resolutions Honoring Eagle Scouts

3. Zoning Public Hearings - Randy Hawkins

PD #2015-2 Whitehouse Park, LLC, applicant (Parcel ID# 00426 and 00427) A request to rezone 101 acres from I-G (General Industrial) to PD-MU (Planned Development Mixed Use) to permit a sports training and event complex – including a school and dormitory, motocross and BMX tracks, indoor sports area, swimming and diving pools, recreational vehicle spaces and support services – a hall for special events and meetings, and space for light manufacturing, storage and offices. The proposed site is located at 288 Whitehouse Drive, on

the west side of Maiden Highway about 700 feet north of Horseshoe Lake Road, in Lincolnton Township.

PD #2015-3 Eastwood Homes, applicant (Parcel ID# 32663, 33004, 34511, 34512, 54013, 58901, 77175 and portions of 30054 and 51301) A request to rezone 151 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with 302 lots for single-family homes. The property is located on the east side of N.C. 16 bypass about 1,500 feet south of South Pilot Knob Road and includes portions of Freemont Lane and Avenel Lane.

CZ #2015-2 Landmark Self Storage, applicant (Parcel ID# 25094) A request to rezone 1.3 acres from R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit the expansion of a self-storage facility. The property is located at 5465 E. NC 150 Hwy. in Ironton Township.

CUP #349 SCI Towers, LLC, applicant (Parcel ID# 90500) A request for a conditional use permit to erect a 170-foot telecommunications tower in the R-SF (Residential Single-Family) district. The proposed site is a 12.4-acre tract located at 8165 Webbs Road in Catawba Springs Township.

CUP #350 Robert Wise, applicant (Parcel ID# 59489) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The proposed 1.0-acre site is located at 7593 Townsend Drive in Catawba Springs Township.

WSCUP #20 Tenowo, Inc., applicant (Parcel ID# 53348) A request for a conditional use permit to exceed 36% impervious surface area in the South Fork/Catawba River WS-IV Protected Area as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing a three-phase expansion of a manufacturing facility that would result in a 53.2% impervious surface area. The 16.65-acre site is located at 1968 Kawai Road in Lincolnton Township.

The Commissioners will recess and continue the meeting in the Commissioners' Room, 3rd floor

4. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown

Motion to approve Resolution #2015-34: Resolution to Adopt Economic Incentive Grant

6. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown

Motion to approve Resolution #2015-35: Resolution to Adopt Economic Incentive Grant

7. Lincolnton Smart Growth Incentive Grant (SGIG) and motion to adopt Resolution #2015-33: Resolution Approving the Lincolnton Smart Growth Incentive Grant Policy - Vicki Davis, Director Lincolnton Business and Community Development

8. Resolution #2015-32: Resolution to Consent to Sale - Craig Goodson, LEDA New Business Manager
9. Other Business

Adjourn

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt as presented.

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

- Tax Request for Refunds over \$100 - October 19 - November 1, 2015
- Vehicle Tax Refunds over \$100 for September 2015
- CDBG (Community Development Block Grant) Status Updates
- Sponsored Group Status - First Baptist Church - Upward Sports Ministry Awards Celebration
- Waived fees - Toys for Tots Pageant
- Declaration of Intent to Reimburse (Wastewater Treatment Plant Expansion Project)
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- Waived fees - Special Events/Mass Gathering - Cat Square Christmas Parade
- Resolutions 2015-28 - 31: Resolutions Honoring Eagle Scouts

*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

New Business/Advertised Public Hearings:

Chair Cecelia Martin asked for speakers on Planned Development and Conditional Zoning cases to limit their speech to 3 minutes or 5 minutes if speaking on behalf of a group.

PD #2015-2- Whitehouse Park, LLC, applicant: Andrew Bryant presented the following:

The applicant is requesting the rezoning of 101 acres from I-G (General Industrial) to PD-MU (Planned Development Mixed Use) to permit a sports training and event complex – including a school and dormitory, motocross and BMX tracks, indoor sports area, swimming and diving pools, recreational vehicle spaces and support services – and a hall for special events and meetings and space for light manufacturing, storage and offices. A site plan and a report have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning is approved.

The property is located at 288 Whitehouse Drive, on the west side of Maiden Highway about 700 feet north of Horseshoe Lake Road, in Lincolnton Township. It is adjoined by

property zoned R-S (Residential Suburban), R-SF (Residential Single-Family), I-G and GMC (General Manufacturing and Commercial, one of Lincolnton's zoning districts). Public water and sewer are available at this location. Approximately half of this property is located in a 100-year floodplain. Land uses in this area include residential and industrial. This property is designated by the Lincoln County Land Use Plan as industrial, for manufacturing/industrial and warehousing uses.

Commissioner Oakes said it has been reported by the press that the motocross could be built on this site since it is already zoned Industrial General. He asked Mr. Bryant if this information is correct. Mr. Bryant said this is not correct, under the General Industrial Zoning District, the race track would have to be a conditional use permit.

Commissioner Mitchem asked what could be put there by right. Mr. Bryant reviewed the list of uses permitted in General Industrial Zoning, which include an assortment of manufacturing type uses, warehousing, storage, assembly of materials, and many industrial projects.

Mr. Bryant said that essentially everything that is being proposed as part of this would either require some sort of Conditional Use Permit to be issued on the property under the General Industrial zoning or a rezoning to another zoning district. There is no zoning district that would be inclusive of all the uses proposed in the application.

Under the conditional zoning process, which this falls under, additional conditions can be given to the applicant and they would have to comply with them.

Commissioner Mitchem said he understands this will be developed in phases. He asked Mr. Bryant to explain the phases.

Mr. Bryant said the applicant has proposed a phasing plan that would consist of three phases to be built out over 24 to 36 months. The first phase includes the indoor sports and indoor special events area, as well as the design and consultation for the classrooms, dormitories and the associated racing tracks. After phase 1 is completed, phase 2 would begin with the construction of classrooms, dormitories and the associated tracks. Phase 3 would be the indoor aquatic facilities that are associated with the proposal.

Commissioner Mitchem said as he understands the proposal, this will be only for the students attending the school. He asked if there were any plans to open this facility to the public.

Mr. Bryant said the application does not specify if it is open to the public. He said this question should be directed to the applicant.

Chair Martin opened the public hearing concerning PD #2015-2 – Whitehouse Park, LLC, applicant.

Brittan Schnell, applicant, said Whitehouse Park is an educational training facility for youth athletes, a non-profit school for extreme sports students who will utilize Liberty University with curriculum to achieve both high school, 2 year and 4 year college degrees. Their sports and aquatic areas will be utilized by area schools and clubs to use for practice and tournaments. There are no indoor pool areas in the county currently that can host swim meets and North High has to rent a pool in Shelby when they host an event and Lincoln Charter goes to Huntersville. There will be an educational facility for those students that fit into an untraditional education. It will also be a facility which wishes to integrate with the local public and charter schools as well and additional clubs that have a place for these students to practice and compete with basketball, volleyball, archery, wrestling, and various other sports.

Mr. Schnell said the White House Plant was built around 1970 on land purchased from the Carpenter family on Business 321. Many years it produced apple sauce, apple juice and vinegar. The plant shut down in 2009 and has been mostly vacant. He said they are very excited about revitalizing this plant into what will be a world-class facility.

Mr. Schnell said he has learned a lot about sound in the last few months. He said there will be some students training in motocross and this is where the sounds would come from. He said the American Motorcycle Association dictates that all competition bikes cannot exceed 94 decibels at a distance of 1 meter and they are tested at these events. As a principle of physics, the sound pressure level decreases 6 dB, on a Z-weighted (i.e., unweighted scale, each time the distance from the point source is double. Mr. Schnell explained that if you go out one thousand feet, that 94 decibels drops to 45 decibels and if you go two thousand feet, it drops to 39 decibels.

He said they are speaking in the 60 decibel range at this meeting.

Mr. Schnell presented information concerning sound comps done at various points around the area. At the 321 interchange at exit 28, it averages 76 decibels with the trucks and traffic. Right outside the solar farm on Business 321, it averages 56 decibels. At the Park Circle neighborhood, it averages 49 decibels at 8:00 a.m. By the school bus garage, it averages 67 decibels of traffic going by.

The closest neighbor to the motocross track would be Clint Hennessee on Park Circle. Based on where the track would be laid out, measuring from to the corner of his house would be 1200 feet. A 94 decibel bike, making that turn, but the time the sound reached his house, it would be 44 decibels.

Mr. Schnell said they are self-imposing sound restrictions that are in the application. He said they would be curtailing any riding on the motocross track in early evening and also there will be no riding on Sundays before 12:00 PM. He said there will be up to 4 events per year and some of them will be on weekdays and some weekends. Softball and baseball tournaments are typically held on weekends.

Todd Burgin, Planning Board member, asked if everything in the application was correct. Mr. Schnell said that it is.

Commissioner Beam asked if someone could have a conversation with a 94 decibel motorcycle beside them. Mr. Schnell measured the decibels of their conversation is in the 70's and that yes, they could have a conversation with a 94 decibel motorcycle beside them.

Commissioner Patton asked how many bikes will be running at one time. Mr. Schnell said only a percentage of the kids will be in motorcross. He said maybe 10 or 12 bikes at a time will be going.

Christine Poinsette, Planning Board Chair, asked if White House, LLC is a group of people or just himself. Mr. Schnell, said the LLC is a limited liability corporation and they primarily have 2 other partners in the corporation.

Keith Johnson, Planning Board, asked Mr. Schnell to share the contract for lease or purchase of the property. Mr. Schnell said he will ask his attorney if this can be shared.

Mr. Burgin asked if some events will be 7 straight days of racing. Mr. Schnell answered that there is one event that is held, where you have 20-some classes, that start on Monday, racing during the day and finish up on Saturday.

Mr. Burgin said in the application it states that special events, such as school proms may be held there. He asked if Mr. Schnell had contacted anyone from the school. Mr. Schnell said he met with Dr. Hoyle concerning the facility and the idea was brought to him about having proms there.

Keith Johnson asked who can use the track if it is built. Mr. Schnell said it is primarily for the students enrolled in the school, but they will have ride days occasionally to showcase the property. Other people would be able to come in and see the facility for prospective students. Mr. Johnson asked if someone could come in and pay a fee to ride. Mr. Schnell said on open ride days that is typically what is done.

Commissioner Mitchem asked if this is a recreational facility for the citizens of Lincoln County and surrounding area to use. He asked if Little Johnny and he could take his motorcycles and go ride. Commissioner Mitchem said the sound of the motorcross is what most people are against. Mr. Schnell said there would be times for open ride days to showcase the property so if you came out there with proper equipment and proper motorcycle, signed liability waivers, then you could go out and ride on the motorcycle track for a fee. He said there will also be mountain bike trails, cross country trails and some other things and there will likely be a nominal membership fee.

Commissioner Mitchem asked the qualifications to get into the school. Mr. Schnell said this will be through Liberty University, typically a lot of these students are homeschooled now so this will be an opportunity for them to come in a structured classroom environment. He said the tuition is around \$600 per month.

Keith Johnson asked how many open ride days Mr. Schnell anticipated having. Mr. Schnell said there could be 50 the first year, once per week or so. Mr. Johnson asked if these motorcycles will be tested before they are allowed on the track for the open ride days. Mr. Schnell said non-competition bikes will not be allowed on the track.

Todd Burgin asked what the process is for testing bikes. Mr. Schnell said there will be a meter set up on the track line, one meter from it, and it cannot exceed 94 decibels.

Christine Poinsette asked how many people would typically come to a regional meet and if they would stay in campers on the site. He said they would stay in campers on site and it depends on how popular the events were as to the amount of people.

Mrs. Poinsette asked if there would be enough parking there for events and motorhomes. Mr. Schnell answered that there would be enough parking, they have worked with Planning staff to make sure there is parking.

Commissioner Beam asked if there would be medical staff on site full time. Mr. Schnell said they are working with staff to develop an emergency and safety plan so that there is an ambulance there full time for the events and there will be a staff EMT.

Keith Johnson said the proposal said there will be 16 motor home spaces, he asked what will happen if more than 16 people want to hook up there. Mr. Schnell answered that the 16 spaces are for the students and their families. Mr. Johnson asked how long students could keep RVs on the property. Mr. Schnell said that was one of the reasons he asked for this change was so you could have those students on site with RVs. Mr. Johnson mentioned limiting the amount of days a RV could be on site.

Mr. Johnson asked if this would be a day and boarding school. Mr. Schnell said the students will be full time students and the students will not have to live there.

Mr. Burgin asked how dust would be managed with regards to the closest neighbors. Mr. Schnell said that to handle the wastewater from the apple products made there, Whitehouse built a 2 million gallon retention pond there and a 300,000 gallon stainless steel tank so all that water comes into there and there is a full grid work of sprinkler heads in the entire field where the track will be located. If you flip a switch, the entire field will be watered.

Mr. Burgin asked who will own this facility. Mr. Schnell said Whitehouse Park LLC is the parent company that would own the facility. The school will be set up as a 501 and will be a tenant of the property.

Floyd Dean asked if motorcycle startup is the loudest time at an event. Mr. Schnell said when all the bikes take off, that is the loudest time.

Mr. Dean asked if there was a noise test done with all the bikes moving. Mr. Schnell said he had a meter with him at an event in Florida and it was 104 decibels at start, and dropped to in the 70s as they spread out on the track, and he was right at the track.

Mr. Dean said the sound study said the information presented showed the noise from 321 was 78 decibels. He asked if this would be similar to when the bikes are going around the track. Mr. Schnell said this is correct, except at the start.

Justin Sevine, Director of Admissions for Liberty University's online academy, said in 2007 they started offering K-12 education. These students at Whitehouse will be enrolled full time academically with Liberty, but will do independent study at Whitehouse. He said they are fully accredited, the same as the local public schools. Mr. Sevine said they would have no staff on site, everything would be submitted online and graded online.

Ron Elmore, Senior Business Counselor for the Small Business Technology Development Center for North Carolina, said his role in this project is to provide business guidance for startup companies. He said in ranking projects in their region, this is number one as far as positive economic impact from western NC down to Charlotte.

Commissioner Oakes asked for examples of facilities like this in the area, but Mr. Elmore did not know of any.

Harold Merck, consultant with Merck Hill Associates, said the key finding with this proposed project is that based on the projected noise levels seen on the inner circle, you are reaching around 45 dba at the property boundaries, some exceed a little. He said to put in perspective, 45 dba is relatively low, particularly in a semi rural or urban type area. He said this is a pretty good indication that the levels are dropping off by the time they leave this property. He said since this is limited to daytime only, it should not impact people sleeping.

Floyd Dean asked about the noise levels on this site versus the noise levels from 321. Mr. Merck said short of a major event with 40 to 50 bikes on the track, the levels on a daily basis to the nearest home would be 45 decibels. 321 is a greater distance from those homes and could not be heard, but there are other variations of traffic levels.

Mr. Dean asked if the churches located in the area would be impacted by this use if there were events on Sunday morning. Mr. Merck said he did not expect the churches to be impacted.

Greg Smith asked if the decibel levels end up exceeding what is expected if anything can be done to mitigate the noise. Mr. Merck said they always encourage planting and doing things around the track so there won't be continuous exposure. He said he has not suggested any mitigation yet until the project has been approved.

Paul E. Haynes, III, speaking for the Hickory Grove Residents and the Paul E. Haynes Farm, addressed three major concerns he had about this proposed plan – noise, property

value, and the effects on cattle. He presented information on cases concerning other motorcycle tracks, in which neighbors abandoned their homes because of the noise levels.

Todd Burgin asked if Mr. Haynes has spoken to anyone near Al Lane's track in Iron Station and said it may be a good idea to do that.

Scott Mann, Pastor of New Vision Church, said the applicants have not presented facts or tests on sound. He said his church has services outside and inside, graveside services, and he is afraid of the sound impact from this track. He said he is all about growth, but he has not seen enough information to show this is a good impact on our county. He asked the Board to put themselves in the property owner's shoes.

David Ledford spoke concerning the UDO restrictions concerning buffers, the Noise Ordinance and the irrigation system, which the State said was contaminated. He asked the Board to take into account the fact that this use would not be considered under current zoning.

Andrew Bryant addressed Mr. Ledford's concerns with the UDO.

Clint Hennessee said he lives on Park Circle, 455 feet from the proposed property to one corner of his property according to GIS and it is 800 feet from his children's window to the track. He said he is concerned they will be impacted from the noise, dirt and emissions from the track. Mr. Hennessee spoke about his concerns about the decibels from this track and about property values decreasing due to this track.

Keith Hunter spoke opposing the track as proposed. He said he grew up in Lincolnton, left for college and returned to raise his family. He said peace is essential for everyone and this track threatens his wife's daycare. Mr. Hunter said he was concerned about the safety of this proposal due to the traffic already on that highway and the blind spot. He asked the Board to think about what the neighbors will have to deal with on a daily basis.

Commissioner Mitchem asked everyone in support of this project that lives in Lincoln County to stand up.

Julius Barkley said he grew up in Lincoln County and left Lincolnton for a job. He said he plans to move back there in 4 years. He voiced concerns about noise from the motorcycles. He said he owns the property and is not making a choice to buy a home beside an existing motorcycle track. He presented information on decibels – saying 90 decibels is 4 times louder than 70 decibels.

Paul Haynes said he would like to see the whole group that is planning this project. He said these plans do not make any sense due to the fact that there are 2 gyms at every high school. He said he attends McKendree Church and the noise will occur during funerals. He presented a letter concerning the safety of his cattle and said this will end his cattle

operation. He asked the Board to not take away his peace at his home. Mr. Haynes asked the Board if they would want this in their neighborhood.

Teresa Fifield spoke about contamination from dirt bikes and damage to respiratory and hearing from them.

Robert Tomlinson said he lives in town and the noise from Hog Happening is awful. He asked why the applicants don't build this where they live. He asked the Board to consider if they would want this in their neighborhood.

Being no additional speakers, Chair Martin declared the public hearing closed.

Chair Martin called for a brief recess and then called the meeting back to order.

PD #2015-3 Eastwood Homes, applicant: Randy Hawkins presented the following information:

The applicant is requesting the rezoning of 151 acres from R-T (Transitional Residential) to PD-R (Planned Development Mixed Use) to permit up to 302 single family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-T district. A concept plan and guidelines for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A traffic impact analysis has also been submitted.

SITE AREA AND DESCRIPTION

The property is located on the east side of N.C. 16 bypass about 1,500 feet south of South Pilot Knob Road and included portions of Freemont Lane and Avenel Lane. It is adjoined by property R-T and PD-MU (Planned Development Mixed Use, specifically the single-family portion of The Gates at Waterside Crossing). Land uses in this area include residential and agricultural. A solar farm has been approved for the adjoining property to the south. Public water and sewer are available in this area. This property is located in a WS-IV Protected Area watershed district. None of the property is located in a floodplain.

PLAN CONFORMANCE

This property is part of an area designated by the Lincoln County Land Use Plan as Mixed Residential, suitable for densities ranging from 2 to 8 units per acre, proportional to the amount of open space preserved. The proposed density is 2 homes per acre, with 25% open space.

UDO COMPLIANCE

Under the UDO's watershed regulations, the maximum density for subdivisions in a WS-IV Protected Area is two homes per acre if streets include curb and gutter, as is proposed in this case. The UDO requires that a planned development include a minimum of

12.5% recreation and open space. Subdivisions with more than 250 lots are required to have at least two access points plus a stub-out for a future connection point. This proposal calls for an access point on N.C. 16 Business, a connection via Avenel Lane to Sedgebrook Drive West for access to South Pilot Knob Road, and a stub-out that would allow a future connection to South Pilot Knob Road. The plan also complies with the UDO's subdivision standards for internal connectivity, block length and cul-de-sac length.

The UDO requires an applicant to provide road improvements to maintain the service level of an intersection if it is impacted by a proposed development. In this case, the traffic analysis identifies four intersections that would be affected and recommends improvements to mitigate the impacts. NCDOT has reviewed the traffic study and is in agreement with the findings and recommendations. The applicant has included the recommended improvements in the guidelines for the development.

Staff recommends that the rezoning request be approved.

Chair Martin opened the public hearing concerning PD #2015-3-Eastwood Homes, applicant.

Steve Bailey, with ESP Associates, presented plans for Carrington Subdivision, which will be developed and built by Eastwood Homes, a Charlotte based company. He said the Ordinance Planned District requires 12.5% open space and they are proposing double that as a minimum. Planned Districts require a perimeter buffer around the entire property. Amenities including playgrounds, picnic tables, swimming pool, and pedestrian trails will be included. Street trees will be placed and several road improvements will be included. The subdivision will be 151 lots.

The following traffic improvements will be made:

Access will be provided via two main entrances on S. 16 Business Hwy and Avenel Lane.

- a. Phase I (49 units) Improvements: NC 16 Business at Site Entrance
 - Southbound: Construct a southbound left-turn lane on NC 16 Business with 150 feet of storage and appropriate deceleration and taper lengths. Install milling / resurfacing as required by NCDOT.
 - Westbound: Construct the site entrance with two exit lanes. The right-turn exit lane should have a 100 feet storage and appropriate deceleration and taper lengths. NC 16 Business at S Pilot Knob Road (by Cottonwood Village)
 - Northbound: Construct a northbound right-turn lane on NC 16 Business with 125 feet of storage and appropriate deceleration and taper lengths.
- b. Phase II (115 units) Improvements: NC 16 Business at Waterside Crossing Blvd

- Southbound: Revise the existing pavement markings to provide a through lane and a leftturn lane with 150 feet of storage and appropriate deceleration and taper lengths.
- Northbound: Revise the existing pavement markings to provide a center TWLT lane between the Advanced Auto Parts Entrance and the Waterside Crossing Blvd intersection. Install roadway widening as needed to maintain a minimum of 100' northbound right-turn lane. NC 73 at NC 16 Business
 - Northbound: Construct a northbound through/right-turn shared lane with 175 feet of storage and appropriate deceleration and taper lengths.
 - Signal: Install signal upgrades to accommodate the proposed lane assignments.
- c. Phase III (138 units)

c. Full Buildout Improvements: NC 73 at NC 16 Business (full buildout site trips represent 3%+/- of peak hour demands)

- Northbound: Revise the northbound pavement markings to provide an exclusive left-turn lane, a left-turn/through shared lane, and through/right-turn shared lane.
- Southbound: Remove and reconstruct the right-turn channelizing island so that the southern edge of the island is shifted 12' north of the existing location. Repave and install new pavement markings as needed after the island removal. Install a new stop line for the southbound right-turn lane.
- Westbound: Extend the existing right-turn lane by approximately 150' to the eastern entrance of the Kangaroo gas station (to provide 320'+/- of storage), and revise the pavement markings to convert the right-turn lane to a through/right-turn shared lane.
- Signal: Install signal upgrades to accommodate the proposed lane assignments, provide split phasing for the northbound and southbound approaches, and signalize the southbound right-turn movement with permitted/overlap (with eastbound left-turn) phasing. NC 73 at Pilot Knob Road (site trips represent 4%+/- of peak hour demands)
- Northbound: Construct a northbound right-turn lane with 230 feet of storage and appropriate deceleration and taper lengths.
- Westbound: Extend the existing left-turn lane by approximately 110 feet to provide a total of 275 feet of storage with appropriate deceleration and taper lengths.
- Signal: install signal upgrades to accommodate the proposed lane assignments, provide protected/permissive signal phases for the westbound left-turn and southbound left-turn movements, and provide permitted/overlap phasing for the northbound right-turn movement. NC 16 Business at S Pilot Knob Road (full buildout site trips represent 14%+/- of peak hour demands)
- Signal: Install an actuated traffic signal at this intersection with appropriate signal heads, poles, loop detectors, junction boxes, etc. Signal warrant analysis shall be performed before the signal installation, and the signal installation must be approved by NCDOT.

Joan Elliott spoke concerning traffic in The Gates and the safety of residents with this neighborhood coming in.

John Stewart, President of The Gates 2 Homeowners Association, spoke concerning the pass through traffic in their neighborhood. He asked for the condition to be placed that the construction traffic not pass through The Gates 2 Subdivision.

Ryan Winston said there were initially 3 entrances to this neighborhood and asked why they needed the third one.

Being no additional speakers, Chair Martin closed the public hearing.

CZ #2015-2 Landmark Self Storage, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 1.3-acre lot from R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit the expansion of a self-storage facility. A site plan has been submitted as part of the application. A self storage facility is a conditional use in the B-G district.

The property is located at 5465 E. NC 150 Hwy. in Ironton Township. It is adjoined by property zoned R-S and CU B-G (Conditional Use General Business). Land uses in this area included residential and business. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Chair Martin opened the public hearing concerning CZ #2015-2 – Landmark Self Storage, applicant.

Mark Robinson, applicant, said all of the project will be built based on the UDO. He said he would be happy to answer any questions.

Being no additional speakers, Chair Martin closed the public hearing.

CUP #349 – SCI Towers, LLC, applicant: Jeremiah Combs presented the following:

The applicant is requesting a conditional use permit to erect a 170-foot telecommunications tower in the R-SF (Residential Single-Family) district. Under the Unified Development Ordinance, a telecommunications tower in excess of 60 feet and no greater than 325 feet is a conditional use in the R-SF district, subject to certain standards.

SITE AREA AND DESCRIPTION

The proposed site is a 12.4-acre tract located at 8165 Webbs Road. It is adjoined by property zoned R-SF, PD-R (Planned Development-Residential) and I-G (General

Industrial). Land uses in this area include residential, agricultural and industrial. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

ORDINANCE STANDARDS

Wireless telecommunications facilities are classified under civic uses. The Unified Development Ordinance sets the following standards for such facilities:

§4.3.7 Wireless Telecommunication Facility

A. The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Accessory structures and equipment must meet all applicable standards of this UDO.

B Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.

C. Minimum tower setbacks shall be as follows:

1. From all lot lines and public right-of-ways, a distance equal to the tower's fall zone, as certified by a licensed professional engineer in the State of North Carolina, plus 20 feet; and

2. From any residential use, a distance of its height plus 50 feet, unless the owner of the use waives this requirement by a notarized affidavit.

D. The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.

E. Unless otherwise restricted, the height of a tower is limited per §2.2.1, Use Table. Antennae or equipment mounted on a building must meet the height requirements of §2.4.

F. A tower must not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.

G. The color of a tower and its antennae shall be one that will blend to the greatest extent possible with the natural surroundings.

H. No commercial signs or advertising shall be allowed on any tower, antennae, accessory structure or equipment.

I. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.

J. Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days. The County shall require financial guarantees in accordance with §5.10 to guarantee removal of abandoned equipment in compliance with the requirements of this subsection.

K. Telecommunication/transmission towers shall not be constructed unless the tower owner has general liability coverage of at least \$1,000,000. The owner of the tower shall provide the County with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the County 30 days prior to the cancellation, modification or failure to renew the insurance coverage required. Lapse of this insurance shall be deemed by the County to be sufficient grounds to revoke the applicable County permits.

Chair Martin opened the public hearing concerning SCI Towers, LLC, applicant.

Stephanie Mullen said she lives in the Lakewood Subdivision. She said they will be looking at the cell phone tower and asked that they make the tower look like a tree.

Curt Parker, Project Manager for the site, presented information concerning the request. He said coverage in the area is not what Verizon would like for it to be.

Floyd Dean asked if they have built towers that look like trees. Mr. Parker said they have built them, but he believes those stick out more than towers.

Keith Johnson asked if Mr. Parker has reviewed the application and if everything contained in it is accurate. Mr. Parker said he prepared the application and everything is true and correct.

Lee Chapman said he is here to answer any questions.

Michael Berkowitz presented his findings concerning property values in the area. His conclusion is that this project will damage or decrease surrounding property values.

Cindy Sherrill said she is the fourth property that faces this property. She said she will look right at this from her back yard. She said her neighbors agree that they do not want this.

Joey Walls said he owns a \$600,000 home and the last thing he wants to see is a cell phone tower out his front door.

John Bayne said his lot is 2 down from this property. He said he uses Verizon all the time and the signal is fine.

Being no additional speakers, Chair Martin declared the public hearing closed.

CUP #350 – Robert Wise, applicant: Jeremiah Combs presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. Under the Unified Development Ordinance, vehicle sales is a conditional use in the I-G district.

The proposed site is a 1.0-acre parcel located at 7593 Townsend Drive in the Triangle Industrial Park. The property is adjoined on all sides by property zoned I-G. Land uses in this area include industrial, business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

Chair Martin opened the public hearing concerning CUP #350 – Robert Wise, applicant.

Robert Wise, applicant, said his business sells used lights, speakers, etc for emergency vehicles and is mostly an internet based business. He said it will probably be ten or less per year. He said the vehicles will be displayed outside.

Being no additional speakers, Chair Martin closed the public hearing.

WSCUP #20 – Tenowo, Inc., applicant: Josh Grant presented the following:

The applicant is requesting a conditional use permit to exceed 36% impervious surface area in the South Fork/Catawba River WS-IV Protected Area as a special nonresidential intensity allocation under the 10/70 option. The applicant is proposing a three-phase expansion to an manufacturing facility that would result in a 53.2% impervious surface area. (Under the watershed regulations section of the Unified Development Ordinance, the impervious surface area that existed prior to January 1, 1994, when the regulations went into effect, is excluded from the calculations.) Under the 10/70 option, 10 percent of the acreage in a watershed district may be developed with new nonresidential projects having up to 70% impervious surface area.

Approval is on a project-by-project basis, subject to the approval of a conditional use permit by the Board of Commissioners. One of the findings of fact that must be made in approving a permit for a special nonresidential intensity allocation is that the project will substantially increase the county's tax base or otherwise significantly promote or expand economic development and/or job opportunities.

The South Fork/Catawba River watershed district in which this property is located covers 12,281 acres. Of the 1,228 acres available for allocation under the 10/70 option, a total of 4.1 acres has previously been allotted. If Tenowo's permit request is approved, 1,207 acres would be available for future projects.

Unlike the high-density option, which is available only in the Catawba/Lake Norman watershed district, the 10/70 option doesn't require that projects meet standards for treating stormwater runoff (a minimum of 85 percent average annual removal for total suspended solids). Those standards are typically met by means of a wet pond with a permanent pool of water.

In this case, the site plan submitted as part of the application calls for a dry pond to detain and release water to manage runoff from storm events.

The 16.65-acre site is located at 1968 Kawai Road in the Indian Creek Industrial Park in Lincolnton Township. The property is zoned I-G (General Industrial) and adjoined by property zoned I-G and R-T (Transitional Residential). Public water and sewer are available at this location. Land uses in this area included industrial, agricultural and residential. This property is part of area designated by the Lincoln County Land Use Plan as industrial.

Chair Martin opened the public hearing concerning WSCUP #20 – Tenowo, Inc., applicant.

Dennis Williams presented information concerning WCUP #20, saying the proposed expansion will be in 3 phases.

Rebecca White spoke against WSCUP #20 due to the fact that she already has damaged property from stormwater runoff.

Commissioner Oakes if water and sewer could be brought to Ms. White's property.

The Board recessed their meeting and moved to the 3rd floor Commissioners Room.

The Planning Board continued their meeting in the Auditorium.

Public Comments: Chair Martin advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Being no speakers, Chair Martin closed public comments.

Public Hearing – Industrial Economic Incentive Grant – Cataler North America:
Kara Brown presented the following information:

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 7th day of December, 2015 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Cataler North America, a North Carolina corporation (hereinafter referred to as "Cataler").

WITNESSETH:

WHEREAS, Cataler 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 Cataler 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 8th, 2015 Cataler 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.), Cataler shall make an investment upon such site in building/land and/or machinery and equipment of \$4,034,329 (the expected capital investment) of which \$2,824,030.30 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Cataler shall provide at such site at least 4 new jobs paying average weekly wages of \$1137.60 including benefits.

4. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$11,215.64 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 Cataler within 30 days after Cataler 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. Cataler 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 Cataler 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 Cataler 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. Cataler 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, Cataler 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.

Cataler North America

By: _____
President

LINCOLN COUNTY

By: _____
Cecelia Martin, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH (CATALER NORTH AMERICA).**

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, (Cataler North America), has 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, (Cataler).

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 7th day of December, 2015.

Cecelia Martin, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

Chair Martin opened the public hearing concerning an Economic Industrial Grant with Cataler North America.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Cataler North America.

Public Hearing – Industrial Economic Incentive Grant – Tenowo: Kara Brown presented the following information:

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 7th day of December, 2015 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Tenowo, a Delaware corporation (hereinafter referred to as "Tenowo").

WITNESSETH:

WHEREAS, Tenowo has developed plans for the installation of manufacturing equipment and facility expansion 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 Tenowo 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 8th, 2015, Tenowo shall begin installation of equipment and machinery and a facility 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.), Tenowo shall make an investment upon such site in machinery and equipment of \$12,500,000, of which \$10,250,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Tenowo shall provide at such

site at least 4 new jobs paying average weekly wages of \$600.00.

4. In consideration of the performance of the aforesaid obligations by Tenowo, the County will provide cash grants to Tenowo of \$46,417.13 per year for a seven-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Tenowo within 30 days after Tenowo 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 2 grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. Tenowo 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. In the event that the value of the investment actually made by Tenowo 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.

7. Tenowo 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, Tenowo 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.

Tenowo

By: _____
President

LINCOLN COUNTY

By: _____
Cecelia Martin, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

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

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, (Tenowo), have developed plans for expansion of their 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, (Tenowo).

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 7th day of December, 2015.

Cecelia Martin, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

Chair Martin opened the Public Hearing. Being no speakers, Chair Martin closed the public hearing.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Tenowo).

Lincolnton Smart Growth Incentive: Vicki Davis, Director of Lincolnton Business and Community Development Department, presented the following:

**RESOLUTION # 2015-33 APPROVING THE
LINCOLNTON SMART GROWTH INCENTIVE
GRANT POLICY**

WHEREAS, Lincoln County desires to provide encouragement and incentives to renovate certain historic buildings in downtown Lincolnton; and

WHEREAS, the County believes that renovation incentives can increase the tax base within the County and provide additional jobs within the County, and can provide further benefits to the public at large; and

WHEREAS, the County desires to enter into the below-described “Lincolnton Smart Growth Incentive Grant Policy” in order to increase the County’s tax base, to provide additional jobs within the County, and to provide economic benefits to the citizens of the County.

BE IT RESOLVED by the County of Lincoln that the following policy entitled **Lincolnton Smart Growth Incentive Grant** is adopted as follows:

Sec. 1. Definitions.

The following words, terms and phrases, when used in this policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Incentive Grant means a sum of money, established by the County Commissioners as \$0.611 per \$100 property valuation determined of the difference between the current or preconstruction appraised tax value of a parcel(s) of property and the post-construction appraised tax value of same said parcel(s).

Blighted property or area means any property or area that is considered to be an economic or social liability which substantially impairs or arrests the sound growth of communities as defined by the North Carolina Urban Redevelopment Law and determined as such by the City of Lincolnton Planning Department.

Residential – Residential projects are eligible in the creation of upper floor units in an existing commercial structure with a commercial use on the street level; or as part of a new mixed-used or housing development to be located in a blighted or in-fill area.

Commercial – Uses having to do with commerce. Commercial projects may include mixed uses (retail, office). Commercial uses may include, but are not

limited to the following: foodservice/ restaurant; specialty foods; gifts and specialties; general merchandise; and apparel.

Sec. 2. Objectives.

The purpose of the Lincolnton Smart Growth Incentive Grant is to assist in the redevelopment of historic downtown Lincolnton by encouraging and promoting the rehabilitation and adaptive reuse of older buildings and new construction of appropriately styled infill buildings.

The Lincolnton Smart Growth Incentive Grant provides an incentive to Lincolnton property owners to improve the historic character of downtown Lincolnton and to stimulate long-term investment in Lincolnton. The incentive will be in the form of a grant. Smart Growth grant incentives are as follows:

- (1) Appraised tax value of site or building is determined before any construction begins.
- (2) Appraised tax value of site or building is determined after construction is completed upon the issuance of a certificate of occupancy.
- (3) The grant amount is the difference between the pre-construction tax value and the post-construction tax value, as determined by the Lincoln County Tax Administrator.
- (4) A minimum investment of \$500,000 is required to be eligible for 100% reimbursement of the net gain in tax value.
- (5) Investments less than \$500,000 are eligible to receive the LSGIG on an incremental scale as follows: Year 1 – 100%; Year 2 – 75%; Year 3 – 75%; Year 4 – 50%; Year 5 – 50%.
- (6) Owner pays full amount of newly appraised tax value of property.
- (7) Lincoln County provides grant incentive to property owner beginning the fiscal year following completion of the project.
- (8) Five (5) concurrent tax years is the applicable time period for incentive grant.

Revitalization goals are as follows:

- (1) Improve the vitality of downtown Lincolnton with expanded retail, downtown housing, and entertainment opportunities;
- (2) Increased investment dollars by the private sector in the downtown district;
- (3) Reinforce existing businesses in downtown Lincolnton through growth and diversification of Lincolnton's economy;
- (4) Improve the visual appearance of downtown Lincolnton;
- (5) Reduction of vacant and underutilized storefronts, upper floors, and properties not up to current code;
- (6) Edify the local preservation ethic through rehabilitation and adaptive re-use of Lincolnton's historic structures; (7) Broaden the tax base; and .
- (8) Strengthen the economy through the creation and preservation of jobs, both direct and indirect.

Sec.3. Lincolnton Smart Growth Incentive Grant Program Requirements.

The following requirements apply to and are available under the Smart Growth Grant Program:

- (1) The project area shall be designated as set forth in the attached map which is incorporated herein fully by reference as the delineated area of downtown Lincolnton.
- (2) Each commercial property owner engaged in a project in the project area is eligible to apply for Program incentives.
- (3) Applications for projects located outside of the project area that are historic or considered to be in a blighted area will be reviewed on a case-by-case basis.
- (4) Incentives shall be for the rehabilitation of existing structures and new constructions deemed in character to be consistent with the City of Lincolnton zoning and development standards.
- (5) Applicant projects must demonstrate economic impact with the creation of a minimum two (2) full-time permanent jobs in the business(es) that will directly benefit from the funding.
- (6) Any person starting a project after passage of this policy will be eligible to make application for the Lincolnton Smart Growth Incentive Grant.
- (7) Applicants must be the property owner and taxpayer for the property.
- (8) Grant reimbursements are non-transferable and are made only to the owner of the property at the time application is submitted for the scheduled grant period, providing said ownership is maintained.
- (9) The developer must be in good standing with Lincoln County for all services, taxes, and utilities.
- (10) The Lincolnton Smart Growth Incentive Grant Program does not apply to Existing projects.
- (11) Structures must meet state and local building codes as approved by the local building inspector.
- (12) Applications will be reviewed and administered by the City of Lincolnton staff to ensure full compliance with the Lincolnton Smart Growth Grant.
- (13) All projects must be completed within two (2) years of the date that the grant is awarded. Any extension beyond two (2) years must be requested by the owner and approved by the administration staff and Lincoln County Commissioners. Failure to obtain an extension may result in rescinded funds.

Sec. 4. Project Management.

- (1) The LSGIG project managers will be the Lincolnton City Manager, Director of Business & Community Development, and the Lincoln County Manager. Their duties and responsibilities will be to administer the project in conjunction with the Lincoln County Tax Office.
- (2) The applicant will secure the LSGIG application form from the Business & Community Development office.
- (3) The applicant will submit the completed application to the Director of Business & Community Development Director for review of the project's compliance with LSGIG goals and requirements.
- (4) All applications approved by the Director of Business and Community Development shall then be scheduled for a public hearing before the Lincoln County Commissioners for a final determination on the issuance of the grant.

Sec. 5. Miscellaneous.

- (1) This Grant Program may be repealed, amended or modified at any time by a resolution of the Board of Commissioners, provided, however, that any such repeal, amendment or modification shall not affect the terms of applicants that have already been approved for the Program.
- (2) The Program may be terminated as to an applicant, and all or a portion of the grant theretofore paid by the County to the Applicant may be demanded and recaptured, in any of the following events:
 - a. The applicant fails to provide the required jobs for the entire term of the Program period;
 - b. The applicant fails to construct improvements consistent with the plans provided in the applicant's application; or
 - c. The applicant otherwise fails to comply with the terms of its application, this Program, or any other agreement between the County and the applicant.

ADOPTED this the 7th day of December, 2015.

Cecelia Martin, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Commissioner Oakes voiced concerns about the way the map gerrymanders.

UPON MOTION by Commissioner Martin, the Board voted 4 – 1 (Oakes against) to approve the revised Lincoln County Incentive Grant Policy.

Resolution #2015-32: Resolution to Consent to Sale – Craig Goodson: Craig Goodson presented the following Resolution for the Board's approval which will allow Denver Construction to finalize negotiations to sell the Shell Building. This will be to sell the land at less than the initial value.

RESOLUTION #2015-32:

RESOLUTION TO CONSENT TO SALE

WHEREAS, Denver Construction Company (“DCC”) and the County entered into a Property Sale, Construction and Development Agreement dated April 4, 2014 (the “Effective Date”), for the sale, purchase and development of that tract or parcel of land located in Lincoln County, North Carolina, which Property is more specifically described in said Agreement, as has been amended by Amendment dated June 6, 2014 (the “First Amendment”), and Amendment dated October 20, 2015 (the “Second Amendment”), with the Agreement and the First Amendment and Second Amendment being referred to collectively as the

“Agreement;” and

WHEREAS, all capitalized terms not defined herein shall contain the respective definitions ascribed to them in the Agreement; and

WHEREAS, Section 1.03 of the Agreement provided, in part, that DCC would purchase the Building Site (known as tax parcel number 91411) for the sum of \$65,000.00 per acre, which price should not be due and payable until the sale by DCC of the constructed building on the Building Site; and

WHEREAS, Section 1.03(a) of the Agreement provided that \$35,000.00 per acre of the \$65,000.00 per acre price would be payable to Ingleside Real Estate Investment Partners, LLC; and

WHEREAS, Section 1.03(b) of the Agreement provided that \$30,000.00 per acre of the \$65,000.00 per acre price would be payable to the County; and

WHEREAS, after the Building Site was surveyed and the acreage calculated at 7.576 acres, the portion of the Building Site Purchase Price attributable to the County was \$227,280.00; and

WHEREAS, after DCC had constructed the shell building on the Building Site, both parties were required to use good faith efforts to market and sell the Premises; and

WHEREAS, pursuant to Section 2.09(c)(i) of the Agreement, DCC was required to submit all offers to purchase the Premises to the County; and

WHEREAS, pursuant to Section 2.09(c)(iii) of the Agreement, in the event that DCC received an offer to purchase the Premises that would net an amount greater than the Building Price, but less than the full Building Site Purchase Price added to the Building Price, the County had the right, but not the obligation, to indicate its willingness to accept less than the County’s full share of the Building Site Purchase Price; and

WHEREAS, DCC has been given an offer to purchase the Premises in an amount greater than the Building Price, but less than the Building Site Purchase Price added to the Building Price; and

WHEREAS, the County is willing to waive its right to collect its proportionate share of the Building Site Purchase Price for the following reasons:

- a. The County would be obligated to purchase the Premises if DCC cannot sell the same, and desires not to incur the additional expenses and risks of such a purchase;
- b. Finding a purchaser for the Premises sooner rather than later would be desirable in order to generate an increased tax base and to generate job creation within Lincoln County; and
- c. The County’s allocable portion of the Purchase Price is an attempt to recapture a portion of the County’s infrastructure investment throughout the entire Airlie Business Park, and the County can continue to recoup its investment through subsequent sales of land within Airlie Business Park.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

That Lincoln County does hereby agree that it shall consent to a sale of the Premises for an amount sufficient to pay the Building Price to Denver Construction Company, and that portion of the Building Site Purchase Price attributable to Ingleside Real Estate Investment Partners, LLC, even if said sale price is insufficient to pay all or any of the Building Price attributable to the County.

That this resolution shall become effective immediately, and shall apply to any offers to purchase received within sixty (60) days herefrom.

Adopted this 7th day of December, 2015.

LINCOLN COUNTY

By: _____
Cecelia Martin
Chairman of the Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board of Commissioners

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Resolution #2015-32: Resolution to Consent to Sale.

Other Business: Kelly Atkins recognized and congratulated Jennifer Sackett, who was awarded Librarian of the Year in the State of North Carolina.

Commissioner Beam said he and Commissioner Oakes toured the old Block Smith Gym and it needs repair or demolished. He asked for the County Manager to approach the City about turning this building over to them.

Commissioner Beam asked Wesley Deaton to report on the latest lawsuit filed against the County. He said he would like the reason for closed sessions listed on the agenda.

Closed Session – **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. Closed sessions (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment and (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

The Board returned to open session and Chair Martin announced that no action was taken in closed session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Cecelia Martin, Chair
Board of Commissioners