

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 19, 2016**

The Lincoln County Board of County Commissioners met September 19, 2016 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Others Present:

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

Call to Order: Chair Martin called the September 19, 2016 meeting of the Lincoln County Board of Commissioners to order. She called for a moment of silence and led in the Pledge of Allegiance.

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, September 19, 2016
6:30 PM**

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

Call to Order - Chair Cecelia Martin

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
- Tax Refunds Over \$100 - 8/1 - 8/14/16
3. Planning Board Recommendations - Randy Hawkins
4. Public Hearing - Industrial Development Incentive Grant for New Industry - Craig Goodson
5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
6. Helping Hands Lease - Robert Spencer
7. Motion to enter into a contract with WK Dickson for engineering and construction administration services for the rehabilitation of Pump Station #5 and Pump Station #6 - Don Chamblee
8. Finance Officer's Report
9. County Manager's Report

10. County Commissioners' Report
11. County Attorney's Report
12. Vacancies/Appointments
13. Calendar
14. Other Business

Information Only - No Action Needed
- Register of Deeds Report
- Property Tax Collection Report

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the consent agenda.

- Tax Refunds Over \$100 - 8/1 - 8/14/16

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

Planning Board Recommendations: Randy Hawkins presented the following recommendations from the Planning Board.

Commissioner Patton said he was not at the last meeting, but he viewed the video and reviewed the information so he plans to vote on the recommendations.

PCUR #88A Jackie and Nick McCord, applicants (Parcel ID# 70258 and 74411) A request for a conditional use permit to operate a venue for hosting weddings, receptions, reunions and other events in a portion of an existing barn. The 7.8-acre site is located at 1229 Hill Road, on the south side of Hill Road about 2,200 feet east of Salem Church Road, in Ironton Township.

The Planning Board voted 9-0 to recommend approval with the following conditions:

- 1) No amplified music shall be permitted after 10 p.m.
- 2) All events shall end by 11 p.m.

Commissioner Oakes asked the Planning Department to warn applicants to put more facts on the findings of fact.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Statement of Consistency and Reasonableness, the rezoning request and the Conditional Use Permit based on the Findings of Fact presented by the Planning Board.

CZ #2016-2 Wade Roberts, applicant (Parcel ID# 52757) A request to rezone 0.42 acre from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit motorcycle sales and motorcycle service. The subject property (Parcel ID# 52757) is located at 2051 W. NC 150 Hwy., on the south side of N.C. 150 about 1,000 feet east of Old Lincolnton-Crouse Road, in Lincolnton Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CZ #2016-2 – Wade Roberts, applicant based on the recommendation of the Planning Board.

PD #2014-2-A Rivercross Capital, LLC, applicant (Parcel ID# 91818) A request to amend a master plan for a planned mixed-use development to add six duplexes (a total of 12 dwelling units) in an area approved for 200 apartments. The request involves a 12.5-acre parcel located on the south side of the southern end of Triangle Circle near N.C. 16 Business in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Oakes , the Board voted unanimously to approve PD #2014-2-A – Rivercross Capital, LLC applicant, based on the recommendation of the Planning Board.

UDO Proposed Amendments #2016-3 Lincoln County Planning and Inspections Department, applicant. A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 5.6 (Lots and Blocks) to make provisions regarding minimum lot width and lot depth consistent throughout the section.
- 2) Amend Section 5.6 to make provisions regarding minimum frontage of a newly created lot on a right-of-way consistent with Section 5.4 (Roads) so that private right-of-ways are captured.
- 3) Amend Section 5.7 (Utilities) to remove limitations on the number of service connections to private wells which are permitted through the Lincoln County Health Department's Environmental Health Division, and to make provisions regarding connections to a public water system or a private water supply consistent throughout the section.
- 4) Amend Section 5.10 (Guarantee of Improvements) to remove warranty bond provision to be consistent with new state legislation.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendments #2016-3 – Lincoln County Planning and Inspections Department, applicant, based on the recommendation of the Planning Board.

Public Hearing – Industrial Development Incentive Grant for New Industry: Craig Goodson presented an incentive grant for Unox, USA. Unox is an Italian maker of commercial ovens and would like to relocate their corporate US headquarters from Pennsylvania to Lincoln County. They are purchasing the shell building and the adjacent property where future plans are to build a 150,000 square foot manufacturing facility and create a US headquarter and manufacturing campus.

Chair Martin opened the public hearing concerning the Incentive Grant for Unox. Being no speakers, Chair Martin closed the public hearing.

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

GRANT AGREEMENT WITH UNOX, 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, UNOX, USA has developed plans for location of their U.S. Headquarters and manufacturing operations (Phase II) in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County and UNOX, 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 19th day of September, 2016.

Cecelia Martin, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA
LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 19th day of September 2016, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and UNOX, USA (hereinafter referred to as "UNOX").

WITNESSETH:

WHEREAS, UNOX has developed plans for the purchase of the Airlie shell building and construction of up-grades to the shell facility for use as its U.S. Headquarters plus the purchase of the adjacent +/- 8 acre site for a manufacturing facility (Phase II) 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 UNOX 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 November 1, 2016 (actual effective date will be the start of the project) UNOX shall begin construction/up-grades of an existing manufacturing facility and installation of equipment and machinery in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), UNOX shall make an investment upon such site in (building/land and/or machinery and equipment of \$4,000,000.00, (the expected capital investment) of which \$3,750,000.00 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, UNOX shall provide at such site at least 5 new jobs paying average annual wages of \$50,000.00 per year.
4. In consideration of the performance of the aforesaid obligations by UNOX, the County will provide cash grants to UNOX of \$14,893.00 each 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 UNOX within 30 days after UNOX 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. UNOX 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 UNOX 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 UNOX 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. UNOX 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, UNOX 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.

UNOX, USA
By: _____
Authorized Signature

LINCOLN COUNTY

By: _____

Cecelia Martin, Chairman

Board of Commissioners

Public Comments: Chair Martin opened Public Comments.

Patty Korn thanked the Board and specifically Commissioner Oakes for his help with the Westport neighborhood's recent zoning case. She also thanked Andrew Bryant for coming to educate the residents on quasi judicial matters, Randy Hawkins for the public meeting with the developer and Jeremiah Combs for the outstanding job removing non complaint signs while he was Code Enforcement Officer.

Cliff Brumfield, speaking as a citizen of Lincoln County and taxpayer, thanked the Board for the investment in a spec building, which was a brave move on the County's part.

Robert Avery asked the Board to put work on a plan for districting County Commissioners. He said there is a large area of the county not receiving services, especially parks and recreation.

Being no additional speakers, Chair Martin closed public comments closed.

Helping Hands Lease: Mr. Mark Skillstead presented the request for approval for the amended Letter of Consent with a revised letter as required by the Health Resources and Services Administration (HRSA).

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Letter of Consent, affirming the previous action taken.

Motion to Enter into a Contract with WK Dickson for engineering and construction administration services for the rehabilitation of Pump Station #5 and Pump Station #6:
Don Chamblee presented the following:

Lincoln County Public Works is requesting approval to enter into a contract with WK Dickson for engineering and construction administration for the rehabilitation of Pump Stations #5 and #6 for a fee not to exceed \$39,800.00. Pump Stations #5 and #6 are subject to high levels of hydrogen sulfide due to only having low pressure sewer deposited into them. The hydrogen sulfide has greatly deteriorated the concrete wetwells, discharge piping, valves, pump rails, and related appurtenances. The deterioration has progressed to the point of failure of the structural integrity of the stations. Failure of either station can result in sewer spills into Lake Norman, private property damage, and violation of NCDEQ Permit Requirements.

UPON MOTION by Commissioner Patton, the Board voted unanimously to enter into a contract with WK Dickson for engineering and construction administration services for the rehabilitation of Pump Station #5 and Pump Station #6.

Finance Officers' Report: Scott Cook presented the Finance Officer's Report.

County Manager's Report: Mr. Atkins stated that due to the fuel shortage, all non-essential county vehicles will be parked. He has secured a source for fuel for emergency vehicles.

He announced the hiring of Josh Grant as the Program Manager and will assist daily operations in Administration. He also announced the hiring of Mr. Bill Gibbs as the Communication Center Director.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Nothing reported

Vacancies/Appointments: None reported.

Other Business: Commissioner Mitchem said it has been brought to his attention and he saw on the news that Sheriff Carpenter had an interview about body cameras and dash cameras. Sheriff Carpenter said that he did not have them due to budgetary constraints. He asked Mr. Atkins to get in touch with the Sheriff to see if he would like to pursue them and said the Board could find the money if they are desired by the Sheriff.

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

Amy S. Atkins, Clerk
Board of Commissioners

Cecelia Martin, Chair
Board of Commissioners