

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 3, 2014**

The Lincoln County Board of County Commissioners met November 3, 2014 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman  
Carl E. Robinson, Jr., Vice Chair  
James A. Klein  
Carrol D. Mitchem  
Cecelia A. Martin

Others Present:

Tracy Jackson, County Manager  
Wesley L. Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Chairman Patton called the November 3, 2014 meeting of the Lincoln County Board of Commissioners to order. He gave the Invocation and led in the Pledge of Allegiance.

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

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, November 3, 2014  
6:30 PM**

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

Call to Order

Invocation - Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda

2. Consent Agenda

- Tax Requests for Releases - Over \$100
  - September 16 - October 15, 2014
  - September 16 - October 15, 2014 - Motor Vehicles

- Tax Requests for Refunds - Over \$100
    - September 29 - October 12, 2014
  - CDBG Status Updates
  - Minutes for Approval
  - Surplus Property
  - 2015 Meeting Schedule
  - Budget Ordinance Amendment #4
  - Fee Waiver Request - Cat Square Christmas Parade
  - Capital Project Ordinance Amendment #3
  - Approval to proceed with agreements involving the Borghetti expansion in the Lincoln County Industrial Park
3. Motion to approve an agreement for playground project at DSS – Tracy Jackson
  4. Public Hearing - Industrial Incentive Grant for Existing Industry – Kara Brown
    - Motion to approve Resolution #2014-24
  5. Oaklawn Building - Project Amendment Public Hearing and Resolution #2014-25 - Randy Williams
  6. Motion to approve the construction contract with Blue Ridge Enterprises for Oaklawn School - Randy Williams
  7. Motion to Approve Communities in Schools Lease for Oaklawn School - Randy Williams
  8. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
  9. Other Business
- Adjourn

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

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

- Tax Requests for Releases - Over \$100
  - September 16 - October 15, 2014
  - September 16 - October 15, 2014 - Motor Vehicles
- Tax Requests for Refunds - Over \$100
  - September 29 - October 12, 2014
- CDBG Status Updates
- Minutes for Approval
- Surplus Property
- 2015 Meeting Schedule
- Budget Ordinance Amendment #4
- Fee Waiver Request - Cat Square Christmas Parade
- Capital Project Ordinance Amendment #3

- Approval to proceed with agreements involving the Borghetti expansion in the Lincoln County Industrial Park

\*Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.\*

**Motion to approve an agreement for playground project at DSS:** Tracy Jackson stated that there is a nonprofit group that is called Speak Up For Children who have proposed an offer to build a playground at DSS. This will not be a public playground, but for foster children and other children visiting DSS. This will be at no cost to the county, they will provide all the labor and materials, the County just provide the location.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve the agreement with Speak Up For Children for the playground project at DSS.

**Public Hearing - Industrial Incentive Grant for Existing Industry – Kara Brown**  
**Motion to approve Resolution #2014-24:** Kara Brown presented information concerning an Industrial Incentive Grant for Blum Incorporated.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH BLUM INCORPORATED**

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, Blum has developed plans for an 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, Blum Incorporated.
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 November, 2014.

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Alex Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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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 November 2014, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Blum Incorporated, a North Carolina corporation (hereinafter referred to as “Blum”).

#### **WITNESSETH:**

WHEREAS, Blum 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 Blum 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 1, 2014, Blum 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.), Blum shall make an investment upon such site in (building/land and/or machinery and equipment of \$28,547,094, (the expected capital investment) of which \$19,982,965.80 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Blum shall provide at such site at least 7 new jobs paying average weekly wages of \$550.00.
4. In consideration of the performance of the aforesaid obligations by Blum, the County will provide cash grants to Blum of \$89,623.60 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 Blum within 30 days after Blum 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. Blum 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 Blum 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 Blum 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. Blum 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, Blum 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.

Karl Rudisser

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

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex E. Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins  
Clerk to the Board of Commissioners

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Resolution 2014-24: Resolution to Adopt Economic Incentive Grant Agreement with Blum Incorporated.

Chairman Patton wished Crystal Gettys well and thanked her for the work she did for Lincoln Economic Development.

**Oaklawn Building - Project Amendment Public Hearing and Resolution #2014-25 - Randy Williams:** Randy Williams and Tracy Jackson thanked Martha Lide, former Assistant County Manager, for her hard work on this project.

Lincoln County is in the process of the renovation of the former Oaklawn School building. This public hearing is set forth to revise the original application. The revisions include amending Boys & Girls Club to Communities In Schools and amending the budget, deleting the \$100,000 capital Boys & Girls Club had committed. This revision is required by the Department of Community Assistance as a part of the obligation of the acceptance of grant funds.

Chairman Patton opened the public hearing concerning the Project Amendment for the Oaklawn Building.

Ola Mae Foster spoke concerning the Oaklawn Building and asked for the Coalition to have the opportunity to be partners in the Oaklawn Building.

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

The Board discussed the Coalition's involvement in the Oaklawn Building.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Resolution #2014-24: Lincoln County FY 11 Community Development Program Amendment Resolution.

## **LINCOLN COUNTY FY 11 COMMUNITY DEVELOPMENT PROGRAM AMENDMENT RESOLUTION**

This Resolution authorizes an amendment to the Lincoln County FY 11 Community Development Program.

Be It Resolved by the Board of Commissioners of Lincoln County, North Carolina, That

WHEREAS, the County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the County desires to amend the approved project activities and certifies that a public hearing, in accordance with the North Carolina CDBG Program Regulations, was conducted on Monday, November 3, 2014, at 6:30 PM to discuss the proposed amendment; and

WHEREAS, the County certifies that regulations relating to environmental review conditions have been followed. Environmental Review Documents have been reviewed to determine any changes to the original finding of no significant impact on the environment and no adverse impacts were discovered and the original FONSI is still valid; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Lincoln County, North Carolina, hereby authorizes an amendment to the FY 11 Community Development Program. The Chairman is directed to act on behalf of the County in executing amendment documentation as the Chief Elected Official under the provisions of the North Carolina Community Development Block Grant Program Regulations (4 NCAC 19L).

Adopted this 3rd day of November, 2014.

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Alex Patton, Chairman

ATTEST:

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Amy Atkins, Clerk to the Board

**Motion to Approve the Construction Contract with Blue Ridge Enterprises for Oaklawn**

**School:** Randy Williams asked the Board's approval of the Construction Contract with Blue Ridge Enterprises for Oaklawn School in the amount of \$499,999, which includes a 12% contingency on the project and bond.

Commissioner Klein asked about commitments from the community or Communities in Schools to pick the capital piece up and move forward. Randy Williams said Communities in Schools is eligible for many more grants than the County is. He said he has asked the Architect for a list of items that were deleted from the project with a dollar amount agreed upon by the contractor so that if community members would like to provide funds, it will pay for certain things.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Construction Contract with Blue Ridge Enterprises for Oaklawn School in the amount of \$499,999.

**Motion to Approve Communities in Schools Lease for Oaklawn School:** Randy Williams said Lincoln County is in the process of the renovation of the former Oaklawn School building. The proposed tenant for this property is now the Lincoln County Communities in Schools agency. This is a new tenant and replaces the lease which was approved in December 2013 with the Lincoln County Chapter of the Boys & Girls Club of America. The proposed 10-year lease for Communities in School to occupy the facility and requires them to work with community for access during non-operational hours functions. The lease was prepared by Wesley Deaton.

Commissioner Mitchem said it needs to be written that the Coalition of Churches has an interest in the building where they can use it when needed.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4 – 1 (Klein against) unanimously to approve Communities in Schools Lease for Oaklawn School subject to the Coalition of Churches being given preference on use.

**Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person):**

Chairman Patton opened public comments.

Rudy Bauer, 8252 Blades Trail, said he cannot get any information concerning Coventry on Lake Norman, formerly Burton Creek. He said they are clearing land currently and asked if they have a bond in place on the erosion part.

Commissioner Mitchem asked Andrew Bryant if a bond is in place and if anyone has been to the site. Mr. Bryant stated that he is assuming the bond has been recorded. He said he has not been to the site, that would be a question for Soil and Erosion.

Commissioner Mitchem said we need to find out this information tomorrow.

Mark Lawing spoke concerning a Zoning Ordinance that he feels is outdated and needs to be changed to prevent to people, like has happened to them in Cline Farms. He said the Zoning Ordinance says the common areas and amenities do not have to be complete or deed these until 50% of the development have Certificates of Occupancy.

Being no additional speakers, Chairman Patton declared the public comments section closed.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners