

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 6, 2017

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on November 6, 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
Anita McCall
Carrol Mitchem

Commissioners Absent:

Richard Permenter

Planning Board Members Present:

Dr. Crystal Mitchem, Chair
Todd Burgin, Vice-Chair
Floyd Dean, Secretary
Matt Burton
Matt Fortune
Keith Gaskill
Jamie Houser
John Marino
Milton Sigmon

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 the victims in Texas and Trent Carpenter, who lost his father last week, and led the Pledge of Allegiance.

Chairman Beam welcomed new Planning Board members Milton Sigmon and John Marino.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, November 6, 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
 - VTS Refunds
 - Surplus Property
 - Approval of Minutes
 - October 2, 2017
 - October 16, 2017
3. Zoning Public Hearings - Randy Hawkins

CUP #370 Katherine Shaw, applicant (Parcel ID# 58860) A request for a conditional use permit to host weddings and other events in the R-T (Transitional Residential) zoning district. The 4.0-acre parcel is located at 7138 Kidville Road, on the south side of Kidville Road about 1,000 feet west of Verdict Ridge Drive, in Catawba Springs Township.

ZMA #638 Teramore Development, LLC, applicant (Parcel ID# 50810) A request to rezone 0.7 acres from R-S (Residential Suburban) to B-N (Neighborhood Business). The property is located at the end of Gordon Street about 300 feet northeast of the intersection of N.C. 150 and Lee Lawing Road in Ironton Township.

ZMA #640 Denise Edwards, applicant (Parcel ID# 57451 and 34189) A request to rezone 59 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The property is located about 1,500 feet west of Little Egypt Road and 2,000 feet north of N.C. 73 in Catawba Springs Township.

PD #2016-5-A Rufus Road Partners, LLC (Parcel ID #32850) A request to amend the master plan for the planned Wildbrook residential development to permit a charter school with grades K-8 on a 10.6-acre portion of the development site currently approved for 30 single-family detached homes. The 73-acre Wildbrook site borders Triangle Circle, Rufus Road and Airlie Parkway in Catawba Springs Township.

PD #2014-2-A4 MDSeven Financial, LLC, applicant (Parcel ID# 91817, 91818 and 91819) A request to amend the master plan for the planned Rivercross mixed-use development to permit 135 single-family detached homes and 133 townhomes on a 74-acre portion of the development site currently approved for 220 single-family detached homes, and to amend the master plan in regard to phasing and road improvements. The 116-acre Rivercross site is located on the west side of N.C. 16 Business and the south side of the southern end of Triangle Circle in Catawba Springs Township.

4. ~~Release of Performance Guarantee—Villages of Denver Phase 2 (Improvement Guarantee #56)—Jeremiah Combs~~
5. Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff
6. Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff
7. Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff
8. Announcement of Incentive Grants Previously Awarded - John Dancoff
9. Public Hearing - NCDOT FY 19 Consolidated Capital Grant (5310) - Kathryn Saine
 - Public Transportation Resolution
 - Human Service Agency Transportation Resolution
10. National Caregiver Month Proclamation - Kathryn Saine
11. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
12. Approval of Contract to purchase property located at 612 and 614 Center Street, Lincolnton - Josh Grant
13. Finance Office Requests - Deanna Rios
 - Capital Project Ordinance Amendment #1
 - Budget Ordinance Amendment #3
 - Grant Project Ordinance #1
 - Grant Project Ordinance #2
 - Grant Project Ordinance Amendment #1
14. Other Business

Adjourn

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

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

Consent Agenda

- VTS Refunds
- Surplus Property
- Approval of Minutes
 - October 2, 2017
 - October 16, 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 #370 – Kathleen Shaw, applicant: Mr. Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to host weddings and other events in the R-T (Transitional Residential) district. She is proposing to host 10-15 special events a year with no more than 150 guests per event. An existing horse barn would serve as an event center. The proposed use is classified as recreation. Under the Unified Development Ordinance, private recreation facilities are permitted in the R-T district where approved by the Board of Commissioners through the issuance of a conditional use permit.

SITE AREA AND DESCRIPTION

The 4.0-acre parcel is located at 7138 Kidville Road, on the south side of Kidville Road about 1,000 feet west of Verdict Ridge Drive, in Catawba Springs Township. The applicant resides on this property. It is surrounded by property zoned R-T. Land uses in this area include residential, recreational and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Chairman Beam opened the public hearing concerning CUP #370 – Kathleen Shaw, applicant.

Kathleen Shaw, applicant, said she lives on the property and will be calling it The Emerald Farm. This is an old horse barn, which will be used for the venue. Only 10 to 15 events will be held per year with 150 people or less per event. She said there is parking in the front area, as well as overflow parking behind the barn. The music will be shut down at 11 p.m. and events will only be held on the weekends.

Commissioner McCall asked what will happen when the 16th person calls to hold an event. Ms. Shaw said she was just estimating and would like to not have the condition that she could only have 10 – 15. She asked to remove the limit from the application.

Milton Sigmon asked about water and restrooms.

Ms. Shaw said the barn does have water and restrooms will be pulled in on a trailer for events.

Ms. Shaw said she prepared the proposed findings of fact and incorporated them into her testimony.

Commissioner Oakes asked if there were any issues with having events with this many people while on a septic system. Mr. Hawkins said the applicant will provide portable facilities so there won't be a problem.

Commissioner McCall asked if Ms. Shaw has spoken with her neighbors regarding the traffic. Ms. Shaw responded that she has and the next door neighbor has not said anything, they are actually excited about it. She said the feedback received has been positive.

Matt Burton, Planning Board member, asked if the current driveway will be used or if it will need to be modified. Mr. Hawkins answered that the applicant will need to obtain a permit from the NCDOT.

Chairman Beam opened the public hearing concerning CUP #370.

Celia Ellis, 7086 Kidville Road, said she lives right next door to the property. She said she has spoken to the other neighbors and they are all concerned about the traffic and parking. She said it is a pretty busy road they wonder about overflow parking and if it will be in front of their house. She said as long as it stays nice and peaceful, they are more than happy for Kathleen to pursue this, but they do have the concerns about the traffic and the possible noise generated.

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

ZMA #638 – Teramore Development, LLC, applicant:

The applicant is requesting the rezoning of 0.7 acre from R-S (Residential Suburban) to B-N (Neighborhood Business).

The property is located at the end of Gordon Street about 300 feet northeast of the intersection of N.C. 150 and Lee Lawing Road in Ironton Township. It is adjoined by property zoned R-S and B-N. Land uses in this area include residential, business and civic (fire department and high school). This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for residential development.

Additional Information

Permitted uses

Under current R-S zoning: duplex, modular home, site-built house.

Under proposed B-N zoning: retail sales, offices, personal services, etc., with a maximum floor

area of 10,000 square feet.

Adjoining zoning and uses

East: zoned R-S, vacant lot.

South: zoned B-N and R-S, vacant commercial building and vacant lot.

West: zoned R-S, vacant lot

North: zoned R-S, residences.

Staff's Recommendation

Staff recommends approval of the rezoning request.

Under state law, prior to adopting or rejecting a zoning amendment, the Board of Commissioners must adopt one of the following statements:

(1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

(2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

(3) A statement approving the zoning amendment and containing at least all of the following:

a. A declaration that the approval is also deemed an amendment to the comprehensive plan.

b. An explanation of the change in conditions the governing board took into account in amending the plan to meet the development needs of the community.

c. Why the action taken is reasonable and in the public interest.

A community involvement was held a couple weeks ago with 25 to 30 people there. Concerns were expressed about traffic and trucks making early deliveries there. He said the applicant agreed to plant evergreens along the rear line as screening, which goes above and beyond what is required by the ordinance.

Mr. Hawkins said access to the store would be right in, right out only on Hwy 150 and full access from Lee Lawing Road.

Commissioner Oakes asked about conditions that could be placed concerning traffic improvements. Andrew Bryant stated that since this is a rezoning, conditions cannot be placed.

Chairman Beam opened the public hearing for ZMA #638 – Teramore Development, LLC, applicant.

Annette Boston said the applicant said they will leave the chain link fence that is currently there, plant the greenery, and install a privacy fence. She said her concern is for the privacy since it is immediately next to her property, but his promise to do those things will relieve her concerns. She spoke concerning the traffic and congestion in the area.

Robert Brown, with the Jonas Law Firm, spoke representing the applicant in this matter. He said this is the rezoning of the parcel at the rear of the property. He said they have a termination of right of way agreement for Gordon Street, which will be held in escrow in his office pending closing. Gordon Street will be closed and will not be used for access in any way. He said the site plan submitted at the community involvement meeting on October 24 is the site plan.

Daniel Acmazan, applicant, said the concerns addressed at the community meeting have been incorporated into the site plan. He said they will stand behind what they say they will do.

Bynum Caldwell, property owner, informed the Board that when this property was zoned, the lot was already fenced and was a contractor's laydown yard. The area to be rezoned was actually like that prior to it being zoned.

Ed Masterson spoke about the septic area on the property since it is right on the property line. He asked for the case to be postponed for Terramore to get back with him on this matter. He asked if he could possibly buy the strip of land between his house and the site.

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

ZMA #640 – Denise Edwards, applicant:

The applicant is requesting the rezoning of 59 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family).

The property is located about 1,500 feet west of Little Egypt Road and 2,000 feet north of N.C. 73 in Catawba Springs Township. A portion of this property is located in a 100-year floodplain. This property is adjoined by property zoned R-T, R-SF and PD-R (Planned Development Residential). Land uses in this area include residential, institutional (church and schools), and agriculture/silviculture. This property is designated by the Lincoln County Land Use Plan partly as Mixed Residential, suitable for a mixture of housing types and densities of 2-8 dwelling units per acre, and partly as Suburban Residential, suitable primarily for single-family homes with densities up to two dwelling units per acre. Water and sewer lines are located in this area.

Additional Information

Permitted uses

Under current R-T zoning: manufactured homes, duplexes, modular homes, site-built homes, church.

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

Minimum lot size

Under current R-T zoning: 32,500 square feet (0.746 acre).

Under proposed R-SF zoning: 22,500 square feet (0.516 acre) with public water and sewer, 32,500 square feet otherwise.

Adjoining zoning and uses

East: zoned R-T and R-SF, undeveloped tracts.

South: zoned R-T and R-SF, undeveloped tracts and school site.

West: zoned R-SF, residential uses and undeveloped tract.

North: zoned R-T and PD-R, undeveloped tracts.

The Board discussed the access to this site and also the differences in density with the different zoning.

Chairman Beam opened the public hearing concerning ZMA #640 – Denise Edwards, applicant.

Being no speakers, Chairman Beam closed the public hearing.

PD #2016-5-A – Rufus Road Partners, LLC, applicant

The applicant is requesting to amend the master plan for the Wildbrook residential development to permit a charter school with grades K-8 on a 10.6-acre portion of the development site. The 73-acre Wildbrook site was rezoned to Planned Development Residential (PD-R) and approved for up to 180 single-family detached homes in October 2016. Grading has started on the first phases.

Under the Unified Development Ordinance, a PD-R district may include any uses that are permitted or conditional uses in regular residential districts, subject to approval by the Board of Commissioners. Elementary and secondary schools are permitted uses in residential districts.

The proposed location for the charter school is on the eastern portion of the Wildbrook site, where 30 homes had been planned. No other changes are proposed in the master plan. The road network would remain the same.

Wildbrook is adjacent to the site of the planned Rivercross mixed-use development. One of the accesses to Wildbrook will be via Rivercross, which has entrances planned off Triangle Circle and off N.C. 16 Business. Other access points to Wildbrook are on Rufus Road and Airlie Parkway.

No use is shown on the proposed amended plan for two smaller areas of the 10.6-acre portion of the Wildbrook site. Future use of these areas would have to be approved through a plan amendment/public hearing process.

A development report, minutes from a community involvement meeting, and a traffic impact analysis have been submitted as part of this application.

The Wildbrook site borders Triangle Circle, Rufus Road and Airlie Parkway in Catawba Springs Township. It is adjoined by property zoned PD-MU (Planned Development Mixed Use), I-G (General Industrial), R-T (Transitional Residential), R-SF (Residential Single Family) and B-N (Neighborhood Business). Land uses in the area include residential, business and industrial.

PLAN CONFORMANCE

Guiding Principle 3 of the Lincoln County Land Use Plan calls for integrating community facilities such as schools into the planning process for residential and commercial development, in order to maximum the investment benefits.

The proposed site for the charter school is part of an area designated in the NC 16 Corridor Vision Plan as a potential community center. The plan calls for a mix of commercial uses built in an urban or downtown-type setting with on-street parking, an urban green or open space, as well as a natural area with a small amphitheater. These elements are incorporated in the Rivercross plan.

The Corridor Vision Plan calls for a new road network in this area that would provide alternate travel routes between N.C. 16

Chairman Beam opened the public hearing concerning PD #2016-5-A Rufus Road Partners, LLC.

Robert Davis introduced Steve Bailey and said he is here to answer any questions.

Steve Bailey presented information concerning West Lake Preparatory Academy. He presented the site plan for the school. The following intersections were studied: NC 16 and Triangle Circle/Unity Church Road, NC 16 & Triangle Circle South, Optimist Club

Road & Triangle Circle and proposed new connections onto Triangle Circle and onto NC 16. The proposed improvements that the school will take care of are a 150 foot southbound right turn lane from NC 16 onto Triangle Road South and a traffic signal at NC 16 & Cherry Point Drive.

The West Lane Preparatory Academy will have a two-story facility with a gymnasium, computer labs, science labs, cafeteria/multi-purpose room and playground and field. The school will serve students in grades K-8 with 615 students and 765 in year three.

Commissioner Mitchem asked who maintains the roads. Mr. Bailey said the developer will install the roads and DOT will take them over. The Charter School will not have buses and arrival/dismissal times will be staggered.

Rudy Bauer, 8252 Blades Trail, asked the Planning Board to think about this development. He said they didn't state how many students will be there 5 years from now. He spoke about the traffic study and asked the Board to make sure this Charter School doesn't turn out like the other one on Hwy 16.

Mike Surasky said the traffic study is for full build-out, which will be in 2019. They are proposing right turn lanes in to the Charter School and Rivercross. They will have a dedicated left turn lane into the site. He said the traffic study is for 765 students and they cannot grow past that.

Mr. Bailey said they cannot have more than 765 students, that is what the permit and the building are based on. This school does not use mobile units.

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

PD #2014-2-A4 MDSeven Financial, LLC, applicant

The applicant is requesting to amend a master plan for a planned mixed-use development to permit 135 single-family detached houses and 133 townhouses on a 74-acre tract currently approved for 220 single-family detached houses, and to amend the master plan in regard to phasing and road improvements. This same request was heard by the Planning Board and Board of Commissioners in April, but it was withdrawn by the applicant before a final decision was made.

This request involves the planned 116-acre Rivercross development, which was approved in a rezoning in February 2015 for 200 apartments, 40 townhouses and 100,000 square feet of commercial space in addition to 220 single-family detached houses. The approved plan also includes road improvements at the two entrances to the development and at the intersection of Optimist Club Road and Triangle Circle. At the time of the rezoning, the Rivercross site was a single tract under one ownership. It has since been subdivided into three tracts that are now under separate ownership: the 74-acre single-family site, the 12-acre apartment site and the 29-acre commercial site. The original owner, Rivercross Investments, LLC, retains the commercial site, which includes 40 proposed townhouses. No development has started on any of the three sites.

Under the original master plan, nearly all of the road improvements were assigned to the development's first phase, which called for 79 lots for single-family detached houses.

Last year, at the request of Rivercross Capital, LLC, the owner of the apartment site, the Board of Commissioners approved modifications to the master plan to allow the development of that area to proceed first with its own assigned road improvements and to permit six duplexes (12 dwelling units) in addition to the 200 apartments.

As part of its application, MDSeven Financial has submitted the results of a traffic engineer's analysis of the impact of 135 single-family detached houses and 133 townhouses. Based on trip generation figures established by the Institute of Transportation Engineers (ITE) for different housing types, the analysis showed the proposed mix of 268 dwelling units would result in a 1.8% increase in the total number of daily trips compared to 220 single-family detached houses.

The analysis also compared the impact of the proposed 268 dwelling units to the overall development. In a technical memo, transportation engineer Randy Goddard of Design Resource Group recommended that the remaining traffic improvements (those not assigned to the apartment site) be assigned to the other sites based on the percentage of the overall trip generation. MD7 Financial has agreed to contribute \$125,000 toward improvements that weren't recommended for assignment to the single-family site.

Following is a table that lists the traffic improvements required under the original rezoning, the improvements assigned to the apartment site, the improvements proposed to be assigned to the single-family site, and the remaining improvements proposed to be assigned to the commercial site.

The Board discussed the traffic improvements associated with the development and Charter School.

Steve Bailey presented information concerning this request. Traffic improvements include turn lanes associated with Rivercross – at the entrance, a right turn lane at Triangle Circle and a left turn lane into the road that goes between the apartments and the Charter School, a right turn lane and new stoplight at the main boulevard into Rivercross, a right turn lane on Optimist and a left turn lane at Triangle Circle.

Chairman Beam opened the public hearing concerning PD #2014-2-A4 – MD Seven Financial, LLC, applicant.

Chantal Donofrio, 7841 Harbor Master Court, Denver, spoke concerning traffic and said it is a nightmare to turn left out of their neighborhood. She said this development will make it even worse with a light right there.

Richard Donofrio, 7841 Harbor Master Court, Denver, stated that the light right there will make the traffic even worse. He said they will not be able to go left or right, especially during rush hour.

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

Public Hearing – Industrial Incentive Grant for Existing Industry: John Dancoff presented information concerning Cataler, North America. On or before November 6, 2017, Cataler shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Cataler shall make an investment upon such site in building/land and/or machinery and equipment of \$7,529,357 (the expected capital investment) of which \$5,623,589.30 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the effective date of this agreement, Cataler shall provide at such site at least 4 new jobs paying average weekly wages of \$772.00 including benefits. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$25,768.97 per year for a five-year period.

Chairman Beam opened the public hearing concerning the Industrial Incentive Grant for Cataler, North America.

Being no speakers, Chairman Beam closed the public hearing.

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

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

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Cataler North America, have developed plans for expansion of their manufacturing equipment in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, Cataler North America.

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 6th day of November 2017.

Bill Beam, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

THIS AGREEMENT is made and entered into as of the 6th day of November, 2017 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Cataler North America, a North Carolina corporation (hereinafter referred to as Cataler).

WITNESSETH

:

WHEREAS, Cataler has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Cataler to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before November 6, 2017, Cataler shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Cataler shall make an investment upon such site in building/land and/or machinery and equipment of \$7,529,357 (the expected capital investment) of which \$5,623,589.30 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Cataler shall provide at such site at least 4 new jobs paying average weekly wages of \$772.00 including benefits.
4. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$25,768.97 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Cataler within 30 days after Cataler has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level II grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. Cataler shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.
6.
 - a. In the event that the value of the investment actually made by Cataler pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.
 - b. In the event that the number of people in qualifying jobs actually employed by Cataler pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.
7. Cataler specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be

unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

Cataler

By: _____
President

LINCOLN COUNTY

By: _____
Bill Beam, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Industrial Incentive Grant for Existing Industry: John Dancoff presented the following information concerning Robert Bosch Tool Corporation.

On or before November 6, 2017, Robert Bosch Tool Corporation shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Robert Bosch Tool Corporation shall make an investment upon such site in building/land and/or machinery and equipment of \$12,600,000 (the expected capital investment) of which \$9,000,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the effective date of this agreement, Robert Bosch Tool Corporation shall provide at such site at least 45 new jobs paying average weekly wages of \$718.00 plus benefits. In consideration of the performance of the aforesaid obligations by Robert Bosch Tool Corporation, the County will provide cash grants to Robert Bosch Tool Corporation of \$41,242.50 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion.

Chairman Beam opened the public hearing concerning the Industrial Incentive Grant for Robert Bosch Tool Corporation.

Being no speakers, Chairman Beam closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Robert Bosch Tool Corporation.

**RESOLUTION TO ADOPT ECONOMIC
INCENTIVE GRANT AGREEMENT WITH
ROBERT BOSCH TOOL CORPORATION.**

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, Robert Bosch Tool Corporation, have developed plans for expansion of their manufacturing equipment in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, Robert Bosch Tool Corporation.

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 6th day of November 2017.

Bill Beam, Chairman
Lincoln County Board of Commissioners

ATTEST:

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 6th day of November 2017 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Robert Bosch Tool Corporation, a Delaware corporation (hereinafter referred to as Robert Bosch Tool Corporation).

WITNESSETH

:

WHEREAS, Robert Bosch Tool Corporation 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 BBB 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 6, 2017, Robert Bosch Tool Corporation 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.), Robert Bosch Tool Corporation shall make an investment upon such site in building/land and/or machinery and equipment of \$12,600,000 (the expected capital investment) of which \$9,000,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Robert Bosch Tool Corporation shall provide at such site at least 45 new jobs paying average weekly wages of \$718.00 plus benefits.
4. In consideration of the performance of the aforesaid obligations by Robert Bosch Tool Corporation, the County will provide cash grants to Robert Bosch Tool Corporation of \$41,242.50 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 Robert Bosch Tool Corporation within 30 days after Robert Bosch Tool Corporation 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. Robert Bosch Tool Corporation 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 Robert Bosch Tool Corporation 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 Robert Bosch Tool Corporation 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. Robert Bosch Tool Corporation 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, Robert Bosch Tool Corporation 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.

Robert Bosch Tool Corporation
President

By: _____

LINCOLN COUNTY

By: _____
Bill Beam, Chairman
Board of Commissioner

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Industrial Incentive Grant for Existing Industry: John Dancoff presented information concerning The Walking Company. He presented the following information:

On or before November 6th, 2017 The Walking Company shall begin an expansion and installation of new equipment in Lincoln County, North Carolina. Within two years of the effective date of this agreement (said effective date being referred in item 1.), The Walking Company shall make an investment upon such site in building/land and/or machinery and equipment of \$7,500,000 (the expected capital investment) of which \$6,750,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the effective date of this agreement, The Walking Company shall provide at such site at least 30 new jobs paying average wages of \$560 per week plus benefits. In consideration of the performance of the aforesaid obligations by The Walking Company, the County will provide cash grants to The Walking Company of \$30,931.88 per year for a five-year period.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with The Walking Company.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH THE WALKING COMPANY**

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, The Walking Company, has developed plans for expansion of their manufacturing equipment in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, The Walking Company.

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 6th day of November, 2017.

Bill Beam, Chairman
Lincoln County Board of Commissioners

ATTEST:

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 6th day of November, 2017 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and The Walking Company, a Delaware corporation (hereinafter referred to as "The Walking Company").

WITNESSETH:

WHEREAS, The Walking Company has developed plans for an expansion and the installation of new 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 The Walking Company 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 6th, 2017 The Walking Company shall begin an expansion and installation of new equipment in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), The Walking Company shall make an investment upon such site in building/land and/or machinery and equipment of \$7,500,000 (the expected capital investment) of which \$6,750,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, The Walking Company shall provide at such site at least 30 new jobs paying average wages of \$560 per week plus benefits.
4. In consideration of the performance of the aforesaid obligations by The Walking Company, the County will provide cash grants to The Walking Company of \$30,931.88 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 The Walking Company within 30 days after The Walking Company 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. The Walking Company 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 The Walking Company 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 The Walking Company 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. The Walking Company 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, The Walking Company 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.

The Walking Company

By: _____
President

LINCOLN COUNTY

By: _____
Bill Beam, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Announcement of Incentive Grants Previously Awarded: John Dancoff announced previous award announced under code names due to state grants pending. Project Blade was Robert Bosch and Project Crayon was Kaco USA. For transparency, the company names are being made public.

Public Hearing – NCDOT FY 19 Consolidated Capital Grant (5310): Kathryn Saine presented information concerning the Grant. This item is for fiscal year 2019 Consolidated Capital Grant (5310) administers all state and federal funds applicable to provide public transportation. Lincoln County is required to provide matching funds to support 5310 Capital Grant, which will come from HCCBG funds. Transportation Lincoln County (TLC) will be providing the service.

This project will help increase transportation funds for individuals who are 65 and older or individuals with disabilities that do not qualify for Medicaid. The same funding was received in 2017-18.

Chairman Beam opened the public hearing. Being no speakers, he closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Public Transportation Resolution.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2019 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for **Public Transportation Program** funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by *(Board Member's Name)* _____ and seconded by *(Board Member's Name or N/A, if not required)* _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Section 5310 program.

WHEREAS, *(Legal Name of Applicant)* **Lincoln County Senior Services** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)* **County Manager of Lincoln County** of (Name of Applicant's Governing Body) **Kelly G. Atkins** is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I (Certifying Official's Name)* **Amy S. Atkins** (Certifying Official's Title) **Clerk to the Board** do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) **Lincoln County Board of Commissioner's** duly held on the _____ day of _____, _____.

Signature of Certifying Official

**Note that the authorized official, certifying official, and notary public should be three separate individuals.*

Seal Subscribed and sworn to me (date) _____

Affix Notary Seal Here

*Notary Public **

Printed Name and Address

My commission expires (date) _____

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Human Service Agency Transportation Resolution.

HUMAN SERVICE AGENCY TRANSPORTATION RESOLUTION

State Funds

FY 2019 RESOLUTION

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Human Service Transportation funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances, and the required local match.

A motion was made by *(Board Member's Name)* _____ and seconded by *(Board Member's Name or N/A, if not required)* _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, the funds applied for may be Administrative, Operating, Planning or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may only apply for funding for "purchase-of-service" projects under the Section 5310 program

WHEREAS, *(Legal Name of Applicant)* **Lincoln County Senior Services** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the North Carolina Department of Transportation;

NOW, THEREFORE, be it resolved that the *(Authorized Official's Title)** **County Manager of Lincoln County** of *(Name of Applicant's Governing Body)* **Kelly G. Atkins** is hereby authorized to submit a grant application for state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I *(Certifying Official's Name)** **Amy S. Atkins** *(Certifying Official's Title)* **Clerk to the Board** do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the *(Name of Applicant's Governing Board)* _____ duly held on the _____ day of _____, _____.

Signature of Certifying Official

**Note that the authorized official, certifying official, and notary public should be three separate individuals.*

Seal Subscribed and sworn to me *(date)* _____

Affix Notary Seal Here

*Notary Public **

Printed Name and Address

My commission expires *(date)* _____

National Caregiver Month Proclamation: Kathryn Saine asked for the Board's approval of the National Caregiver Month Proclamation.

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

National Family Caregivers Month
Caregiving Around the Clock
November 2017

WHEREAS, over 90 million Americans today are family caregivers for their loved ones; and

WHEREAS, a large number of them are finding themselves providing care 24-hours a day/7-days a week; and

WHEREAS, although caregiving can be a rewarding experience, it is not without its consequences such as stress, poor health, and caregiver burnout; and

WHEREAS, six out of 10 family caregivers juggle everyday life tasks such as preparing the children for school, managing household responsibilities, and work full- or part-time. In addition, they have the added responsibility of managing medications for their loved one. Whether it be for a senior with Alzheimer's or a child with special needs the required attention can be non-stop; and

WHEREAS, caregiving affects the whole family, family time and mealtime are extremely important in the caregiving setting. Ensuring that the caregiver and family members get the proper nutrition is important for maintaining strength, energy, stamina, and a positive attitude; and

WHEREAS, making time for yourself and the family protects a family caregiver's own health, strengthens family relationships, prevents burnout and can enable a care recipient to stay at home up to three times longer. The chance to take a breather and re-energize is vital in order for you to be as good a caregiver tomorrow as you were today; and

WHEREAS, with the responsibility of family caregivers in our country is growing every year, it is even more essential to encourage these heroes to take some time for respite so they may continue their mission of providing that loving care that only they can provide.

Now, therefore, be it resolved, that the *Lincoln County Board of Commissioners*, do hereby recognize November 2017 as National Family Caregivers Month with the theme "Caregiving Around the Clock" in Lincoln County, North Carolina.

Bill Beam, Chairman

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, asked that the developer put trees back where they put the water and sewer in on Blades Trail. He asked the Board to fix existing water lines before adding more developments and homes.

Being no additional speakers, Chairman Beam closed Public Comments.

Approval of Contract to purchase property located at 612 and 614 Center Street, Lincolnton: Josh Grant presented the following:

Staff is seeking board action to continue with due diligence and purchase of a 17,000 sq. ft. facility within the City limits of Lincolnton. The County has a 90 day closing deadline and 70 days to conduct due diligence on the property.

The property being considered for purchase is intended to be the new home of the Lincoln County Senior Services Department. This strategic move will allow for Gaston College to expand its programming into the 3 floors vacated by Senior Services. It will also allow staff to explore the relocation of the Fire Marshal's Office, Emergency Management Department and a full backup PSAP facility to Field Operations Center located on Salem Church Road. This also plays a key role in creating space at the Court House for the District Attorney, Jury Pool and other court operations.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the contract to purchase the property as presented.

Finance Office Requests: Deanna Rios presented the following:

Capital Project Ordinance Amendment #1: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve as presented.

Budget Ordinance Amendment #3: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve as presented.

Grant Project Ordinance #1: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve as presented.

Grant Project Ordinance #2: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve as presented.

Grant Project Ordinance Amendment #1: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve as presented.

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