

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 20, 2015

The Lincoln County Board of County Commissioners met April 20, 2015 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Others Present:

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

Call to Order: Chairman Mitchem called the April 20, 2015 meeting of the Lincoln County Board of Commissioners to order. Commissioner Patton gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 20, 2015
6:30 PM

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

Call to Order

Invocation

1. Adoption of Agenda
2. Consent Agenda

- North Carolina Department of Juvenile Justice Program (NCDJJP) Funding Allocation for Juvenile Crime Prevention Council (JCPC)

3. Planning Board Recommendations - Randy Hawkins
4. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown
 - Motion to Approve Resolution #2015-14:Resolution to Adopt Economic Incentive Grant
5. Health Benefits Plan Approval for 2015-2016 - Candy Burgin
6. Motion to Set Public Hearing for Debt Financing for Compactor Refurbishment - Deanna Rios
7. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
8. Resolution #2015-15: Resolution to Support the Catawba-Wateree River Basin Water Supply Master Plan (dated May 2014) as developed by the Catawba-Wateree Management Group - Don Chamblee
9. Approval of Sole Source Purchases for the Wastewater Treatment Plant - Don Chamblee
 - Ultraviolet Monitoring Systems from Dorsett Technologies
 - Ultraviolet Monitoring Equipment from Xylem Products
10. Finance Officer's Report
11. County Manager's Report
12. County Commissioners' Report
13. County Attorney's Report
14. Vacancies/Appointments
15. Calendar
16. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to approve the Consent Agenda

- North Carolina Department of Juvenile Justice Program (NCDJJP) Funding Allocation for Juvenile Crime Prevention Council (JCPC)

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

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

ZMA #615 Joel Barker, applicant (Parcel ID# 33246, 30136 and 33170) A request to rezone 1.2 acres from CU B-N (Conditional Use Neighborhood Business) to R-SF (Residential Single-Family). The property is located on the south side of Grassy Creek Road about 750 feet east of N.C. 16 Business in Catawba Springs Township. The Planning Board voted 8-0 to recommend approval.

Commissioner Oakes said the wording “the previous zoning did not materialize” should be changed to “the specific project for which the zoning had been made did not materialize and it is going back to the previous zoning classification” as it is stated later in the document.

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve the Statement of Consistency and Reasonableness concerning ZMA #615 – Joel Barker, applicant as amended by Commissioner Oakes.

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve the rezoning request for ZMA #615- Joel Barker, applicant.

ZMA #616 Marcus Dellinger, applicant (Parcel ID# 91617) A request to rezone 5.5 acres from CU B-G (Conditional Use General Business) to R-SF (Residential Single-Family). The property is located at 6757 Teal Dr., at the end of Teal Drive about 800 feet west of Forest Manor Drive, in Catawba Springs Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness concerning ZMA #616 –Marcus Dellinger, applicant.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the rezoning request for ZMA #616-Marcus Dellinger, applicant.

ZMA #617 Patricia Fea, applicant (Parcel ID# 24095, 24094 and 24092) A request to rezone 1.75 acres from CU B-N (Conditional Use Neighborhood Business) to R-S (Residential Suburban). The property is located on the west side of N.C. 150 about 600 feet north of Ivey Church Road in Ironton Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Statement of Consistency and Reasonableness concerning ZMA #617 –Patricia Fea, applicant.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the rezoning request for ZMA #617- Patricia Fea, applicant.

CUP #342 Lakeside Paint and Body, LLC (Parcel ID# 53811) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 1.85-acre parcel is located at

7831 S. Little Egypt Rd., on the north side of Little Egypt Road about 700 feet west of N.C. 16 Business, in Catawba Springs Township. The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CUP #342 – Lakeside Paint and Body, LLC, applicant, based on the Findings of Fact presented by the Planning Board.

Public Hearing – Industrial Incentive Grant for Existing Industry – Cliff Brumfied:
Cliff Brumfield, Executive Director, presented the following concerning an Incentive Grant for Timken:

The Timken Company has developed plans for installation of manufacturing equipment in Lincoln County. On or before May 1, 2015, Timken shall begin installation of an equipment and machinery expansion. Within two years of the effective date of this agreement, Timken shall provide at such site at least 15 new jobs paying average weekly wages of \$750.00. In consideration of the performance of the aforesaid obligations by Timken, the County will provide cash grants to Timken of \$39,430.33 per year for a five-year period.

Chairman Mitchem opened the public hearing concerning an Industrial Incentive Grant for The Timken Company.

Being no speakers, Chairman Mitchem declared the public hearing closed.

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

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH THE TIMKEN 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 Timken 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 Timken 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 20th day of April, 2015.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

ARTICLE I.

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 20th day of April, 2015 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and The Timken Company, an Ohio corporation (hereinafter referred to as "Timken").

WITNESSETH:

WHEREAS, Timken 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 Timken 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 May 1, 2015, Timken 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.), Timken shall make an investment upon such site in (building/land and/or machinery and equipment of \$12,388,000, (the expected capital investment) of which \$8,791,600 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Timken shall provide at such site at least 15 new jobs paying average weekly wages of \$750.00.
4. In consideration of the performance of the aforesaid obligations by Timken, the County will provide cash grants to Timken of \$39,430.33 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 Timken within 30 days after Timken 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. Timken 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 Timken 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 Timken 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. Timken 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, Timken 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 Timken Company

By: _____
President

LINCOLN COUNTY

By: _____
Carrol Mitchem, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Health Benefits Plan Approval for 2015-2016: Candy Burgin, Human Resources Director, presented the following information:

Due to fewer health claims during FY2015, there will be no cost increase for the county or the employer. Additionally, the plan options remain unchanged for FY2016.

Medical and Dental Insurance: No Cost Increase or Benefit Changes

Our Medical Plan will continue to be administered by Blue Cross Blue Shield. The Board of County Commissioners will consider approval of a Medical Plan that keeps employee premiums the same as last year and does not change coverage options. Employees, who do not participate in the Employee Wellness Program, will pay \$30 per month in premiums than employees who choose not to participate in the Employee Wellness Program.

Dental – Ameritas: No Cost Increase or Benefit Changes

The Dental plan will continue to be administered by Ameritas.

Optional Cafeteria Benefits: No Cost Increase or Benefit Changes

Mark III Benefits Counselors will handle enrollments for all other cafeteria benefits (i.e. Health & Dependent Care Flexible Spending Accounts, Dental, Cancer, Accident, Short Term Disability, Long Term Disability, Term Life and Critical Illness, Hospital Indemnity and Whole Life).

Aflac Hospital Indemnity (*new benefit, no cost to employer*)

The Hospital Indemnity plan covers specified procedures, hospital admission and confinement (just to name a few) for injuries and sickness. During this annual enrollment, the coverage is guaranteed (you may obtain coverage regardless of your health history). This plan also pays regardless of any other insurance coverage you may have and is also available for your spouse and child (Ren).

Texas Life Whole Life~ Solutions 121 (*new benefit, no cost to employer*)

Texas Life Solutions 121 is a great way to provide permanent life coverage on yourself as well as your dependents. As importantly you will qualify for coverage simply by being actively at work, performing your usual duties, the day you apply. That's it – no physical exam, no lab work, no medical questions – and you will be approved for a basic amount of permanent life insurance that is yours to keep when you leave employment as long as necessary premiums are paid.

Staff recommended approval.

Commissioner Beam asked about the \$30 per month for employees who do not participate in health screenings. Mrs. Burgin said they are currently looking at the Wellness Program and checking to see what would be more beneficial to employees.

Chairman Mitchem said he does not remember the last time there was not an increase in health costs and it is very good news to hear.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Health and Medical Benefits as presented.

Motion to Set Public Hearing for Debt Financing for Compactor Refurbishment - UPON MOTION by Commissioner Martin, the Board voted unanimously to set the public hearing for May 4, 2015 at 6:30 p.m. for debt financing for compactor refurbishment.

Public Comments: Chairman Mitchem opened Public Comments.

Jack Martin, 2341 Mount Zion Church Road, spoke concerning the Noise Ordinance and asked for an amendment to make it where his family can ride dirt bikes on the 30 acres he owns.

Being no additional speakers, Chairman Patton closed public comments.

Resolution #2015-15: Resolution to Support the Catawba-Wateree River Basin Water Supply Master Plan (dated May 2014) as developed by the Catawba-Wateree Management Group

Don Chamblee presented the following:

Lincoln County is a member organization of the Catawba-Wateree Management Group. The CWWMG has prepared a Water Supply Master Plan to focus extending the water supply for the next 50 years. Lincoln County is one of nineteen members of the CWWMG, since we are one of the utilities withdrawing from the Catawba Wateree Basin.

The CWWMG presented the resolution and summary of the plan at the December 15, 2014 to the Lincoln County Board of Commissioners. The CWWMG met with the Lake Norman Marine Commission staff on January 14, 2015 and subsequently with the LNMC board on a February 12, 2015 to address specific questions.

The full plan is on the CWWMG website at: www.catawbawatereeewmg.org

Staff recommends approval of this resolution as it will benefit Lincoln County by providing a water supply plan for the Catawba-Wateree Basin.

Commissioner Oakes spoke of the draft amendment that the Lake Norman Marine Commission wants to see put in this resolution. He said he was in a meeting in Huntersville where the Lake Norman Marine Commission spoke to the Catawba-Wateree Group and they had a long discussion about the plan. After that they came to a consensus that some addendums should be added and the Lake Norman Marine Commission will support with those addendums.

A MOTION by Commissioner Oakes to approve the Resolution with the wording change that says the plan and most recent addendum, the April 15 addendum.

VOTE: 3 – 2 **AYES: Oakes, Beam, Mitchem**
NOES: Martin, Patton

RESOLUTION TO SUPPORT THE
CATAWBA-WATEREE RIVER BASIN WATER SUPPLY MASTER PLAN
(DATED May 2014)

AS DEVELOPED BY THE CATAWBA-WATEREE WATER MANAGEMENT GROUP

WHEREAS, Lincoln County participates in the Catawba-Wateree Water Management Group; and

WHEREAS, recent engineering studies have indicated significant water supply limitations as soon as mid-century (~Year 2050) in the Catawba-Wateree River and its eleven reservoirs; and

WHEREAS, the Catawba-Wateree Water Management Group has completed this Master Plan to secure a more sustainable water supply for future generations; and

WHEREAS, implementing actions called for in this Master Plan could take decades to successfully complete; and

WHEREAS, our representatives have participated in this Master Plan by providing input into the scope of work, engineering analysis, future modeling scenarios and results, and the recommendations presented; and

WHEREAS, we believe the Master Plan findings and recommendations are consistent with protecting, preserving, and extending the available water supply for all those that depend, or will depend, on this Catawba-Wateree River Basin for a safe, sustainable water supply; and

WHEREAS, we believe that basin-wide implementation of the recommendations presented in the Master Plan offer the opportunity to extend available water yields well into the future.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County hereby supports the 2014 Catawba-Wateree River Basin Water Supply Master Plan and the recommendations presented therein.

Adopted this 20 day of April, 2014.

Approval of Sole Source Purchases for the Wastewater Treatment Plant - Don Chamblee presented the following sole source purchase requests

The current monitoring system, provided by Dorsett Technologies, at the Killian Creek Wastewater Treatment Plant may be extended to the ultraviolet disinfection system. In order to upgrade this monitoring system to include the capabilities to detect and analyze the ultraviolet disinfection system, an upgrade must be purchased for \$3,852.00 from Dorsett Technologies to allow the collection of data from the communication module on Xylem equipment, as well as an upgrade to the existing server to allow the analysis of collected data at the WWTP for \$6,782.00 from Dorsett Technologies. The ultraviolet system module and SCADA upgrades will improve monitoring of bulb age and energy usage. No other companies would be able to provide a product that would be compatible with the existing Dorsett systems. This is a sole source request.

The funding source is 64-7120-54-00-57401-7120G. This will benefit Lincoln County by increasing control over the ultraviolet system.

The current monitoring system at the Killian Creek Wastewater Treatment Plant can be extended to the ultraviolet disinfection system, provided by Xylem Products. Ultraviolet light is the final disinfection process for water discharge from the plant. In order to upgrade this monitoring system to include the capabilities to detect and analyze the ultraviolet disinfection system, a communication module must be purchased from Xylem for \$4,160.12. The ultraviolet system module and SCADA upgrades will improve monitoring of bulb age and energy usage. No other companies would be able to provide a product that would be compatible with the existing Xylem equipment. This is a sole source request.

The funding source is 61-7135-54-00-52503. This will benefit Lincoln County by increasing control over the ultraviolet system.

Commissioner Oakes asked for information about the server.

UPON MOTION by Commissioner Patton, the Board voted 4 – 1 (Oakes against) to approve the Sole Source Purchases as presented.

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

County Manager's Report: Kelly Atkins reported on ongoing budget preparation and a meeting with school officials to discuss their budget request.

County Commissioners' Report: Nothing reported.

County Attorney's Report: Nothing reported

Vacancies/Appointments: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to appoint Steve Banner as the Board of Equalization Chairman.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to appoint Leslie Houser and Charlie Keener to the Voluntary Agricultural Advisory Board.

Calendar: Mr. Atkins asked the Board if there was desire to schedule a budget work session for a general overview of the budget prior to the presentation on May 18. The Board agreed to recess until April 28, 2015 at 8:30 a.m.

Recess: **UPON MOTION** by Commissioner Beam, the Board voted unanimously to recess until April 28, 2015 at 8:30 a.m. for a budget work session.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners