

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 7, 2017

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 7, 2017, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Dr. Crystal Mitchem
Jamie Houser
Floyd Dean
Devin Rhyne
Matt Fortune
Matt Burton
Keith Gaskill
Andrew Robinson

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 meeting to order. He led in a Moment of Silence, asking everyone to remember Ron Rombs' mother who is ill and led the Pledge of Allegiance.

Chairman Beam welcomed Devin Rhyne, Matt Fortune and Keith Gaskill to the Planning Board.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 7, 2017
6:30 PM

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

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Annual Jail Health Plan
 - Tax Requests for Releases June 16 - July 15, 2017
 - Vehicle Tax System Refunds - July 2017
 - Approval of Minutes
 - June 5, 2017
 - June 19, 2017
3. Zoning Public Hearings - Randy Hawkins

CUP #367 Matt Sorensen, applicant (Parcel ID# 55661) A request for a conditional use permit to allow a private residential storage building (a garage) to be built on a lot in the R-SF (Residential Single Family) district prior to the construction of a house. The request involves a 1.4-acre parcel located off Osprey Trail about 400 feet south of the intersection of Campground Road and Catawba-Burris Road in Catawba Springs Township.

CUP #369 Kimberly Snipes, applicant (Parcel ID# 53105) A request for a conditional use permit to place a storage building in front of the front building line of a house on a lot that's adjacent to Lake Norman. The 0.84-acre lot is located at 4384 Pine Harbor Drive, about 400 feet east of Windy Pine Circle, in Catawba Springs Township.

ZMA #637 Kenneth Tucker, applicant (Parcel ID# 87023) A request to rezone 10.5 acres from R-SF (Residential Single Family) to R-T (Transitional Residential). The property is located on the north side of Mundy Road and east side of N.C. 16 bypass in Catawba Springs Township.

4. Public Hearing - Installment Financing of the Health Department Renovation and the VIPER project - Deanna Rios
5. Adoption of a Resolution Providing for the Issuance of a General Obligation Refunding Bond, Series 2017
6. Adoption of a Resolution Authorizing an Installment Financing Contract and Making Certain Findings and Appointments, and Requesting Approval of the Local Government Commission - Deanna Rios
7. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
8. Sunday Brunch Ordinance - Josh Grant

9. Intergovernmental Agreement for Information Technology Services with the City of Lincolnton-Josh Grant
10. Pay Study, Phase 2 - Josh Grant
11. Other Business
12. Closed Session - Concerning the Lincolnton-Lincoln County Airport
Adjourn

UPON MOTION by Commissioner Permenter, the Board voted unanimously to adopt the agenda adding Airport Appointments as 11a.

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

Consent Agenda

- Annual Jail Health Plan
- Tax Requests for Releases June 16 - July 15, 2017
- Vehicle Tax System Refunds - July 2017
- Approval of Minutes
 - June 5, 2017
 - June 19, 2017

New Business/Advertised Public Hearings: Mr. Wesley Deaton gave information on the zoning cases and asked if any Board member has had ex parte communication on either of the Conditional Use Permits.

CUP #367 – Matt Sorensen, applicant: Mr. Jordan Tubbs presented the following:

The applicant is requesting a conditional use permit to allow a private residential storage building (a garage) to be built on a lot in the R-SF (Residential Single-Family) district prior to the construction of a house. The applicant is proposing to build a 900-square-foot garage.

Section 4.6.5 of the Unified Development Ordinance defines a private residential storage building as, “a structure to be used for storage, consistent with the type of storage allowed in a residential accessory structure, may be permitted provided the structure is residential in character, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located. Such structures may be built prior to the completion of the principal residential structure and shall become an accessory structure immediately following the placement

of a principal residential structure on the property.” A private residential storage building is a conditional use in the R-SF district.

The proposed 1.41-acre site is located on the north side of Osprey Trail about 400 feet south of Campground Rd. This property is adjoined by property zoned R-SF and R-T. Land uses in this area include residential. The Lincoln County Land Use plan designates this area as Suburban Residential.

Mr. Oakes asked if there was a time limit for when a home would have to be constructed on this property. Mr. Tubbs said there was not and Mr. Hawkins advised that with a Conditional Use Permit, the Board could impose conditions.

Chairman Beam opened the public hearing concerning CUP #367 – Matt Sorensen, applicant.

Matt Sorensen, applicant, said he plans to build a garage on site and then put his home on top of the garage at a later time. He said he plans to build a home there in the next few years, but would like to build the garage now to be able to take his personal items out a rented storage unit. He said the house will be built above the garage. Mr. Sorensen incorporated the Findings of Fact into his testimony.

Commissioner Oakes asked about street access. Mr. Sorensen said access is off Osprey Tail.

Commissioner McCall asked about the proposed driveway. Mr. Sorensen pointed out on the map access to his property. He said he built the driveway to the site.

Commissioner Permenter asked about the plans to build a residence on this site. Mr. Sorensen said he plans to build the house above the garage, the garage will be cinder block, which will be veneered. He said he plans to build straight up, with a flat roof. He said he does not have any architectural drawings at this point.

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

CUP #369 – Kimberly Snipes, applicant:

The applicant is requesting a conditional use permit to place a residential accessory structure in front of the front building line of a house on a lot that’s adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, on lots less than one acre in size, an accessory structure cannot extend in front of the front line of the principal structure, except on lots that abut the lake where a conditional use permit is approved. The applicant is proposing to place a 12 x 20-foot storage building beside the driveway that leads to the house.

The 0.84-acre lot is located at 4384 Pine Harbor Drive, about 400 feet east of Windy

Pine Circle. The lot is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are residential. This property is part of an area designated by the Land Use Plan as Suburban Residential.

Chairman Beam opened the public hearing concerning CUP #369 – Kimberly Snipes, applicant.

Kimberly Snipes, applicant, stated that this property belonged to her father, who passed away in January. She now owns the property and would like to put a storage building there. She incorporated the Findings of Fact into her testimony.

Ms. Snipes said the building will be in a natural area and will not be very visible.

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

ZMA #637 – Kenneth Tucker, applicant:

The applicant is requesting the rezoning of 10.5 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The stated reason for the request is to allow duplexes to be built. See information below on permitted uses in each district.

The property is located on north side of Mundy Road and east side of N.C. 16 bypass. It also has frontage on an unnamed service road that parallels N.C. 16. It is adjoined by property R-SF and R-T. Neither county water nor sewer is available at this location. Land uses in this area include residential, industrial and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities ranging from 1-2 units per acre.

Permitted uses

Under current R-SF zoning: modular homes, site-built houses, church.

Under proposed R-T zoning: manufactured homes (singlewides or doublewides), duplexes, modular homes, site-built houses, church.

Adjoining zoning and uses

East: zoned R-SF, residence.

South (opposite side of Mundy Road): zoned R-T, undeveloped property.

West (opposite side of N.C. 16): zoned R-SF, residence.

North: zoned R-T, undeveloped property.

Commissioner Oakes asked about the number of duplexes that could go on this site. Mr. Hawkins said it depends on how it is subdivided as to how many duplexes would be allowed.

Chairman Beam opened the public hearing for ZMA #637 – Kenneth Tucker, applicant.

Benny Barker said he owns the property beside this land and believes you should be able to do what you want with your property. He said his issue is he has tried for 5 years to add more duplexes on Grassy Creek Road and has not been approved. Mr. Barker said duplexes do devalue the land around it

Todd Wulfhorst, Attorney representing Mr. Tucker, said the plans are to build 3 or 4 duplexes along the service road at this time.

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

Commissioner Oakes asked for information about the buffer at Burton Creek on Blades Trail. Mr. Hawkins said they have informed the developer that the buffers will need to be restored.

Public Hearing Concerning the Installment Financing of the Health Department Renovation and VIPER Project: Chairman Beam opened the public hearing concerning the Installment Financing of the Health Department Renovation and VIPER Project.

Being no speakers, Chairman Beam closed the public hearing.

Adoption of a Resolution Providing for the Issuance of a General Obligation Refunding Bond, Series 2017: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the Resolution Providing for the Issuance of a General Obligation Refunding Bond, Series 2017.

Adoption of a Resolution Authorizing an Installment Financing Contract and Making Certain Findings and Appointments, and Requesting Approval of the Local Government Commission: Deanna Rios presented the following for the Board's approval.

**RESOLUTION PROVIDING FOR THE ISSUANCE OF A
GENERAL OBLIGATION REFUNDING BOND, SERIES 2017**

Commissioner Mitchem moved adoption of the following resolution, that motion was seconded by

Commissioner Oakes, and the resolution was read by the above title.

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln, North Carolina (the "Board of Commissioners"):

Section 1. The Board of Commissioners has determined and does hereby find and declare:

(a) That an order authorizing not exceeding \$13,700,000 Refunding Bonds was adopted by the Board of Commissioners on July 17, 2017, which order has taken effect.

(b) That none of those Refunding Bonds have been issued; that no notes have been issued in anticipation of the receipt of the proceeds of the sale of those Refunding Bonds; and that it is necessary to issue at this time a portion of those Refunding Bonds in accordance with the provisions of Section 2 of this resolution.

(c) That those Refunding Bonds shall be deemed to refund the bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

(d) That the bonds being refunded are the General Obligation School Bonds, Series 2010B maturing on and after June 1, 2020 and the General Obligation School Bonds, Series 2011B maturing on and after June 1, 2021.

(e) That Raymond James Capital Funding, Inc. (the “Lender”; that term shall also include any successor owner of the Bond) has offered to purchase those Refunding Bonds pursuant to a Bond Purchase Agreement by and between the Local Government Commission of North Carolina (the “Commission”), the County and the Lender (the “Bond Purchase Agreement”; that term shall also include any successor similar agreements with other owners of the Bond).

Section 2. Pursuant to that bond order, there shall be issued a single bond of the County of Lincoln, North Carolina (the “Issuer”) in a principal amount not exceeding \$13,700,000 as shall be determined as hereinafter provided, designated “General Obligation Refunding Bond, Series 2017” and dated the date of delivery thereof (the “Bond”). The Bond shall be stated to mature, subject to the right of prior redemption as hereinafter provided, in annual installments of principal on June 1 in the years 2018 to 2029, inclusive, in such amounts as shall be determined as hereinafter provided.

The Bond shall bear interest on the unpaid part of its principal amount (computed on the basis of a 360-day year consisting of twelve 30-day months) at the rate of two and twenty-nine hundredths per centum (2.29%) per annum.

From and after a “Rate Adjustment Event,” as defined below, (a) the principal of the Bond will continue to be payable as shown thereon but (b) the annual interest rate on the Bond will change to 3.53%.

“Rate Adjustment Event” means any final determination by the Internal Revenue Service, any federal administrative agency or any court that the County has taken an action, or failed to take an action,

with the result that the interest on the Bond is includable in gross income of an owner for federal income tax purposes.

Upon being notified by the Lender of a Rate Adjustment Event, and notwithstanding any other provision of the Bond, the County has the right to prepay the Bond in whole, without premium or penalty. The County must exercise this right to prepay by giving notice to the Lender and prepaying the Bond within 30 days of the County's receiving notice of a Rate Adjustment Event.

The County will pay interest at the adjusted rate (subject to credit for interest previously paid) to the Lender and any assignee, notwithstanding the fact that any particular entity may not be the Lender on the date of any Rate Adjustment Event. The County will also pay to any Lender, or to any prior Lender, any taxes, interest, penalties or other charges assessed against or payable by that Lender and attributable to a Rate Adjustment Event, notwithstanding the prepayment or other repayment of the entire principal amount of the Bond or any transfer or assignment of the Bond.

From and after an "Event of Default," as defined below, (a) the principal of the Bond will continue to be payable as shown on the Bond but (b) the annual interest rate on the Bond will change from time to time to be the greater of (i) the "Prime Rate" plus 3% (300 basis points), (ii) the "Federal Funds Rate" plus 5% (500 basis points), or (iii) 7.00%. The Lender retains all other rights at law or equity to enforce payment of the Bond or any other County obligations under the Bond or the County's authorizing resolution.

The "Prime Rate" and the "Federal Funds Rate" as referenced in this section will be the rates with those designations as shown on the most recent version of the Federal Reserve's "Selected Interest Rates (H. 15)" report, or any successor report. An "Event of Default" with respect to the Bond shall mean any failure by the County to pay the full amount due on the Bond on any payment date or any other failure by the County to comply with a requirement of the Bond or the County's authorizing resolution.

Interest shall be payable on December 1, 2017 and semiannually thereafter on June 1 and December 1 of each year until payment of the principal amount.

The County Manager and the Finance Director of the Issuer are each hereby authorized and directed to make determinations of the principal amount of the Bond and the amounts of the annual installments of principal of the Bond and to make other determinations as to the terms and provisions of the

Bond, subject to the limitations contained in this resolution. The County Manager or the Finance Director of the Issuer shall execute one or more certificates to evidence the making of those determinations, and each certificate shall be conclusive evidence of the determinations of the County Manager or the Finance Director of the County, as applicable, as to the matters stated therein.

The Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from that interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, the Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The principal of and the interest on the Bond shall be payable to the person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of the Bond or his registered assigns or legal representative as the same shall become due and payable on the respective payment dates by wire transfer or other means in accordance with information to be provided to the Issuer by the registered owner of the Bond.

The Bond shall be initially issued as one fully-registered bond, numbered R-1, and shall be initially registered in the name of "Raymond James Capital Funding, Inc.".

The Issuer has pledged its faith and credit to the payment of the principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for the timely payment thereof, the Issuer will levy on all real and tangible personal property taxable by the Issuer such ad valorem taxes as may be necessary to pay the principal of and the interest on the Bond as they become due.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to each Bond issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bond shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the corporate seal or a facsimile of the corporate seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bond.

The certificate of the Local Government Commission to be endorsed on the Bond shall bear the manual or facsimile signature of the Secretary of the Local Government Commission and the certificate of authentication of the Bond Registrar (hereinafter defined) to be endorsed on the Bond shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission whose manual or facsimile signature shall appear on the Bond shall cease to be that officer before the delivery of the Bond, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until that delivery, and the Bond may bear the manual or facsimile signatures of those persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been that officers.

The Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bond and the endorsements thereon shall be in substantially the following forms:

No. R- 1

\$_____

United States of America
State of North Carolina

COUNTY OF LINCOLN

GENERAL OBLIGATION REFUNDING BOND, SERIES 2017

The County of Lincoln (the "County"), a political subdivision in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

RAYMOND JAMES CAPITAL FUNDING, INC.

or registered assigns or legal representative the principal sum of

_____ DOLLARS

in annual installments on the 1st day of June in the following years and amounts:

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 2018 | |
| 2019 | |
| 2020 | |
| 2021 | |
| 2022 | |

2023
2024
2025
2026
2027
2028
2029

and to pay interest from the date hereof on the unpaid part of that principal sum as provided in the Resolution (defined below). That interest to the maturity hereof is payable on December 1, 2017 and semiannually thereafter on June 1 and December 1 in each year. The principal of and the interest on this bond shall be payable to the person appearing on the registration books of the County as the registered owner of this bond or his assigns or legal representative as the same shall become due and payable on the respective payment dates by wire transfer or other means in accordance with instructions to be provided to the County by the registered owner of this bond. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the County of Lincoln are hereby irrevocably pledged.

This bond is being issued by the County for the purpose of providing funds, with any other available funds, for refunding certain outstanding bonds of the County, including paying expenses related thereto, as provided in a resolution duly passed by the Board of Commissioners for the County on August 7, 2017 (the "Resolution"), and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the Board of Commissioners, which has taken effect, and the Resolution.

The County may redeem prior to maturity the installments of principal of this bond, from any moneys that may be available for that purpose, (a) in whole or in part at its option on any business day on and after June 1, 2027 and (b) in whole at its option upon and after an Rate Adjustment Date (as defined in the Bond Purchase Agreement), in either case upon payment of the amount of the installments of principal to be redeemed and interest accrued to the redemption date. Redemptions in part shall be applied in inverse order of scheduled payment and shall be in the minimum amount of \$1,000,000 and \$5,000 increments in excess thereof.

Not less than thirty (30) days before the redemption date of the installments of principal of this bond to be redeemed, the County shall cause a notice of redemption to be filed with the Bond Registrar (as defined in the Resolution) and to be given by certified or registered United States mail, postage prepaid, to the registered owner of this bond at his address appearing upon the registration books of the County or by such other means as the registered owner of this bond shall require. As long as Raymond James Capital Funding, Inc. is the registered owner of this bond, any such notice shall be deemed to have been received on the third day after the day that it was deposited in the United States mail or on the day that it was actually received as evidenced by a return receipt or other evidence of the delivery of that notice to that registered owner, whichever is earlier. On the date fixed for redemption, notice having been given as aforesaid, the installments of principal of this bond so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to that date, and the County shall pay that redemption price plus accrued interest to the registered owner of this bond by wire transfer or other means in accordance with instructions to be provided by that registered owner.

In the event that all outstanding installments of principal of this bond shall be redeemed, the registered owner of the Bond shall promptly surrender this bond to the Bond Registrar and this bond shall forthwith be cancelled by the Bond Registrar.

The Bond Registrar shall keep at his or her office the books of the County for the registration of transfer of this bond. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond, registered in the name of the transferee, in a principal amount equal to the outstanding installments of principal of this bond, containing the same outstanding installments of principal and bearing interest at the same rate. Notwithstanding the foregoing, the Bond Registrar shall not register the transfer of this bond to any person or entity other than a bank, insurance company or similar financial institution unless that transfer has been approved by the Local Government Commission.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond

have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of the County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County of Lincoln, by resolution duly passed by its Board of Commissioners, has caused this bond to be manually signed by the Chairman of the Board and the Clerk to the Board and its corporate seal to be impressed hereon, all as of the ____ day of ____ 2017.

Chairman of the Board of Commissioners

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is the bond of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the County of Lincoln, North
Carolina, as Bond Registrar

By: _____
Authorized Signatory

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of that bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration of enlargement or any change whatever.

Section 4. The Issuer may redeem prior to maturity the installments of principal of this bond, from any moneys that may be available for that purpose, (a) in whole or in part at its option on any business day on and after June 1, 2027 and (b) in whole at its option upon and after an Rate Adjustment Date (as defined in the Bond Purchase Agreement), in either case a upon payment of the amount of the installments of principal to be redeemed and interest accrued to the redemption date. Redemptions in part shall be applied in inverse order of scheduled payment and shall be in the minimum amount of \$1,000,000 and \$5,000 increments in excess thereof.

Not less than thirty (30) days before the redemption date of the installments of principal of the Bond to be redeemed, the Issuer shall cause a notice of redemption to be filed with the Bond Registrar and to be given by certified or registered mail, United States mail, postage prepaid, to the registered owner of the Bond at his address appearing on the registration books of the Issuer or by such other means as the registered owner of the Bond shall require. Any notice shall set forth the date designated for redemption,

the redemption price to be paid and the installments of principal of the Bond to be redeemed. As long as the Lender is the registered owner of the Bond, any notice shall be deemed to have been received on the third day after the day that it was deposited in the United States mail or on the day that it was actually received as evidenced by a return receipt or other evidence of the delivery of such notice to that registered owner, whichever is earlier.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the installments of principal of the Bond called for redemption, the redemption premium and the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the installments of principal of the Bond so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to that date, and the Issuer shall pay that redemption price plus accrued interest to the registered owner of the Bond by wire transfer or other means in accordance with instructions to be provided by that registered owner.

In the event that all outstanding installments of principal of the Bond shall be redeemed, the registered owner of the Bond shall promptly surrender the Bond to the Bond Registrar and the Bond shall forthwith be cancelled by the Bond Registrar.

Section 5. The Bond Registrar shall keep at his or her office the books of the Issuer for the registration of transfer of the Bond. The transfer of the Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner thereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond, registered in the name of the transferee, in a principal amount equal to the outstanding installments of principal of the Bond so surrendered, containing the same outstanding installments of principal and bearing interest at the same rate.

In all cases in which the transfer of the Bond shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time a new Bond in accordance with the provisions of this resolution. Any Bond surrendered in any registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs

for every registration of transfer of the Bond sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to that registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for registering the transfer of the Bond under this resolution. Notwithstanding the foregoing, the Bond Registrar shall not register the transfer of the Bond to any person or entity other than a bank, insurance company or similar financial institution unless that transfer has been approved by the Local Government Commission.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All those payments shall be valid and effectual to satisfy and discharge the liability upon any Bond, including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositories or other agents as may be necessary for the registration and registration of transfer of the Bond within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bond. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bond (collectively the "Bond Registrar"), subject to the right of the Board of Commissioners to appoint another Bond Registrar, and as such shall keep at his or her office the books of the Issuer for the registration, registration of transfer and payment of the Bond as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as are applicable to the Bond, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bond being includable in the gross income of the owner of the Bond for purposes of federal income taxation.

Section 7. An Escrow Deposit Agreement and a Bond Purchase Agreement, substantially in the forms thereof presented to the Board of Commissioners, are hereby approved, and the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners are each hereby authorized to

approve such changes in those documents as are necessary and to execute those documents for and on behalf of the Issuer.

Section 8. The Chairman of the Board of Commissioners, the County Manager, the Finance Director, the Clerk to the Board of Commissioners and the County Attorney of the Issuer and their designees are hereby authorized and directed to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as may be necessary or appropriate to effectuate the issuance of the Bond or the refunding of the bonds to be refunded with the proceeds of the Bond. Those actions include giving or causing to be given notices of redemption of the bonds to be refunded as required by the resolution providing for their issuance passed by the Board of Commissioners and any related documents.

Section 9. This resolution shall take effect upon its passage.

Upon motion of Commissioner Mtichem, seconded by Commissioner Oakes, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Commissioners Beam, Oakes, McCall, Mitchem, Permenter

_____.

Noes: _____.

* * * * *

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, spoke about the recent rain, the dredging of the cove and where measurements will be taken.

Being no speakers, Chairman Beam closed Public Comments.

Sunday Brunch Ordinance: Josh Grant presented the following:

North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws". This agenda item does not affect or address any referendums that the county or its voters may petition in the future. This was essentially a stand-alone bill in the legislature and mainly addresses only the time that beverages can be served on Sundays.

At the request of several establishments in Lincoln County including mainly restaurants, the County Manager's office brings before you this ordinance for consideration of adoption.

Mr. Grant reviewed the surrounding counties and cities that have approved the Sunday Brunch Ordinance.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Ordinance #2017-1: An Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises.

ORDINANCE NO. 2017-1:

An Ordinance To Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our county to meet the needs of their customers;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Lincoln County, North Carolina that:

Section 1. Pursuant to the authority contained in N.C.G.S. §153A–145.7, the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed in the unincorporated areas of Lincoln County beginning at 10 A.M. on Sunday pursuant to the licensed premises’ permit issued under N.C.G.S §18B–1001.

Section 2. This ordinance is effective on the 7th day of August, 2017.

Adopted this 7th day of August, 2017.

Bill Beam, Chair

Attest: _____
Amy S. Atkins, Clerk

Intergovernmental Agreement for Information Technology Services with the City of Lincolnton: Josh Grant presented the following:

The City of Lincolnton does not have a traditional I.T. department. The city currently contracts with an individual for minimal service and would like to become more efficient and improve their day to day operations. The County has a more well equipped I.T. department and already houses much of the equipment needed by the City. In addition to other benefits, the County will directly benefit by way of additional staffing and higher potential for better bulk pricing on equipment. County IT employees will also be compensated for additional duties by a portion of the funds being offered as a part of the Agreement. The additional employee as presented in the agreement will allow the county to also address some of the shortcomings we have from a personnel standpoint in other departments that demand a higher I.T. presence.

The County Manager's office and Information Technology Department is seeking the board’s approval of the agreement.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Intergovernmental Agreement for Information Technology Services with the City of Lincolnton.

Contract for Services to Piedmont Triad Regional Council (PTRC) on behalf of Centralina Council of Governments (CCOG) to perform a Phase 2 - Pay & Classification Study: Josh Grant presented the following:

Staff recommends that a Phase 2 analysis is needed in order to validate and adjust where needed the preliminary analysis that has been completed by county staff thus far. Staff presented to the commissioners in an April budget workshop the initial results and the impact to the county budget. Mr. Grant asked for the Board's approval of the contract.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Contract for Services to Piedmont Triad Regional Council (PTRC) on behalf of Centralina Council of Governments (CCOG) to perform a Phase 2 – Pay & Classification Study – after striking the section in paragraph 2 about liquidated damages.

Other Business: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to make the following appointments to the Airport Authority:

Re-Appoint Jamie "Alan" Brown as a county appointee to a term expiring Jan 1, 2020 (to be consistent with his previous term)

Re-appoint Walt Krupowicz for a short term expiring Oct 1, 2017. since his second term currently expires Oct 1, 2017.

Appoint Tom Anderson as a county appointee to a term expiring July 1, 2020, replacing Chuck Boyle, who moved out of the county.

Appoint Gene Poinsette as a county appointee who lives in the city to a term expiring June 30, 2018.

Confirm the appointment of David Lowe (the city's appointee) as chair for one year ending July 1, 2018, as per our agreement with the city.

Closed Session concerning Lincolnton Lincoln County Airport: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session concerning the Lincolnton Lincoln County Airport.

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

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