

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 17, 2017**

The Lincoln County Board of County Commissioners met April 17, 2017 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Bill Beam, Chair
Martin Oakes, Vice Chair
Carrol Mitchem
Richard Permenter

Commissioner Absent:

Anita McCall – on vacation

Others Present:

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

Call to Order: Chairman Beam called the April 17, 2017 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence, asking everyone to remember the family of Paul William Carpenter, father of Wendy Reel from the Sheriff's Department and led in the Pledge of Allegiance.

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 17, 2017
6:30 PM**

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda

April 17, 2017
Public Hearing - Zoning

2. Approval of Minutes
 3. Planning Board Recommendations - Randy Hawkins
 4. Waived fees for use of Auditorium
 - Gaston College Nurse Pinning Ceremony
 - Toys for Tots
 5. Lincoln County Humane Society Report
 6. Block Smith Gym Request - Edward McFadden
 7. Resolution #2017-2: Resolution Supporting an Application on Behalf of Project Washington to the North Carolina Department of Commerce Rural Economic Development Division Building Reuse Program - Josh Grant
 8. Small Business Week Proclamation - Rhonda Hunter
 9. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
 10. Update of the Soil Erosion and Sedimentation Control for Covington Subdivision - Rick McSwain
 11. Tax Requests for Releases - Susan Sain
 12. Vehicle Tax Systems Refunds - Deanna Rios
 13. Capital Project Ordinance Amendment #5 - Deanna Rios
 14. Grant Project Ordinance #4 - Deanna Rios
 15. Budget Ordinance Amendment #8 - Deanna Rios
 16. School Funding Resolutions - Deanna Rios
 17. Finance Officer's Report - Deanna Rios
 18. Public Works Fee Schedule Amendment - Don Chamblee
 19. Water and Sewer Pre-development Procedures – Don Chamblee
 20. County Manager's Report
 21. County Commissioners' Report
 22. County Attorney's Report
 23. Vacancies/Appointments
 24. Calendar
 25. Other Business
- Information Only - No Action Needed
- Register of Deeds Report
 - Property Tax Collection Report

24. Closed Session
Adjourn

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda, adding Items 19a – Project updates – Don Chamblee, 19b – Discussion of Commissioners endorsing Senate Bill 641 and 19c – Discussion with Attorney of Airport Land Purchase.

Planning Board recommendations: Randy Hawkins presented the following:

CUP #364 Carolina Coatings Group, applicant (Parcel ID# 50083) A request for a conditional use permit to manufacture paint in the I-G (General Industrial) district. The 5.6-acre parcel is located at 1884 Kawai Road, on the northwest corner of Kawai Road and Riverview Road, in Lincolnton Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve findings of fact for CUP #364 as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CUP #364 – Carolina Coatings Group, applicant, as recommended by the Planning Board

PD #2016-8 RHH Land Investors, LLC, applicant (Parcel ID# 34808, 34839, 34840 and 54084) is requesting the rezoning of 82.2 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with 170 lots for single-family detached homes. The property is located on the west side of Little Egypt Road about 3,600 feet south of Optimist Club Road in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve PD #2016-8 RHH Land Investors, LLC, applicants, as recommended by the Planning Board

PD #2014-2-A2 MD7 Financial, LLC, applicant
Applicant has withdrawn request

Commissioner Oakes asked if Mr. Deaton could come up with wording that could be added to the UDO that the applicant must be a corporation in good standing in their home state. Mr. Deaton said if the Board is concerned about the corporate status, one of the conditions could be if they are a foreign corporation, they have to get a Certificate of Authority, which would involve very little work on their part.

Commissioner Beam asked if there would be any way to put something in the UDO to protect the Board from future applicants getting approval for huge planned developments with nice amenities and commercial aspects, then coming in later asking for amendments after selling, breaking up and changing the plans.

Mr. Deaton said the Board has the authority to say they are going to stick with the original plans and they are not going to allow a change.

Waived fees for use of Auditorium: Kelly Atkins said that Gaston College Practical Nursing Program is asking for waived fees for the use of the Auditorium for their Pinning Ceremony and Toys for Tots is asking for waived fees for the annual Capt. Jeb F. Seagle MCL Toys for Tots Pageant. Both groups have used the Auditorium in the past with waived fees.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve waived fees

Lincoln County Humane Society Report: Pam Kuebler, with the Lincoln County Humane Society, thanked the Board for their support.

Chairman Beam thanked the Humane Society for what they do. He said he has been a fan for a long time because spay/neuter is the only way to solve the problems with the animal overpopulation in Lincoln County. He said we do not need to worry about Catawba, Cleveland, Ft. Worth, TX, or any of those other places.

Ms. Kuebler said they have lowered the price of cats to \$25 with the goal of bringing in more, since cat overpopulation is one of the huge issues in Lincoln County.

Ms. Kuebler presented strengthened wording for surrender documents, which has been presented to Hannah Beaver and Josh Grant previously. This deals with the certificate program on mother dogs when puppies are surrendered. The owners are given a certificate to get the mother dog spayed for free when they surrender the puppies. She said they rarely bring the mother back to get the free spay done. The Humane Society is asking for the owner surrender form to have a bite, in the form of a fine, if they do not bring the mother dog back in for the spay surgery.

Block Smith Gym Request - Edward McFadden presented the following:

BLOCK SMITH GYM

- It's a liability going to cost the county around \$500,000 to tear the building down.

- The county pays around \$5,700 per year in Utilities and \$6,000 per year in insurance.
- It will cost the county \$1,000,000 or more to make the entire building useful again.
- A long-term lease of Block Smith Gym will not help us in our fundraising efforts.
- To start our fundraising efforts, we need ownership of Block Smith Gym for \$1. Starting out all we need is a "Letter of Intent" with 1st right of refusal, this will allow us to start raising funds. Once we meet a pre-determined fundraising milestone in a set time period determined by the Commissioners and SCPP, at that time we would like to have full ownership of Block Smith Gym and begin construction.
- We would like for the county to continue paying insurance on the building and maintain all liabilities of the building until full ownership is transferred to STEM Career Path Project (SCPP).
- Currently no taxes are paid on Block Smith Gym, we would like to remain tax exempt.

FUNDRAISING STRATEGY

- We signed a contract last year with a company out of Atlanta call EEI (Economic Empowerment Initiative www.EEI-Fund.com). EEI will help us raise \$20,000,000 over a 2-year period. Based on their 15 years plus experience, their confident that they can raised the money in less than 2 years. EEI will get 10% of proceeds raised on the back end. **HOWEVER, EEI cannot start raising funds for us without SCPP having ownership of the building or a Letter of Intent.**
- With ownership of Block Smith Gym, we can take out an Equity Loan using the After-Repair Value (ARV) of the Building.
- Once we have the loan, we can leverage those funds for matching grants from different corporations and organizations.
- We will approach local businesses and individuals in our community as well during our fundraising efforts.
- Also during our fundraising efforts, diversification of our exhibits and experiences inside the museum plays a huge role during fundraising. The more career disciplines our exhibits touch, the more funds we are potentially eligible for during fundraising.
- Corporations will sponsor and fund certain exhibits in the museum.
- **USDA Rural Development Director Warren Smith out of Shelby, loved the project and would like to help fund a large portion of this project per our meeting we had with him in December. However, we can only move forward with them if we have ownership of the building. As you know USDA funding is a process.**

SUSTAINABILITY STRATEGY

- During our fundraising efforts, we will raise money for an Endowment/Reserve. These funds will be set aside for future building repairs or used for any other unforeseen issues that may arise after opening.
- Maintain creative marketing strategies to keep visitors coming through the doors.
- Companies that sponsor exhibits will be required to maintain the exhibit for a pre-determined time period, maybe 5 years. This will help eliminate expenses for us.
- During our fundraising phase, we will identify organizations that will take this project on as their baby for a decade or more. We will do this by identifying organizations that are 100% aligned with our purpose and mission. This strategy will give us assurance that this respective organization will provide LCSC with annual funding.

- Make sure our exhibits are well diverse in terms of career disciplines, this will open doors for more grant opportunities and donations.
- Make sure our facility doesn't become dated.
- Have programs in place that are appealing to donors.
- Understand our market, listen to our customers, and bench mark as much as possible to stay relevant.
- Make sure our facility is clean, safe, and not ran down.
- Pursue new donors and keep great relationships with existing donors. Keeping a great relationship with existing donors will increase our chances of continued support with that respective donor.
- Maintain a great relationship with our community.

MARKETING PLAN

Vision

Exciting, recognizable STEM brand that highlights a full spectrum of STEM opportunities and portrays Lincoln County as a Leader in STEM.

Marketing Plan Overview

The Lincoln County Science Center will create and organize a STEM marketing initiative that aligns with and amplifies STEM education strategies. The marketing initiative will begin immediately with the building phase and will target a variety of different audiences using many different outreach strategies.

Preliminary Marketing Research:

1. Know our audience. Our marketing conversation is with them and we need to make sure our message is exciting, interesting and something they want to hear.
2. Make sure what we are doing as an institution (exhibits, programs, fundraisers) appeals to what our audience values. Find out how our audience gets their information and talk to them there.
3. Determine audience behavior. Are they using social media or taking in messages from billboards and transit signs?
4. Spread out our dollars over different media channels. Don't put all of our money into one thing. Think about multiple, complementary approaches to get our message across.
5. Do things that get people in the community involved. Give them an opportunity to help in our marketing efforts.
6. Recognize that other institutions in our community are both collaborators and competitors and work with them as much as possible. However, focus on what makes us different and unique from similar institutions.
7. Allocate some of our budget to trying new marketing ideas, keeping the ones that work. Carefully evaluate all of our marketing efforts. Determine what has worked well and with what groups of constituents. Take surveys, ask questions.

Outreach Strategies

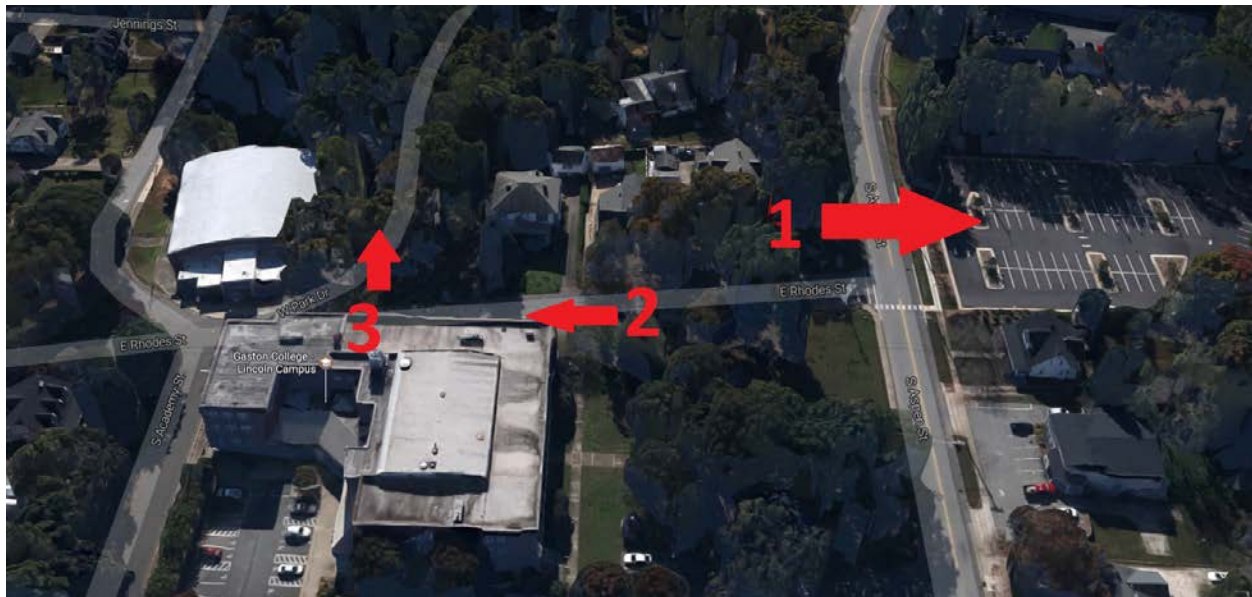
1. Press Conference/Public Announcements
2. School/business visits
3. Website
4. Social Media

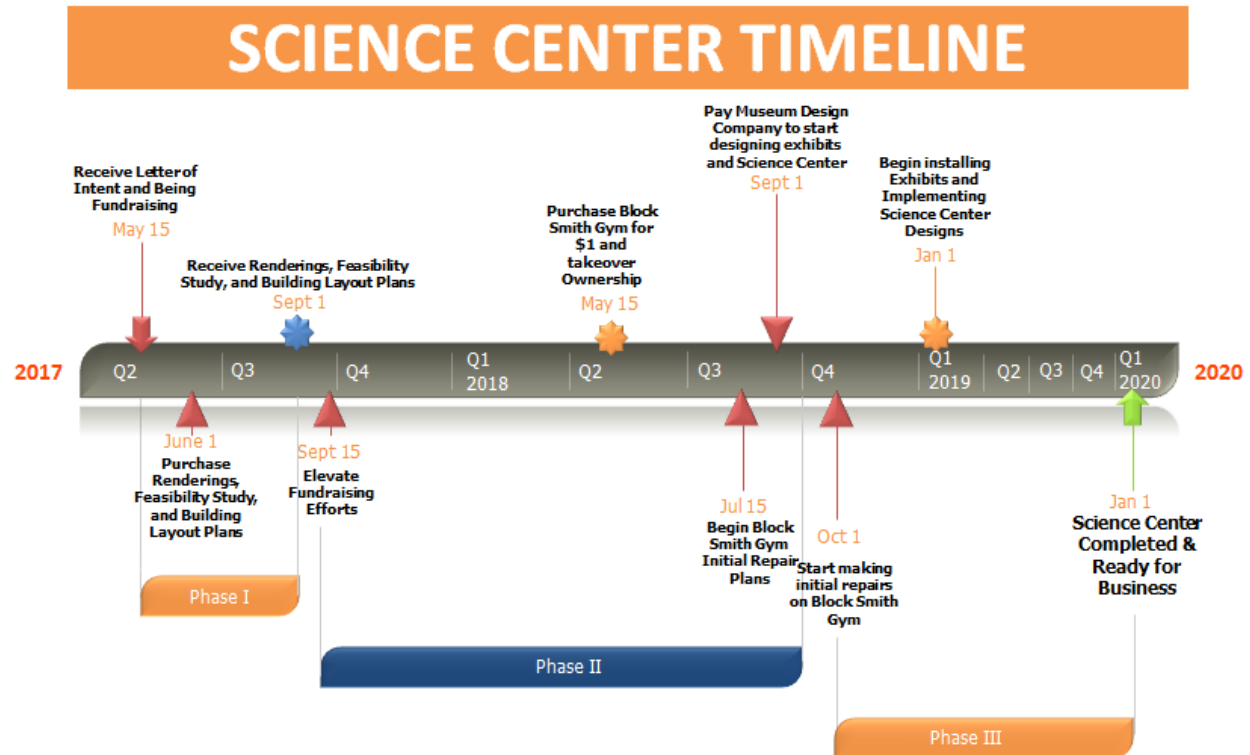
5. Blog
6. Podcasts
7. Connections to Stakeholder and informational websites
8. News Media
9. Newspapers/Editorial Boards
10. TV
11. Radio
12. Trade journals/magazines
13. Community publications

Target Audiences and Possible Stakeholders

Parents/Students
Tourists
Elected Officials
Legislature
Constitutional Officers
City
County
School Boards
State Board of Education

Parking:





Mr. Deaton said the first issue will be negotiating terms of the letter of intent with Mr. McFadden, such as what will the County have to see before deeding the property, how much funding, etc. The second thing is that the County is a little restricted in its ability to just deed property over for nominal consideration, that it could probably be done, but there does have to be a public hearing. There would either have to be a rush to get this done by May 15 or we could get the agreement done and provide that it is still subject to the final hearing and approval that will have to be done when he has finished with what he needs to do.

Chairman Beam said he would like to hold a public hearing before it moves forward. He said the terms can be discussed at the public hearing and then can proceed forward with the timeline with the letter of intent and other goals.

Commissioner Oakes asked what the benchmark for turning the building over, maybe raising \$2 million by a year from now.

Mr. McFadden said they were thinking either \$2 or \$3 million, but that is dialogue that can be held.

Mr. Deaton asked the timeline for raising the \$20 million. Mr. McFadden said after talking with EEI, they are confident it can be done in 2 years.

Mr. Deaton asked if the money would be released periodically or if it will be held until it reaches a certain point. Mr. McFadden said it will vary, he said they will not take out the loan until it is time to start construction.

Mr. McFadden said the total cost of the Science Center is \$7 million, so they are trying to raise an additional \$20 million to have cash flow. The amount they need is a lot less than the \$20 million.

Commissioner Mitchem asked about EEI. Mr. McFadden said it's called Economic Environment Initiative and they've been around more than 15 years. They are a financial literacy program institution non-profit out of Atlanta. Mr. McFadden said he has a non-profit set up called Stem Career Path Project and they have been in business 5 years. He said they have a 501(c)(3) and a tax id.

Mr. Deaton advised that he has a general understanding of what the Board wants and will discuss this with Mr. McFadden and bring something back for the Board to look at.

Chairman Beam said the County Manager will set a date for the public hearing and will have the contract ready before the date so the benchmarks will be known.

Resolution #2017-2: Resolution Supporting an Application on Behalf of Project Washington to the North Carolina Department of Commerce Rural Economic Development Division Building Reuse Program: Josh Grant presented the following:

This is a Resolution of Support from the Board of Commissioners to the North Carolina Department of Commerce for application to the Building Reuse Grant Program for expansion of existing industry. The county staff is working with Lincoln Economic Development Association on this project due to the grant application requirement that the unit of local government (County) must be the applicant for the grant funds.

The building reuse grant is funding directly from the NC Dept. of Commerce Rural Grants/Programs section allocated to the renovation or expansion of existing industry that will lead to the creation of new full time jobs.

The 5% required match is covered under County's existing incentive package.

RESOLUTION NO. 2017-2:
RESOLUTION SUPPORTING AN APPLICATION ON BEHALF OF
PROJECT WASHINGTON TO THE NORTH CAROLINA DEPARTMENT OF
COMMERCE RURAL ECONOMIC DEVELOPMENT DIVISION
BUILDING REUSE PROGRAM

WHEREAS, Lincoln County is committed to advancing and promoting economic development in Lincoln County.

WHEREAS, Lincoln County has adopted a mission for the enhancement of the standard of living in Lincoln County by advancing economic opportunities for businesses and residents of Lincoln County.

WHEREAS, North Carolina General Statute 158-7.1(a) authorizes the use of economic incentives for the purpose of private sector job creation;

WHEREAS, Project Washington has pledged to create up to 101 jobs in the County's jurisdictional limits, is eligible to apply for a Building Reuse Grant in the amount of up to \$250,000 through the North Carolina Department of Commerce, and requires the sponsorship of Lincoln County to make the application; and

WHEREAS, Lincoln County acknowledges that, if the grant is awarded, it will be required to commit to a cash match of 5% of the grant amount toward the project, to be met by supplying the Lincoln County Industrial Incentive package, for a total cash match of up to \$12,500;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County that it does hereby support and endorse the application of Project Washington to the North Carolina Department of Commerce's Building Reuse Grant Program for a grant in the amount of up to \$250,000.

Adopted this 17th day of April, 2017

Bill Beam
Chair of Board of Commissioners

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Resolution #2017-2 as presented.

Small Business Week Proclamation: Rhonda Hunter requested the Board's approval of the Small Business Week Proclamation.

SMALL BUSINESS WEEK PROCLAMATION

LINCOLN COUNTY

WHEREAS: Lincoln County recognizes and values the dedication and entrepreneurial spirit without our community and the State of North Carolina; and

WHEREAS: Small businesses keep our community, the state and America's economies growing strong; and

WHEREAS: There are more than 843,724 registered small business establishments in North Carolina, representing 1.6 million small business employees in the state; and

WHEREAS: Numerous entities are committed to helping our businesses grow and create new jobs in our community by providing exemplary workforce training, financial assistance programs, research, and technical assistance; and

WHEREAS: Lincoln County North Carolina has proclaimed April 30 - May 6, 2017 as Small Business Week to show support of and appreciation for the small business community; now

THEREFORE: I, Bill Beam, Chair of Lincoln County Commissioners, do hereby proclaim April 30 - May 6, 2017 as Small Business Week in Lincoln County and urge all residents to acknowledge and celebrate the achievements made by our local small businesses.

In witness thereof, I have hereunto set my hand and caused the Seal of Lincoln County to be affixed this 17th day of April in the year two thousand seventeen.

By:

Bill Beam, Chair Lincoln County Commissioners

ATTEST

Amy S. Atkins, Clerk to the Board

(SEAL)

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Proclamation.

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, spoke representing Blades Trail residents. He asked why he has to bring up issues for something to get done. He said the Soil and Erosion man is here tonight. Mr. Bauer spoke concerning run off from Covington into their cove and asked what will happen when the bond runs out.

Commissioner Oakes asked what the recourse will be if the cove has an additional 3 feet of silt.

Mr. Deaton said that based on the ruling that was entered and approved by the court, there are measurements that are done at certain points. He said there was a settlement and a public hearing to approve the settlement, which talked about the measurements. There were initial measurements done and bonding requirements. He said his understanding is the measurements have not shown any increase. He said the one thing agreed upon in the deal is that there are certain points of measurements and it would be based on those, not at random homes in the area.

George Barr, 7837 Live Oaks Drive, Denver, NC, presented a petition for the Board to consider requesting that the Lincoln County Board of Elections add the following ABC Referendum questions to the ballot at the next opportunity. This ABC Referendum is only for Catawba Springs Township.

- 1 – to permit the on premise and off premise sale of malt beverages in Catawba Springs Township.
- 2 – to permit the on premise and off premise sale of unfortified wine in Catawba Springs Township.

Mr. Barr said the off premises sale of both is currently approved in the entire county.

Commissioner Oakes said this is the same vote the city just went through and is required to have microbrewery. He asked for input as to whether there is interest for the rest of the county.

Alan Hoyle asked for a resolution of a recall and justice against Sheriff David Carpenter for an assault that took place against him. Chairman Beam advised Mr. Hoyle to call the SBI for an investigation, since that is where it would come from.

Being no additional speakers, Chairman Beam closed Public Comments.

Update of the Soil Erosion and Sedimentation Control for Covington Subdivision: Rick McSwain gave an update on the Soil Erosion and Sedimentation Control for Covington Subdivision. He asked anyone with complaints to call their office directly since there are Inspectors in the field that could probably get there same day.

Tax Requests for Releases for 2/16 – 3/15/17 - Susan Sain presented the Tax Requests for Releases for February 16 – March 15, 2017 for the Board's approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Tax Releases as presented.

Vehicle Tax Systems Refunds: Deanna Rios presented the Vehicle Tax System Refund for March 2017 for the Board's approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Vehicle Tax Systems Refunds.

Capital Project Ordinance Amendment #5 - Deanna Rios presented Capital Project Ordinance Amendment #5 for the Board's approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Capital Project Ordinance Amendment #5.

Grant Project Ordinance #4 - Deanna Rios presented Grant Project Ordinance #3 for the Board's approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve Grant Project Ordinance #4.

Capital Project Ordinance Amendment #4 - Deanna Rios presented Capital Project Ordinance Amendment #4 for the Board's approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Capital Project Ordinance Amendment #4.

Budget Ordinance Amendment #8 - Deanna Rios presented Budget Ordinance Amendment #7 for the Board's approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve Budget Ordinance Amendment #8.

School Funding Resolutions: Deanna Rios presented the following Resolutions:

RESOLUTION #2017-2a

Be it hereby resolved that, the School Board Operating Expenses approved for Fiscal Year 2018 and every subsequent year, shall be itemized and allocated by Purpose, Function and Project, as those terms are defined in GS 115C-429(b). Transfers between such categories exceeding 15% shall be approved by the Lincoln County Board of Commissioners.

RESOLUTION #2017-2b

Be it hereby resolved that, the School Board Capital Expenses approved for Fiscal Year 2018 and every subsequent year, shall be itemized by Category, as those terms are defined in GS 115C-426(f), and shall be so allocated. Furthermore, specific items within categories defined in GS 115C-126(f)(1) and (2) shall be identified specifically.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the School Funding Resolutions as presented.

Finance Officers' Report: Deanna Rios presented the Finance Officer's Report.

Public Works Fee Schedule Amendment: Don Chamblee said Public Works is requesting that the Solid Waste fee schedule be updated to remove the \$10 charge for television and monitors

disposal. Televisions and monitors would be included with disposal of electronics at all recycling and convenience sites.

UPON MOTION by Oakes, the Board voted unanimously to approve the amendment as requested.

Water and Sewer Pre-development Procedures: Don Chamblee said they have looked at having developers do an analysis and they are still reviewing to see if a preliminary engineering report or a full engineering report would work. He said they are also looking at how they mark up any zoning cases coming in so they understand that it is not a given that they have water and sewer, it is held contingent until they get their submittal in with their full engineering drawings. He said development agreements have also been discussed.

Project Updates: Don Chamblee updated the Board on the following County projects: Water Treatment Plant, Water Distribution, Waste Water Treatment Plant, Waste Water Collections, Solid Waste – Landfill, and other General Fund projects.

Commissioner Oakes asked about the Water Extension Policy and if the Board should consider reducing the percentage down from 70% of residents.

Senate Bill SB 641: Commissioner Oakes asked Mr. Deaton to give a brief overview of this Senate Bill. Mr. Deaton spoke on this Senate Bill, which concerns development and impact fees.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to send a letter endorsing Senate Bill SB 641.

Discussion with Attorney of Airport Land Purchase: Commissioner Oakes asked Mr. Deaton to draft a letter to the City with the original offer to purchase the property at the Airport.

After discussion, Chairman Beam asked for this to put on the next agenda for discussion when a City representative could be here. Commissioner Mitchem said he would also like LEDA present at that meeting to discuss what the County will get for the expenditure of the \$4 million to fill the hole at the Airport.

County Manager's Report: Mr. Kelly Atkins said he is finalizing the budget, which will be presented on May 15 and the public hearing will be June 5.

He reported that staff has received a bid of \$29,000 to remove the structures on West Church Street and it will be confirmed that funds are available in the Maintenance and Repair line items in the budget.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: Commissioner Mitchem presented the following appointments:

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to make the appointments listed.

Appointments:

Partners Board of Directors

- Reappoint Melinda Finger

Library Board – Catawba Springs Township

- Appoint Nancy Lucky

Council on Aging

- Appoint
 - o Kathryn Saine

Board of Adjustment

- Appoint
 - o Roger Watson-Smyth
 - o Appoint Tom Campbell – Alternate
 - o Reappoint Isabelle Roman Bario
 - o Reappoint Darren Smith

Current Vacancies:

- Nursing and Adult Care Home Advisory Committee – 5 vacancies

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session to discuss economic development.

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

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

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners