

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 4, 2018**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on June 4, 2018, 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  
Anita McCall, Vice Chair  
Martin Oakes  
Carrol Mitchem  
Richard Permenter

**Planning Board Members Present:**

Dr. Crystal Mitchem, Chair  
Floyd Dean, Secretary  
Matt Burton  
Matt Fortune  
Keith Gaskill  
Jamie Houser  
Milton Sigmon

**Others Present:**

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

**Call to Order:** Chairman Beam called the meeting to order. He led in a Moment of Silence and led the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, June 4, 2018**  
**6:30 PM**

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

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Waived Fees
    - Toys for Tots
    - Sponsored Group Status
      - YMCA Prayer Breakfast
    - VTS Refunds
    - Tax Requests for Refunds over \$100 - 4/23 - 5/6/18
    - Council on Aging Bylaw Revision
3. Public Hearing - Fiscal Year 2018-19 Budget and CIP
4. Consideration of Resolution Levying an Additional One-Quarter Cent County Sales and Use Tax - Deanna Rios
5. Zoning Public Hearing - Randy Hawkins

PA #44 Freddy Karmatz, applicant (Parcel ID# 34054) A request for preliminary plat review/sketch plan approval for an 11-lot subdivision with a new roadway. The 12.7-acre parcel is located on the north side of Webbs Road about 1,000 feet northeast of the intersection of Webbs Road and N.C. 16 Business in Catawba Springs Township

CUP #378 Ralph Starling, applicant (Parcel ID# 56263) A request for a conditional use permit to build a private residential storage building (a garage) on a lot less than two acres in size prior to the construction of a house. The 0.78-acre lot is located on the west side of Bayridge Lane about 400 feet north of McConnell Road in Catawba Springs Township.

ZMA #651 Jeff Smiley, applicant (Parcel ID# 70724) A request to rezone a 2.1-acre lot from R-S (Residential Suburban) to B-G (General Business). The subject property is located on the south side of N.C. 150 about 900 feet east of Lee Moore Road in Ironton Township.

ZMA #653 Joseph Ricotta, applicant (Parcel ID# 29464) A request to rezone 2.4 acres from B-G (General Business) to I-G (General Industrial). The property is located at 1335 NC 73 Hwy., on the north side of N.C. 73 about 500 feet east of N.C. 27, in Ironton Township.

PD #2018-2 Duke Energy Carolinas, LLC, applicant (Parcel ID# 52075) A request to rezone 611 acres from I-G (General Industrial) to PD-I (Planned Development-Industrial) to permit an expansion of a combustion-turbine power plant by adding a combustion turbine and associated facilities, including a 90-foot-tall turbine building and a 140-foot-tall stack. The property is located at 6769 Old Plank Road in Catawba Springs Township.

6. ELDD Grandfathered Buildings - Commissioner McCall
7. Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff

8. Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff
9. ~~Public Hearing - Industrial Incentive Grant for Existing Industry - John Dancoff~~
10. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
11. Capital Project Ordinance Amendment #6 - Deanna Rios
12. Grant Project Ordinance #6 - Deanna Rios
13. Budget Ordinance Amendment #12
14. Other Business

Adjourn

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

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

- Waived Fees
  - Toys for Tots
- Sponsored Group Status
  - YMCA Prayer Breakfast
- VTS Refunds
- Tax Requests for Refunds over \$100 - 4/23 - 5/6/18
- Council on Aging Bylaw Revision

**Public Hearing – Fiscal year 2018-19 Budget and CIP:**

Chairman Beam opened the public hearing concerning the FY 18-19 Budget and CIP. Being no speakers, Chairman Beam closed the public hearing.

Commissioner Oakes commented that the rates for the fire departments are too high, especially East Lincoln and Denver.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to vote on the fire departments budget separate from the general fund.

**A MOTION** by Commissioner McCall to approve the budget for the fire departments as written. VOTE: 4 – 1 (Oakes against)

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the budget as presented.

**Consideration of Resolution Levying an Additional One-quarter Cent Sales Tax:**

Deanna Rios presented the Resolution to the Board. Mr. Atkins commented that there will be a Memorandum of Understanding designating these funds for education, clarify and set a baseline for that tax.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve Resolution #2018-19.

LINCOLN COUNTY BOARD OF COMMISSIONERS THE STATE OF NORTH CAROLINA JUNE 4, 2018

**RESOLUTION LEVYING AN ADDITIONAL ONE-QUARTER CENT (1/4¢) COUNTY SALES AND USE TAX**

WHEREAS, The General Assembly has authorized county boards of commissioners across the State of North Carolina to levy a one-quarter percent (.25%) county sales and use tax, contingent on an advisory referendum in which the majority of those casting ballots voted for the levy of the tax; and

WHEREAS, the County Board of Commissioners directed the County Board of Elections to conduct an advisory referendum on the question of whether to levy the One-Quarter Cent (1/4¢) County Sales and Use Tax in Lincoln County on the 8<sup>th</sup> day of May, 2018; and

WHEREAS, the ballots were cast 51.62% FOR and 48.38% AGAINST the levy of the One-Quarter Cent (1/4¢) County Sales and Use Tax; and

WHEREAS, the Board has provided the required 10 days public notice of the Board's intent to consider this resolution to levy the tax; and

WHEREAS, the Lincoln County Board of Commissioners hereby finds that the levy of the One-Quarter Cent (1/4¢) County Sales and Use Tax is necessary to help address and alleviate fiscal constraints within Lincoln County; and

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Commissioners:

(1) There is hereby levied within County Board of Lincoln County the One-Quarter Cent (1/4¢) County Sales and Use Tax.

(2) Collection of the tax by the North Carolina Secretary of Revenue, shall begin on and continue after the 1st day of October, 2018.

(3) The net proceeds of the tax levied herein shall be distributed by the Secretary of Revenue to Lincoln County in accordance with Article 46 Chapter 105 of the North Carolina General Statutes. Notwithstanding the provisions of Article 46 of Chapter 105, the additional One-Quarter Cent (1/4¢) County Sales and Use Tax does not apply to the sales price of food that is exempt from tax pursuant to N.C.G.S. 105-164.13B or to the sales price of a bundled transaction taxable pursuant to N.C.G.S. 105-467(a)(5a). The Secretary shall not divide the amount allocated to a County between Lincoln County and the municipalities within the County.

(4) This Resolution is effective upon its adoption, and a certified copy hereof shall be forwarded to Ronald Penny, Secretary, North Carolina Department of Revenue, P.O. Box 25000, Raleigh, NC 27640, along with a certified copy of the Lincoln County Board of Election results from the advisory referendum.

Adopted this 4th day of June, 2018

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

**PA #44 – Freddy Karmatz, applicant:** Mr. Randy Hawkins presented the following:

The applicant is requesting preliminary plat review/ sketch plan approval for an 11 lot subdivision along Webbs Road. The proposed development extends a new roadway 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.

### **Site Area & Description**

The 12.7-acre site is located on the north side of Webbs Road about 1,000 feet northeast of the intersection of Webbs Road and N.C. 16 Business in Catawba Springs Township. The subject property is zoned R-SF (Residential Single Family) and is adjoined by property zoned R-SF and B-G CZ (General Business Conditional Zoning). The lots will be served by private wells and private septic systems.

### **Land Use Plan**

The Lincoln County Land Use plan designates this area as Single-Family Neighborhood, suitable for residential development with densities of 1-2 units per acre. North: zoned B-N, professional office.

Chairman Beam opened the public hearing for PA #44 – Freddy Karmatz, applicant.

Freddy Karmatz, applicant, said he is proposing a subdivision with 11 lots and a cul de sac. Each lot will be minimum  $\frac{3}{4}$  acre and will have well/septic. They will build the road according to NCDOT standards. There will be deed restrictions and the homes will be custom ranging from 2500 to 3000 square feet.

Commissioner Permenter expressed concerns about the placement of the road in the subdivision. He asked the applicant to consider other options.

Mr. Kamatz said preliminarily, NCDOT wants him to move the road closer to NC 16 based on the line of sight. He said DOT's final decision is where the road will go.

Mr. Kamatz incorporated the findings of fact into his testimony.

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

**CUP #378 – Ralph Starling, applicant:**

The applicant is requesting a conditional use permit to build a private residential storage building on a lot less than two acres in size prior to the construction of a house. Under the Unified Development Ordinance, a private residential storage building is a conditional use on a lot less than two acres in size that does have a home on it. The applicant is proposing to build a 1,255-square-foot garage that would serve as an accessory structure once a house is built. He and his wife own and reside on a lot that's located across the road from the subject property.

**SITE AREA AND DESCRIPTION**

The request involves a 0.78-acre lot located on the west side of Bayridge Lane about 400 feet north of McConnell Road in Catawba Springs Township. It is zoned R-SF (Residential Single-Family) and is surrounded by properties zoned R-SF. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

**ORDINANCE STANDARDS**

Section 4.6.5.L of the UDO defines and sets standards for a private residential storage building as follows:

**Private Residential Storage Building**

A structure to be used for storage, consistent with the type of storage allowed in a residential accessory structure, may be permitted provided the structure is residential in character, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located. Such buildings may be built prior to the completion of the principal residential structure and the building shall become an accessory structure immediately following the placement of a principle residential structure on the property. Pods and similar detached shipping containers are prohibited for use as private residential storage buildings.

Chairman Beam opened the public hearing for CUP #378 – Ralph Starling, applicant.

Ralph Starling, applicant, said he lives across the street from this property and wants to build the garage first. He said he plans to build a house for his daughter on this lot and has already had the property perked. Mr. Starling said he prepared the Findings of Fact and incorporated them into his testimony.

Norm, Smith, 4938 White Oak Lane, said he has concerns about a drainage easement on the property that the applicant plans to build the garage on.

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

**ZMA #651 – Jeff Smiley, applicant:**

The applicant is requesting a conditional use permit to build a private residential storage building on a lot less than two acres in size prior to the construction of a house. Under the Unified Development Ordinance, a private residential storage building is a conditional use on a lot less than two acres in size that does have a home on it. The applicant is proposing to build a 1,255-square-foot garage that would serve as an accessory structure once a house is built. He and his wife own and reside on a lot that's located across the road from the subject property.

**SITE AREA AND DESCRIPTION**

The request involves a 0.78-acre lot located on the west side of Bayridge Lane about 400 feet north of McConnell Road in Catawba Springs Township. It is zoned R-SF (Residential Single-Family) and is surrounded by properties zoned R-SF. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood.

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Chairman Beam opened the public hearing for ZMA #651 – Jeff Smiley, applicant.

Jeff Smiley, applicant, said he owns the residential property adjoining this and only wants to change to General Business.

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

**ZMA #653 – Joseph Ricotta, applicant:**

The applicant is requesting the rezoning of 2.5 acres from B-G (General Business) to I-G (General Industrial). The subject property is the front portion of a 12.2-acre parcel, the remainder of which is currently zoned I-G. The stated reason for the rezoning request is to allow vehicle storage. Vehicle storage as a principal use is permitted in the I-G district but not in the B-G district. A vehicle repossession company has been storing vehicles on the I-G portion of the property.

**Site Area & Description**

The subject property is located at 1335 NC 73 Hwy., on the north side of N.C. 73 about 500 feet east of N.C. 27, in Ironton Township. It is adjoined by property zoned B-G and I-G. Land uses in this area include business, residential and industrial. The subject property is part of an area designated by the Lincoln County Land Use Plan as Suburban Commercial. Under the previous plan, this property was part of an area designated as industrial. This rezoning application was submitted on the same day that the new plan was adopted.

**Additional Information**

**Permitted uses**

Under current B-G zoning: vehicle service, retail sales, offices, personal services, etc.

Under proposed I-G zoning: vehicle storage, self-storage facility, vehicle service, vehicle repair (body shop), machine shop, manufacturing, etc.

**Adjoining zoning and uses**

East: zoned B-G, residence.

South (opposite side of N.C. 73): zoned B-G, church and undeveloped lot.

West: zoned B-G, utility trailer sales display area.

North: zoned I-G, remainder of subject property with vehicle storage area.

Chairman Beam opened the public hearing for ZMA #651 – Joseph Ricotta, applicant.

Joseph Ricotta said he would like to store vehicles on this property.

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

Mr. Deaton advised the Board to consider this under the old Land Use Plan Map.

**PD #2018-2 – Duke Energy Carolinas, LLC, applicant:**

The applicant is requesting the rezoning of 611 acres from I-G (General Industrial) to PD-I (Planned Development-Industrial) to permit an expansion of a combustion-turbine power plant by adding a combustion turbine and associated facilities, including a 90-foot-tall turbine building and a 140-foot-tall stack. A site plan has been submitted as part of the rezoning application. Under the Unified Development Ordinance, the PD-I district

is intended to allow greater flexibility in design and provide for appropriate use of land that is significantly unique in its circumstances to warrant special methods of development. An electrical generation plant is a conditional use in the I-G district. However, the I-G standards set a maximum structure height of 60 feet. Any use permitted as a conditional use in the I-G district is permitted in a PD-I district subject to approval by the Board of Commissioners and subject to the standards established at the time of approval. Duke Energy has operated a combustion-turbine plant on the subject property since 1995 to supplement its customer power supply during periods when electricity use is highest. The 1,200-megawatt plant has 16 combustion turbines that operate on natural gas or fuel oil. The proposed expansion calls for an advanced class, 400-megawatt combustion turbine and supporting facilities.

## SITE AREA AND DESCRIPTION

The subject property is located at 6760 Old Plank Road in Catawba Springs Township. It is adjoined by property zoned I-G, R-T (Transitional Residential) and PD-R (Planned Development Residential). Land uses in this area include industrial, residential and agricultural. Adjoining properties include Lake Norman Quarry, Killian Creek Wastewater Treatment Plant and the Trilogy residential development. The Duke Energy site is designated by the Lincoln County Land Use Plan as a Special District, which is applied to uses that warrant their own category.

Chairman Beam opened the public hearing for PD #2018-2 – Duke Energy Carolinas, LLC, applicant.

Collin Brown, spoke representing Duke, saying they are requesting rezoning of 611 acres to permit an expansion on a small portion of the site. Mr. Brown presented a Power Point concerning the plan. He said Duke has been at this location for years and now seeks expansion for a public necessity.

Robin Nicholson gave information from the recent IRP and said Duke Energy has chosen the Lincoln County CT plan to be expanded to meet future needs. She said Duke has many employees and retirees living in the county. She said they paid \$1.8 million to Lincoln County in tax monies.

Mark Lansitel, General Manager for Project Development, presented information concerning the expansion of the Lincoln County CT Plant. He said the expansion will be painted environmental green to blend in better.

Alan Schaffer, 120 Chimney Rock Court, asked about the height of the storage tanks currently there. He showed a picture of the entrance to Trilogy, where you can see Duke. He said he does not feel this is a necessity at this location.

Bob Weiss, 472 Granite Lake Court, said they are hearing about this project for the first time. He asked about the Environmental Impact Study. He said everyone should have an opportunity to review all the documents.

Collin Brown said the commitment is the proposed expansion will be painted green and the existing facilities would be painted green on their regular maintenance schedule.

Jack Rosen, 218 Stone Mountain Road, said that the back section of Trilogy had not been cleared when many purchased their homes and they could not see Duke. He said he feels the residents provide as much to the community as Duke and if their home values and sales are adversely affected by this, the County will suffer.

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

Commissioner McCall reported back to the Board and Planning Board on discussions she has had concerning the ELDD and grandfathering existing buildings. She said she has met with many people on this issue and now believes it should be left as it currently is instead of changing the way it is done.

Commissioner Permenter said he has spoken to staff and Mr. Deaton and has a differing view and would like to pursue options available.

The Planning Board recessed their meeting to the 2<sup>nd</sup> floor balcony.  
Chairman Beam called for a brief recess and called the meeting back to order.

**Public Hearing – Industrial Incentive Grant for Existing Industry (BLUM):** John Dancoff presented the following:

Chairman Beam opened the public hearing concerning the Industrial Incentive Grant for BLUM. Being no speakers, Chairman Beam closed the public hearing.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Industrial Incentive Grant for BLUM.

**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., have developed plans for expansion of their manufacturing equipment in Lincoln County, and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, 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 4th day of June 2018.

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Bill Beam, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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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 4th day of June, 2018 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 January 1, 2019, 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 \$22,506,000 (the expected capital investment) of which \$17,972,100 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 8 new jobs paying average hourly wages of \$16.50, including benefits.

4. In consideration of the performance of the aforesaid obligations by BLUM INC., the County will provide cash grants to BLUM INC. of \$93,338.10 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 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 III 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: \_\_\_\_\_  
Bill Beam, Chairman  
Board of Commissioners

**Public Hearing – Industrial Incentive Grant for Existing Industry (Husky Rack and Wire):** John Dancoff presented the following:

Chairman Beam opened the public hearing concerning the Industrial Incentive Grant for Husky Rack and Wire. Being no speakers, Chairman Beam closed the public hearing.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Industrial Incentive Grant for Husky Rack and Wire.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH HUSKEY RACK &  
WIRE**

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, Husky Rack & Wire, have developed plans for expansion of their manufacturing equipment in Lincoln County, and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, Husky Rack & Wire.
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 4th day of June 2018.

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Bill Beam, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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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 4th day of June, 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Husky Rack & Wire, a North Carolina corporation (hereinafter referred to as "Husky Rack & Wire").

**WITNESSETH:**

WHEREAS, "Husky Rack & Wire" 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 HHH 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 June 1, 2018, Husky Rack & Wire 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.), Husky Rack & Wire shall make an investment upon such site in building/land and/or machinery and equipment of \$10,680,000 (the expected capital investment) of which \$9,201,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Husky Rack & Wire shall provide at such site at least 20 new jobs paying annual wages of \$33,000 including benefits.

4. In consideration of the performance of the aforesaid obligations by Husky Rack & Wire, the County will provide cash grants to Husky Rack & Wire of \$42,163.58 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 Husky Rack & Wire within 30 days after Husky Rack & Wire 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. Husky Rack & Wire 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 Husky Rack & Wire 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 Husky Rack & Wire 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. Husky Rack & Wire 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, Husky Rack & Wire 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.

Husky Rack & Wire

By: \_\_\_\_\_  
President

LINCOLN COUNTY

By: \_\_\_\_\_  
Bill Beam, Chairman  
Board of Commissioners

**Resolution to approve North Carolina Department of Commerce Building Reuse Program for “Project Surface”** John Dancoff presented the following Resolution for the Board's approval.

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

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## **AUTHORIZING RESOLUTION BY LINCOLN COUNTY**

for the

North Carolina Department of Commerce  
Building Reuse Program

### **"Project Surface Building Reuse Project"**

**WHEREAS**, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

**WHEREAS**, the County has need for and intends to assist in the renovation of a vacant building in a project described as the "Project Surface Building Reuse Project"; and

**WHEREAS**, the County intends to request funding assistance from the North Carolina Department of Commerce from its Building Reuse Program for the project;

### **NOW THEREFORE BE IT RESOLVED, BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS:**

That the County is in full support of the application and the project, if funding is received, and

That the County will arrange for a local cash match in the form of incentives of at least 5% of the grant amount, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and

that Kelly Atkins, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

**Adopted this the 4th day of June 2018 in Lincolnton, North Carolina.**

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Bill Beam, Chairman

### **ATTEST:**

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Amy Atkins, Clerk

(Seal)

**Public Comments:** Chairman Beam opened Public Comments.

Herb and Priscilla Vollmann, 1876 Hagers Pt. Lane, asked the Board for approval to permit Airbnb in R-SF zoning.

Being no additional speakers, Chairman Beam closed Public Comments.

**Capital Project Ordinance Amendment #6:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Capital Project Ordinance Amendment #4.

**Grant Project Ordinance #6:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Grant Project Ordinance #6.

**Budget Ordinance Amendment #12** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance Amendment #12.

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