

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 5, 2016

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 5, 2016, 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
Carrol Mitchem
Richard Permenter
Anita McCall

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
John Dancoff
Floyd Dean
Keith Johnson
Greg Smith
Andrew Robinson

Others Present:

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

Call to Order: Kelly Atkins, County Manager, called the meeting to order. He led in a Moment of Silence and the Pledge of Allegiance.

INDUCT BOARD OF COMMISSION MEMBERS

By Fred Hatley, Clerk of Court
Carrol Mitchem
Richard Permenter
Anita McCall

Fred Hatley, Clerk of Court, administered the Oath of Office to the newly elected Commission members, Carrol Mitchem, Richard Permenter, and Anita McCall

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, Carrol Mitchem, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Carrol Mitchem, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Carrol Mitchem, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

Carrol Mitchem

Subscribed and sworn to before me this 5th day of December, 2016, as witness my hand.

Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, Anita McCall, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Anita McCall, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Anita McCall, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

Anita McCall

Subscribed and sworn to before me this 5th day of December, 2016, as witness my hand.

Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, Richard W. Permenter, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Richard W. Permenter, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Richard W. Permenter, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

Richard W. Permenter

Subscribed and sworn to before me this 5th day of December, 2016, as witness my hand.

Fred Hatley, Clerk of Court

Election of Chair: Mr. Atkins opened the floor to nominations for Chairman. Commissioner McCall nominated Commissioner Bill Beam as Chairman.

Mr. Atkins called for a vote to close nominations and vote for Commissioner Beam as Chair: Unanimously approved.

Election of Vice Chair: Chairman Beam conducted the election of Vice Chairman.

Commissioner Permenter nominated Commissioner Oakes for Vice Chairman.

Chairman Beam called for a vote to close nominations and vote for Commissioner Oakes as Vice Chairman. Unanimously approved.

The Board recognized outgoing Commissioners Alex Patton and Cecelia Martin for their service.

Cecelia Martin welcomed the new Commissioners. She said it has been a real honor serving the citizens of Lincoln County. She thanked the employees of Lincoln County for their hard work.

Alex Patton offered his congratulations to Anita, Rich and Carrol and to Bill and Martin as Chair and Vice Chair. He thanked the good Lord above for his many blessings to his family and to the County. He thanked all Board members he has served with over the years and the citizens for trusting him to serve. He thanked all the staff and Planning Board members. Mr. Patton thanked all employees of the county that do such a great job. He thanked his wife for all the time he spent away for county business. He thanked Mr. Deaton for his sound advice to the Board. Mr. Patton thanked Mr. Atkins for his work over the years for the Board. He thanked Amy Atkins for being the glue that keeps the Board together and for doing a fantastic job. He ended with God bless Lincoln County and God Bless America.

Chairman Beam called for a recess until 7:00 p.m. for a reception honoring incoming and outgoing Commissioners.

Chairman Beam called the meeting back to order.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, December 5, 2016
6:30 PM

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

Call to Order - Kelly Atkins, County Manager (In the Auditorium)

Moment of Silence

Pledge of Allegiance

Induct Board of Commission Members

by Fred Hatley, Clerk of Court

Carrol Mitchem

Richard Permenter

Anita McCall

Seating of Board

Election of Chair
Election of Vice-Chair

Recognition of Commissioner Service for Alex Patton and Cecelia Martin

Public Congratulations - The Board will recess to the first floor lobby for public congratulations.

The Board will reconvene in the Commissioners Room on the third floor at 7:30 p.m.

1. Adoption of Agenda
2. Adoption of Rules of Procedure
3. Consent Agenda
 - Tax Requests for Refunds for October 24 - November 6, 2016
 - Tax Requests for Releases for October 16 - November 15, 2016
 - Sponsored Group Status - 3rd Annual Little Miss Lincoln County Pageant
 - 2017 Meeting Schedule
4. Zoning Public Hearings - Randy Hawkins

PA #40 Matthews Heathers Land Corporation (Parcel ID # 32674, 78671, 78672) A request for plat review/sketch plan approval for a 38-lot residential subdivision with new internal roads to serve the lots. The property is located on the west side of N.C. 16 Bypass about 200 feet southeast of Lowesville Lane and about 400 feet southwest of Sifford Road in Catawba Springs Township.

CUP #362 Paul Clark, applicant (Parcel ID# 32689) A request for a conditional use permit to allow a detached garage to extend in front of the front building line of a house on a lot that's adjacent to Lake Norman. The 0.67-acre lot is located at 7689 Dellinger Road, on the west side of Dellinger Road about 1,200 feet west of Burton Lane, in Catawba Springs Township.

CZ #2016-4 Lincolnton Main Street, LLC, applicant (Parcel ID# 13359) A request to rezone 3.0 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a medical office building with up to 15,000 square feet of floor area. The property is located on the northeast corner of N.C. 27 and Howards Creek Mill Road in Howards Creek Township.

PD #2016-9 ALDI, Inc., applicant (Parcel ID# 88751 and 86958) A request to rezone 9.6 acres from CU B-G (Conditional Use General Business) to PD-C (Planned Development Commercial) to permit additions to an existing commercial building. The property is located at 7208 and 7260 NC 73 Hwy. in Catawba Springs Township.

PD #2016-10 Cambridge Properties, Inc., applicant (Parcel ID# 90176) A request to rezone 5.1 acres from R-T (Transitional Residential) to PD-C (Planned Development Commercial) to permit an office building complex with to 55,000 square feet of floor area. The property is located between N.C. 16 Business and Pilot Knob Road about 1,500-2,000 feet north of N.C.

73 in Catawba Springs Township.

ZMA #630 Cambridge Properties, Inc., applicant (Parcel ID #90176) A request to rezone 0.1 acre from R-T (Transitional Residential) to B-G (General Business). The property is located about 300 feet east of N.C. 16 Business and 1,500 feet north of N.C. 73.

UDO Proposed Amendment #2016-5 SCI Towers, Inc., applicant. A proposal to amend Section 2.5.4.B.5 of the Lincoln County Unified Development Ordinance to exempt wireless communication towers from the Airport Overlay District's height limits in the horizontal and conical zones, provided an applicant for a conditional use permit demonstrates compliance with all Federal Aviation Administration standards and receives approval from the FAA for the construction of a proposed tower.

UDO Proposed Amendment #2016-6 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 5.4.4.D of the Lincoln County Unified Development Ordinance to require that any residential subdivision of greater than 30 lots be provided with separate and approved fire apparatus access roads and that, within a residential subdivision, no more than 30 lots be located on any road that lacks emergency access from two directions.

5. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown
6. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown
7. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown
8. Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown
9. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
10. Reimbursement Resolution - Deanna Rios
- 10a. Revisions to Health Insurance Coverage at Retirement
11. Consideration of Employment Agreement with Kelly Atkins
12. Appointments
13. Other Business

Adjourn

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda as amended adding item 10a – Revisions to Health Insurance Coverage at Retirement.

Adoption of Rules of Procedure: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the Rules of Procedure.

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

- Tax Requests for Refunds for October 24 - November 6, 2016
- Tax Requests for Releases for October 16 - November 15, 2016
- Sponsored Group Status - 3rd Annual Little Miss Lincoln County Pageant
- 2017 Meeting Schedule

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

New Business/Advertised Public Hearings: Mr. Wesley Deaton confirmed that no board member has had any ex parte' communications or conflicts of interest.

PA #40 – Matthews Heathers Land Corporation: Jeremiah Combs presented the following information:

The applicant is requesting preliminary plat review/ sketch plan approval for a 38 lot subdivision along Lowesville Lane. The proposed development extends a network of new roadways into the subject property, including street trees and sidewalks. The Lincoln County Unified Development Ordinance states in Article 9.6, all preliminary plats meeting the definition of a major subdivision shall be submitted to the Planning Board and Board of Commissioners, in the form of a quasi-judicial public hearing for approval, disapproval or approval with conditions.

The 38.7-acre site is located on the west side of N.C. 16 Bypass about 200 feet southeast of Lowesville Lane and about 400 feet southwest of Sifford Road in Catawba Springs Township. The subject property is zoned R-SF (Residential Single Family) and is adjoined by property zoned R-SF. The subdivision will be served by county water and private septic systems.

The Lincoln County Land Use plan designates this area as Suburban Residential and Mixed Residential. In areas designated Suburban Residential, single-family residential development, with a density of 1-2 units per acre, is encouraged. In areas designated Mixed Residential, residential developments with multiple housing types and densities ranging from 2-8 units per acre are encouraged, when public water and sewer are available and when located near schools and strategic road corridors and interchanges.

The Board and Planning Board discussed the fact that there is only one entrance to this subdivision.

Chairman Beam opened the public hearing concerning PA #40– Matthews Heathers, applicant.

Jay Henson, with Henson Foley, said they did the civil engineering and land planning for the project.

Greg Helms, developer, testified the that the proposed findings are correct. He said this land is under contract pending approval of this.

Audrey Bass, 6802 Leslie Lane, Stanley, said there will also be some developing on Lowesville Lane and asked if the 2 groups are related. Mr. Deaton said this is something that the Board cannot answer. He said something needs to be done about the roads. He said he bought the property in 1996 and his primary access to Highway 16 is Lowesville Lane to Sifford Road to Highway 16. He said traffic is heavy on Sifford Road.

Phillip Cooper, 4707 Lowesville Lane, said he is the last house at the dead end on Lowesville Lane. He said his concern is that if there is future development, he is afraid they will open Lowesville Lane back up to through traffic.

Lisa Cooper, 6707 Lowesville Lane, said that her concern is about the dead end since there are a lot of children and elderly that walk in the neighborhood.

John Cerami, 6866 Lowesville Lane, said there is a berm that splits Lowesville Lane in half. He asked that no consideration be given to taking the berm down. He voiced concerns about the small lot size and these homes being dumped on already busy roads.

Stuart Brown, 6861 Lowesville Lane, voiced concerns that there will only be one way in and one out of the road. He spoke about already low water pressure and the fact that adding more homes will not help.

Jennifer Parker, 2148 Cardinal Loop, Stanley, voiced concerns about the opening of Lowesville Lane. She said the traffic patterns and traffic flow concern her.

Marcia Smith, 6744 Lowesville Lane, said her concerns are the additional traffic for the proposed site. She said she was part of the group that closed Lowesville Lane because of traffic. When the road was closed, it was requested that it never be reopened.

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

CUP #362 – Paul Clark, applicant: Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to allow a detached garage to extend 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. This request involves a lot where an older home has been demolished and a new house is being constructed. Only a corner of the garage would extend past the front building line of the house. The garage would be connected to the house by a breezeway.

SITE AREA AND DESCRIPTION

The 0.67 lot is located at 7689 Dellinger Road, on the west side of Dellinger Road about 1,200 feet west of Burton Lane. It is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and CU PD-R (Conditional Use Planned Development-Residential) and by Lake Norman. Land uses in this area are predominately residential. 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 #362 – Paul Clark, applicant.

Paul Clark, applicant, said he is the Architect for this project. He testified that the application and materials in the findings of fact are true and accurate. He said in addition to the application facts, there is an unusual septic system there that caused some issues. In order to make the project work, the applicants downsized from a 5 bedroom to a 4 bedroom house. Environmental Health said it was the most difficult project they have ever worked on.

Rodney Bradham, the adjacent neighbor, said he has no issues with the detached garage.

Pam Hess said the exterior flows with the home and will match the house.

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

CZ #2016-4: Lincolnton Main Street, LLC, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 3.0 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a medical office building with up to 15,000 square feet of floor area. A site plan has been submitted as part of the rezoning application.

This property is located on the northeast corner of N.C. 27 and Howards Creek Mill Road in Howards Creek Township. It is surrounded by property zoned R-SF. County water is available at this location. Land uses in this area include residential, agricultural and institutional (church). This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Permitted uses

Under current zoning: site-built house, modular home, church.

Under proposed zoning: medical office building.

Adjoining zoning and uses

East: zoned R-SF, agricultural.

South (opposite side of N.C. 27): zoned R-SF, residential.

West (opposite side of Howards Creek Mill Road: zoned R-SF, church.
North: zoned R-SF, agricultural.
Access to N.C. 27

Section 3.5.2.A of the Unified Development Ordinance states: "Where a tract of land to be developed adjoins a principal or minor arterial or a major collector and any other public road, the road with the lower traffic volume shall be used for primary access and access to the road with the higher traffic volume shall be limited to right-in, right-out movements only, unless additional access is approved by the Board of Commissioners as part of a major site plan review."

N.C. 27 is classified as a major collector and has a higher traffic volume than Howards Creek Mill Road. The applicant is requesting full access to both N.C. 27 and Howards Creek Mill Road.

Commissioner Oakes where the next nearest place this could go without being rezoned. Mr. Hawkins said there is some business property at the intersection of Cat Square Road and NC 27, about 1.4 miles to the west of this property.

Commissioner Mitchem questioned how staff can recommend approval of this request when it is not consistent with the Land Use Plan when there is land that is available 1.4 miles away.

Mr. Hawkins said there is a traffic signal at Cat Square Road and 27.

Commissioner Mitchem said if he was the man who had developed the current site, he would be very upset that he had done all the work to get the building there and it be vacated. He said the reason that medical center is there is because during discussions to give bed rights to CMC, it was agreed upon that a doctor's office would be placed in West Lincoln.

Mr. Hawkins said there were 3 factors that led staff to recommend approval: 1 - it is located at an intersection on a main highway, 2 - there is something at that intersection already this is different from residential, which is a church, and 3 – this would be limited to a medical office building would allow for expanded healthcare service in this area. The Land Use Plan was adopted in 2007 and some community meetings have been held about updating it. One of the things they have heard at the community meetings is that there needs to be additional area in West Lincoln designated for commercial development.

Dr. Crystal Mitchem, Planning Board Member, asked if the community meeting minutes matched the tone of the meeting. Randy Hawkins described the tone as very contentious, very strong opposition.

Chairman Beam opened the public hearing concerning CZ #2016-4 – Lincolnton Main Street, LLC, applicant.

Mike Joyner, 16000 S. Tryon Street, Charlotte, said he is the applicant and would own the building. He said he recently completed the urgent care in Lincolnton. He owns the building and has a long term lease with CMC.

Steven Price, Assistant Vice President for Operations for the west region for Carolinas Healthcare Center Medical Group. He said that back in 2008, West Lincoln Family Medicine opened its doors. Since then, patient demand has grown and 2 Nurse Practitioners have been added. There was a lot of effort to look at the current facility to see if it could be revamped to meet the needs and it was not a possibility. He said they would close the current facility if this one is approved and constructed.

Commissioner Beam asked if there would be an urgent care at this facility. Mr. Price said it is not currently planned for an urgent care.

Commissioner Mitchem asked what expanded health coverage means. Mr. Price said this new location would increase the number of exam rooms available. He said Carolinas Healthcare is working on virtual visits now.

Mike Joyner said there is room for expansion at the new location in case any specialists or anything else needs to be expanded. He said the cost of the building will approach \$5 million. The building will be first class and will have a 50 year life span with backup facilities. Carolinas Medical Center insists of 2 means of access to the clinic. Mr. Joyner said it was considered to move the medical clinic to Lincolnton where the urgent care is currently located, but Dr. Glass insisted that the clinic stay in West Lincoln. Mr. Joyner said he would not construct this building next to a Dollar General or Jack in the Box. He said they would prefer to be in a business park. Mr. Joyner said it takes a dozen committees to approve a building project.

The Board discussed spot zoning and the reasoning behind this site versus others that are currently zoned correctly.

Jack Rosette, 3987 W. Hwy 27, Lincolnton, said the applicant is asking for this site because the current facility cannot be expanded. He said at the community meeting, nobody was for this, there are businesses down the street. He said they are ruining the life there by placing this facility there.

Sue Jane Sides, 4939 Grigg Road, Lincolnton, said there are already 4 businesses in the area discussed and below that is additional business zoned parcels. She said there is already a business area there, she doesn't see the need to approve the request. She said when the church was constructed they could put an access on Highway 27. He objected to the land being rezoned and the other building vacated.

Mark Sain, 4039 West Highway 27, stated that he lives across from the 27 entrance to this facility. He said his concerns are the abandoned building, the fact that allowing this use could open it up to more commercial development in his front yard. He is also concerned about the traffic generated from this site.

Kate Sain, 4039 West Highway 27, stated that she works at West Lincoln High School and they have kids that do not have a place to sleep or eat. She said they have to take the kids into Lincolnton to see the kids that have nothing because this doctor's office will not see them.

Max Abernethy, 291 Howard's Creek Mill Rd, Vale, said he has lived there almost 73 years. He said that he is not in the business of selling land, but he entertained this because he thinks this would be good for the area. He said it is a nightmare around the schools in the mornings and afternoons. He said he goes to church there and wanted to preserve the site with something like this use instead of service station. He said change is coming and this will be a good use with only daytime hours.

Attorney Rob Brown, with the Jonas Law Firm, spoke concerning spot zoning and presented case law covering this. He asked it be put onto record that all factors have been met, the most important being the benefit to the community with the expanded health care services offered at this new facility, which significantly outweighs other issues discussed. He said the other parcel discussed is not under contract or consideration for this facility. He said the corner of this parcel to the next business parcel is about 2500 feet from measurements taken from GIS.

Being no additional speakers, he declared the public hearing closed.

PD #2016-9 – ALDI, Inc, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 9.6 acres from CU B-G (Conditional Use General Business) to PD-C (Planned Development Commercial) to permit additions to an existing commercial building. This request involves two adjoining parcels in the Catawba Springs Promenade shopping center. The two owners, ALDI and Catawba Springs, LLLP, are proposing to shift the boundary line separating the parcels and to construct the following additions to the ALDI building: a 2,300-square-foot expansion of the ALDI store, and 3,800 square feet of tenant space that would be owned by Catawba Springs, LLLP.

Under the current zoning, the dimensional requirements of the B-G district must be met, including building setbacks from property lines. The current boundary line on the east side of the ALDI store reflects the B-G district's minimum 15-foot side yard setback.

PD zoning provides more flexibility, allowing an applicant to propose a development plan that doesn't adhere to dimensional requirements for general zoning districts. In this case, the applicant is proposing a zero setback for the existing ALDI building and

the added tenant space. A site plan has been submitted as part of the application.

SITE AREA AND DESCRIPTION

This property is located on the south side of N.C. 73 and the east side of N.C. 16 bypass. It is adjoined by property zoned CU B-G and PD-MU (Planned Development Mixed Use). This property is located in an area designated by the Lincoln County Land Use Plan as Regional Business..

Chairman Beam opened the public hearing.

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

PD #2016-10: Cambridge Properties, Inc., applicant: Randy Hawkins presented the following information:

The applicant is requesting the rezoning of 5.1 acres from R-T (Transitional Residential) to PD-C (Planned Development Commercial) to permit an office park with up to 55,000 square feet of floor area. Under the Lincoln County Unified Development Ordinance, any proposed commercial development in excess of 50,000 square feet is subject to review through the planned development process.

The proposed office park is the second phase of the Cambridge Village development. The Phase 1 plan, which was approved by the Board of Commissioners in a rezoning in May, permits up to 90,000 square feet of commercial space, including a 50,000-squarefoot grocery store, 12,500 square feet of shops, and three outparcels.

A site plan and guidelines for the proposed office park have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A traffic study was not required as part of this application. The Phase 1 plan calls for a new road network with access points on N.C. 16 Business, N.C. 73 and North Pilot Knob Road, and a traffic signal at the main access on N.C. 16 Business.

SITE AREA AND DESCRIPTION

This property is located between N.C. 16 Business and North Pilot Knob Road about 1,500-2,000 feet north of N.C. 73. As viewed from N.C. 16 Business, this property is located behind a Wendy's restaurant. It is adjoined by property zoned PD-C, R-T, B-N (Neighborhood Business) and B-G (General Business). Land uses in this area are primarily business.

ENVIRONMENTAL

This property is not located in a water-supply watershed district. However, it is located in an area that's subject to state stormwater regulations and permitting.

PLAN CONFORMANCE

This property is part of an area designated by the Lincoln County Land Use Plan as Regional Business, suitable for a wide array of retail, business and support services. Guiding Principle 6 of the Land Use Plan calls for well-designed and well-integrated developments in terms of internal connectivity and access to adjoining tracts.

Chairman Beam opened the public hearing concerning PD #2016-10 – Cambridge Properties, Inc., applicant.

Robert Davis introduced George Maloomian, President of Cambridge Properties, Inc.

George Maloomian said this proposal is for a professional business park, general office and medical offices. He said he is here for questions.

Commissioner Oakes asked about road improvements on Pilot Knob and 16. Mr. Maloomian said the incremental impact of this development requires additional stacking so it would be 100 feet in both directions, up from 50 feet as recommended by their traffic engineers.

Being no additional speakers, he declared the public hearing closed.

ZMA #630 – Cambridge Properties, Inc, applicant: Randy Hawkins presented the following:

The applicant is requesting the rezoning of 0.1-acre from R-T (Transitional Residential) to B-G (General Business). This application was filed in conjunction with the planned Cambridge Village development (see PD #2016-10). The requested rezoning is part of an arrangement to square up a property line that is shared with the site of a Wendy's restaurant, and to provide a new access to Wendy's off the main access to Cambridge Village.

Site Area & Description

The property is located about 300 feet east of N.C. 16 Business and 1,500 feet north of N.C. 16, directly behind Wendy's. It is adjoined by property zoned B-G and RT. Land uses in this area are primarily business. This property is part of an area designated by the Lincoln County Land Use Plan as Regional Business.

Chairman Beam opened the public hearing concerning ZMA #630 – Cambridge Properties, Inc., applicant.

Robert Davis stated that this is a request to rezone .1 acre to connect with the other properties.

George Maloomian said this is a land swap and they will take this piece and swap it to the owner of Wendy's. This is an improvement with shared access.

Being no additional speakers, he declared the public hearing closed.

UDO Proposed Amendments #2016-5: SCI Towers, Inc., applicant:

The applicant is proposing an amendment to Section 2.5.4.B.5 of the Lincoln County Unified Development Ordinance to exempt wireless communication towers from the Airport Overlay District's height limits in the horizontal and conical zones, provided an applicant for a conditional use permit demonstrates compliance with all Federal Aviation Administration standards and receives approval from the FAA for the construction of a proposed tower.

BACKGROUND INFORMATION

The Airport Overlay District standards establish four three-dimensional zones surrounding the Lincolnton-Lincoln County Regional Airport, each with its own height limits based on the airport's elevation of 878 feet above mean sea level:

- 1) The approach zone, which extends from both ends of the runway and gradually widens out, sloping upward as it does.
- 2) The transitional zone, which extends alongside both sides of the runway and the approach zone and also slopes upward.
- 3) The horizontal zone, which starts at the edge of the approach zone and transitional zone and extends 10,000 feet from the center of the runway in all directions.
- 4) The conical zone, which starts at the edge of the horizontal zone and slopes upward as it extends 4,000 feet horizontally in all directions.

The proposed amendment would not apply to the approach and transitional zones, only to the two outer zones.

In the horizontal zone, the UDO sets the maximum height at 100 feet above the airport elevation, or 978 feet above sea level.

In the conical zone, the maximum height increases by one foot for each 20 feet outward from the horizontal zone, reaching 1,178 feet above sea level at its outer edge. When an Airport Zoning Ordinance was adopted in 1979, the maximum height in the horizontal zone was set at 150 feet above the airport elevation, based on FAA guidelines that remain in effect today. The ordinance was later amended to reduce the maximum height in the horizontal zone to 100 feet above the airport elevation. The airport ordinance was incorporated into the UDO when it was adopted in 2009. Under the UDO, a conditional use permit is required for any wireless communication facility in excess of 60 feet in height. The maximum height that may be permitted is 325 feet.

The Federal Aviation Administration conducts studies to determine whether proposed wireless communication towers pose a hazard to air navigation.

SCI Towers is proposing the construction of a 108-foot tower about 1.35 miles from the local airport. The elevation of the proposed site is 932 feet above sea level, which would place the tower's height at 1,040 feet above sea level, or approximately 163 feet

above the airport's elevation.

The FAA has issued a determination that the proposed structure would not be a hazard to air navigation provided the structure is marked/lighted in accordance with FAA regulations.

Commissioner Oakes said this was discussed at the last Airport meeting and they had not problems with it at all.

Chairman Beam opened the public hearing concerning UDO Proposed Amendments #2016-5: SCI Towers, Inc., applicant.

The Attorney for SCI Towers said they will undergo the Conditional Use Permit. The FAA is allowing a tower that is 108 feet. Elevations are ground level and airport elevation from sea level. 200 feet is determined by FAA to be detrimental and they will be way below that.

Being no additional speakers, he declared the public hearing closed.

UDO Proposed Amendment #2016-6: Lincoln County Planning and Inspections Department, applicant: Randy Hawkins presented the following:

Staff is proposing an amendment to Section 5.4.4.D of the Lincoln County Unified Development Ordinance to require that any residential subdivision of greater than 30 lots be provided with separate and approved fire apparatus access roads and that, within a residential subdivision, no more than 30 lots be located on any road that lacks emergency access from two directions.

BACKGROUND

This proposal is based on Appendix D of the North Carolina Fire Code, which requires that subdivisions with more than 30 dwelling units have two ways for firetrucks to reach homes, and that any road with more than 30 dwelling units have access from two directions (unless all homes are equipped with an approved automatic sprinkler system).

The provisions contained in the appendices of the fire code are not mandatory unless they're specifically adopted by a local jurisdiction. Lincoln County has not adopted Appendix D. This proposed UDO amendment would allow the county to apply the access requirements to new subdivisions.

Under the proposed amendment, subdivision streets built to NCDOT standards or roads designed only for emergency access could serve as fire apparatus access roads. The proposed amendment would use the fire code's standards for a fire apparatus road: a driveway with an unobstructed width of at least 20 feet, designed to support

the loads of firetrucks and surfaced to provide all-weather driving capabilities. Following is the full text of the proposed amendment:

UDO Proposed Amendment #2016-6

Text proposed to be added is underlined.

§5.4.4 Road Connectivity

D. External And Internal Access Required

In order to accommodate emergency and service vehicles, the following standards shall apply:

1. Any residential subdivision of greater than 20 ~~30~~ lots shall include at least two access points. The second access may consist of a stub road. ~~be provided with separate and approved fire apparatus access roads as defined in the latest edition of the North Carolina State Building Code Fire Prevention Code. Within a residential subdivision, no more than 30 lots shall be located on any road that lacks emergency access from two directions.~~
2. Any residential subdivision of greater than 50 lots shall include a minimum of two access points.
3. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Board of Commissioners may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out road may be credited as a required access if the two functioning access roads are both connected to a collector road.
4. A waiver (see §9.6.9.F) of these standards may be allowed by the Board of Commissioners during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery

Chairman Beam opened the public hearing concerning UDO Proposed Amendments #2016-6 – Lincoln County Planning and Inspections Department, applicant.

Being no speakers, he declared the public hearing closed.

The Planning Board recessed and reconvened to the 2nd floor balcony.

Public Hearing - Industrial Incentive Grant for Project Crayon - Kara Brown presented an Industrial Incentive Grant for Project Crayon.

Project Crayon is in the final stages of grant approval from the State and until they are finalized, the company name cannot be announced. On or before December 15, 2016, Project Crayon shall begin a physical expansion and installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within 2 years of the date of this agreement, Project Crayon shall make an investment upon such site in building/land/and or machinery and equipment of \$8,361,124, of which \$6,932,786.8 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the effective date of the agreement, Project Crayon shall provide at such site at least 75 new jobs paying average annual wages of \$37,727. The County will provide cash grants to Project Crayon of \$31,769.50 per year for a seven-year period.

Chairman Beam opened the public hearing concerning an Industrial Incentive Grant for Project Crayon.

Being no speakers, Chairman Beam closed the Public Hearing.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Project Crayon.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH PROJECT CRAYON**

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, PROJECT CRAYON, 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, PROJECT CRAYON.

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 5th day of December, 2016.

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 5th day of December, 2016 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and PROJECT CRAYON, a Delaware corporation (hereinafter referred to as "PROJECT CRAYON").

WITNESSETH:

WHEREAS, PROJECT CRAYON 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 PROJECT CRAYON 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 December 15, 2016, PROJECT CRAYON shall begin a physical expansion and 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.), PROJECT CRAYON shall make an investment upon such site in building/land and/or machinery and equipment of \$8,361,124 (the expected capital investment) of which \$6,932,786.8 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, PROJECT CRAYON shall provide at such site at least 75 new jobs paying average annual wages of \$37,727.
4. In consideration of the performance of the aforesaid obligations by PROJECT CRAYON, the County will provide cash grants to PROJECT CRAYON of \$31,769.50 per year for a seven-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to PROJECT CRAYON within 30 days after PROJECT CRAYON 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. PROJECT CRAYON 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 PROJECT CRAYON 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 PROJECT CRAYON 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. PROJECT CRAYON 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, PROJECT CRAYON 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.

PROJECT CRAYON

By: _____
President

LINCOLN COUNTY

By: _____
Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing - Industrial Incentive Grant for Existing Industry - Kara Brown presented an Industrial Incentive Grant for Project Blade.

Project Blade is in the final stages of grant approval from the State and until they are finalized, the company name cannot be announced. On or before December 15, 2016, Project Blade shall begin a physical expansion and installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within 2 years of the date of this agreement, Project Blade shall make an investment upon such site in building/land/and or machinery and equipment of \$14,137,000, of which \$10,000,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the effective date of the agreement, Project Blade shall provide at such site at least 54 new jobs paying average annual wages of \$37,334.40 plus benefits. The County will provide cash grants to Project Blade of \$51,730.11 per year for a seven-year period.

Chairman Beam opened the public hearing concerning an Industrial Incentive Grant for Project Blade.

Being no speakers, Chairman Beam closed the Public Hearing.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Project Blade.

RESOLUTION TO ADOPT ECONOMIC INCENTIVE

GRANT AGREEMENT WITH PROJECT BLADE

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, PROJECT BLADE, 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, PROJECT BLADE.

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 5th day of December, 2016.

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 5th day of December, 2016 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the

County"), and PROJECT BLADE, a Delaware corporation (hereinafter referred to as "PROJECT BLADE").

WITNESSETH:

WHEREAS, PROJECT BLADE 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 PROJECT BLADE 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 December 15, 2016, PROJECT BLADE 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.), PROJECT BLADE shall make an investment upon such site in building/land and/or machinery and equipment of \$14,137,000 (the expected capital investment) of which \$10,000,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, PROJECT BLADE shall provide at such site at least 54 new jobs paying average annual wages of \$37,334.40 plus benefits.
4. In consideration of the performance of the aforesaid obligations by PROJECT BLADE, the County will provide cash grants to PROJECT BLADE of \$51,730.11 per year for a seven-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to PROJECT BLADE within 30 days after PROJECT BLADE 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. PROJECT BLADE 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 PROJECT BLADE 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 PROJECT BLADE 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. PROJECT BLADE 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, PROJECT BLADE 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.

PROJECT BLADE

By: _____
President

LINCOLN COUNTY

By: _____
Chairman
Board of Commissioners

Public Hearing - Industrial Incentive Grant for FMS Enterprises - Kara Brown presented an Industrial Incentive Grant for FMS Enterprises.

On or before December 15, 2016, FMS Enterprises shall begin and installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within 2 years of the date of this agreement, FMS Enterprises shall make an investment upon such site in building/land/and or machinery and equipment of \$6,500,000, of which \$4,867,500 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the effective date of the agreement, FMS Enterprises shall provide at

such site at least 30 new jobs paying average annual wages of \$34,956 plus benefits. The County will provide cash grants to FMS Enterprises of \$19,331.28 per year for a five-year period.

Chairman Beam opened the public hearing concerning an Industrial Incentive Grant for FMS Enterprises. 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 FMS Enterprises.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH FMS ENTERPRISES**

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, FMS Enterprises, 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, FMS Enterprises.

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 5th day of December, 2016.

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 5th day of December, 2016 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and FMS ENTERPRISES, a Delaware corporation (hereinafter referred to as "FMS ENTERPRISES").

WITNESSETH:

WHEREAS, FMS ENTERPRISES 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 FMS ENTERPRISES 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 December 5, 2016, FMS ENTERPRISES 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.), FMS ENTERPRISES shall make an investment upon such site in building/land and/or machinery and equipment of \$6,500,000 (the expected capital investment) of

which \$4,867,500 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

3. Within two years of the effective date of this agreement, FMS ENTERPRISES shall provide at such site at least 30 new jobs paying average annual wages of \$34,956 plus benefits.

4. In consideration of the performance of the aforesaid obligations by FMS ENTERPRISES, the County will provide cash grants to FMS ENTERPRISES of \$19,331.28 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 FMS ENTERPRISES within 30 days after FMS ENTERPRISES has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. FMS ENTERPRISES 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 FMS ENTERPRISES 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 FMS ENTERPRISES 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. FMS ENTERPRISES 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, FMS ENTERPRISES 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.

FMS ENTERPRISES

By: _____
President

LINCOLN COUNTY

By: _____
Chairman

Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing - Industrial Incentive Grant for BLUM - Kara Brown presented an Industrial Incentive Grant for BLUM.

On or before December 15, 2016, BLUM shall begin and installation of an equipment and machinery expansion in Lincoln County, North Carolina. Within 2 years of the date of this agreement, BLUM shall make an investment upon such site in building/land/and or machinery and equipment of \$16,126.605, of which \$11,288,623 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within 2 years of the effective date of the agreement, BLUM shall provide at such site at least 10 new jobs paying average weekly wages of \$650.00 plus benefits. The County will provide cash grants to BLUM of \$51,730.11 per year for a seven-year period.

Chairman Beam opened the public hearing concerning an Industrial Incentive Grant for FMS Enterprises. 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 FMS Enterprises.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH BLUM INC.**

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, BLUM INC., 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, BLUM INC..

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 5th day of December, 2016.

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 5th day of December, 2016 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and BLUM INC., a North Carolina corporation (hereinafter referred to as "BLUM INC.").

WITNESSETH:

WHEREAS, BLUM INC. 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 BLUM INC. 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 December 5, 2016, BLUM INC. 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.), BLUM INC. shall make an investment upon such site in building/land and/or machinery and equipment of \$16,126,605 (the expected capital investment) of which \$11,288,623 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, BLUM INC. shall provide at such site at least 10 new jobs paying average weekly wages of \$650.00 plus benefits.
4. In consideration of the performance of the aforesaid obligations by BLUM INC., the County will provide cash grants to BLUM INC. of \$51,730.11 per year for a seven-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to BLUM INC. within 30 days after BLUM INC. 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. BLUM INC. 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 BLUM INC. 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 BLUM INC. 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. BLUM INC. 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, BLUM INC. 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.

BLUM INC.

By: _____
President

LINCOLN COUNTY

By: _____
Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Comments: Chairman Beam opened public comments. Being no speakers, he closed public comments.

Reimbursement Resolution: Deanna Rios presented a Reimbursement Resolution for the Board's information. In case the County decides to finance the Airport Hangar Project, there must be a Reimbursement Resolution adopted in order to finance costs expended prior to issuance of the financing.

Revisions to Health Insurance Coverage at Retirement: Candy Burgin presented the following information:

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Resolution as presented.

RESOLUTION #2016-19: A RESOLUTION AMENDING THE LINCOLN COUNTY PERSONNEL POLICY REGARDING MEDICAL INSURANCE

THAT WHEREAS, the Lincoln County Personnel Policy adopted by Resolution of the Board of Commissioners on October 2, 2016, an amendment to its Personnel Policy to allow for incentives to be provided for certain long-term employees; and WHEREAS, the County has determined that it would be benefitted by staggering vesting dates so that the long-term employees affected do not all retire at the same time, causing a manpower and experience shortage; WHEREAS, the Board desires to provide earlier vesting dates for some affected employees so that the long-term employees will have staggered retirement dates; NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners as follows:

1. That Section 11 of the Article VII of the Lincoln County Personnel Policy is hereby amended by deleting the existing language in its entirety, and substituting the following language in its place:

SEE EXHIBIT “A”

That this Resolution shall become effective immediately upon its adoption.

Adopted this the 5th day of December, 2016.

LINCOLN COUNTY

Bill Beam, Chairman
Board of Commissioners

ATTEST:

Amy Atkins
Clerk of the Board of Commissioners

EXHIBIT “A”

ARTICLE VII. STATUTORY AND VOLUNTARY BENEFITS

ARTICLE VII. STATUTORY AND VOLUNTARY BENEFITS

Section 11. Health Insurance Coverage at Retirement

Lincoln County offers Health Insurance Coverage for employees based on their date of hire, years of service, and vested rights as follows:

Resolution #2013-20: A Resolution Amending the Lincoln County Personnel Policy Regarding Medical Insurance - approved April 15, 2013.

Resolution #2016-__: A Resolution Amending the Lincoln County Personnel Policy Regarding Medical Insurance – approved October ____, 2016.

I. For employees who were hired prior to September 1, 2005 and have 20 years of creditable service with Lincoln County, or for employees who were hired on or after September 1, 2005 and prior to July 1, 2013 and have 25 or more years of creditable service with Lincoln County, and who occupy a budgeted full time or part-time position that is eligible for all County benefits at the time of retirement, and who have met the minimum criteria to retire with the Local Government Employees Retirement System (LGERS) as defined in the Retirement Benefits book, such employees will receive Individual Health Insurance coverage upon retirement, on terms determined by the Board of County Commissioners annually in the budget process.

Retired employees in this category, upon reaching the age of 65, will no longer be eligible to participate in the group health insurance plan, however, they will become eligible for Medicare under the Social Security Act and the County will provide a Medicare Supplement Policy. If the County is contributing toward the cost of the Medicare Supplement premium, the amount will not exceed the amount paid for the retiree's insurance as identified above.

II. Employees who are employed by Lincoln County as of October 2, 2016, and
(a) were hired by Lincoln County no earlier than April 23, 1990, and no later than February 20, 1995; and
(b) meet one of the following three criteria:
(i) do not retire on or before March 1, 2017, and thereafter retire with at least 24 years of service with Lincoln County, at least 15 years of which are continuous service with Lincoln County ; or
(ii) do not retire on or before June 1, 2017, and thereafter retire with at least 22 years of service with Lincoln County, at least 15 years of which are continuous service with Lincoln County ; or
(iii) do not retire on or before November 1, 2017, and thereafter retire with at least 20 years of service with Lincoln County, at least 15 years of which are continuous service with Lincoln County;

shall receive the following benefit upon retirement: a \$345.00 per month stipend, payable the first full month after retirement, and payable each month thereafter until the employee reaches the age of 65 or dies, whichever is first. This stipend is intended to be applied by the employee toward health insurance. In lieu of receiving a monthly stipend, the retiree can take, at retirement, upon meeting the above requirements, a lump

sum one-time payment calculated as the number of months until the employee reaches age 65 multiplied by the sum of \$170.00.

III. **Employees who are hired** on or after July 1, 2013, are not eligible for the medical insurance coverage benefits outlined in Subsections I and II above.

IV. **For an employee who** does not otherwise meet the eligibility requirements of Subsections I and II, but retires with at least 15 years of creditable service with Lincoln County, who occupied a full-time or part time budgeted position that is eligible for all County benefits at the time of retirement, and who retires as part of the N.C. Local Governmental Employees' Retirement System, such employees shall be eligible to continue their health insurance at the employee's expense and not at the expense of Lincoln County.

V. **For employees who are vested** in the LGERS as of July 1, 2013, (i.e. hired prior to July 1, 2008), and who receive disability retirement with LGERS, the County will make available health insurance coverage upon retirement, on terms determined by the Board of County Commissioners annually in the budget process. They will remain in the County's group plan until said employee becomes eligible for Medicare under the Social Security Act. At that time, the County will make available to the employee a Medicare Supplement Policy. Any dependent of an employee who retires under disability, and who was covered under the employee's health insurance plan, may continue for up to eighteen (18) months through COBRA provisions (see Article VII, Section II.B.7).

Employees who are not vested in LGERS as of July 1, 2013, are not eligible for this benefit.

VI. The following additional criteria must be met as they relate to retiree health insurance:

a. For part time employees who are in a budgeted position that is eligible for all County benefits, the cost of the part time employee's medical insurance coverage would be pro-rated based on the percentage of hours worked and the employee would be responsible for the balance.

b. The same company that provides health insurance coverage to

employees will provide the retiree health insurance coverage. However, nothing in this Policy shall limit Lincoln County from contracting with other health insurance companies to provide health insurance coverage for their employees or retirees.

- c. Any partial or full payment of insurance premiums is based upon service with Lincoln County only. Service with other North Carolina Retirement System employers does not qualify an employee or retiree for benefits within this Section.
- d. Dependents who may have been covered under the employee's health insurance plan may continue to be covered under the County's health insurance plan for up to eighteen (18) months through COBRA provisions (see Article VII, Section 9). However, any cost of coverage that extends benefits to the dependents shall be borne by the retired employee and not Lincoln County. The dependent coverage will be discontinued after 18 months.
- e. All premium payments owed by the employee are due the 25th of each month. Upon the failure of an employee to pay such premium, Lincoln County may at its option, immediately terminate the coverage provided herein.

Consideration of Employment Agreement with Mr. Kelly Atkins: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Employment Agreement with Kelly Atkins.

Chairman Beam praised Mr. Atkins for his hard work and the job he is doing as County Manager.

Appointments: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to appoint Alex Brethauer to the Board of Equalization and Review.

Commissioner Mitchem will be the Appointments Coordinator for the next year. Commissioner assignments will be decided soon.

Other Business: Mr. Atkins said there will be a budget planning workshop December 15, 2016 at 9:00 a.m.

Recess: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to recess the meeting until December 15, 2016 at 9:00 a.m.