

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, AUGUST 5, 2019**

The Lincoln County Board of County Commissioners met on August 5, 2019, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair  
Anita McCall  
Milton Sigmon  
Bud Cesena

Commissioners Absent:

Richard Permenter, Vice Chair

Others Present:

Kelly G. Atkins, County Manager  
Megan Gilbert for Wesley Deaton, County Attorney  
Josh Grant, Programs Manager  
Amy S. Atkins, Clerk to the Board

Planning Board Members Present:

Jamie Houser, Chairman  
Matt Burton, Vice-Chairman  
Doug Tallent, Secretary  
James Dean  
Matt Fortune  
Keith Gaskill  
Tracy Ledford  
John Marino  
Robert Shugarman

Planning Staff Present:

Randy Hawkins, Zoning Administrator  
Jeremiah Combs, Planner  
Amy Brown, Clerk to Planning Board

**Call to Order:** Chairman Mitchem called the August 5, 2019 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, August 5, 2019**  
**6:30 PM**

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

Call to Order - Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Waived fees - New Life Ministries
  - Approval of Minutes - July 15, 2019
  - Approval of Jail Health Plan
3. PUBLIC HEARINGS

Quasi-Judicial Cases

CUP #407 D Block Metals, LLC, applicant (Parcel ID# 00464) A request for a conditional use permit to process metals in the I-G (General Industrial) district. The 11-acre parcel is located at 1808 Indian Creek Road, on the northwest corner of Indian Creek Road and Kawai Road about 500 feet west of Riverview Drive, in Lincolnton Township.

CUP #408 Darin Henley, applicant (Parcel ID# 59082, 78670 and 81545) A request for a conditional use permit to host weddings and other events in the R-T (Transitional Residential) district. An existing barn would be used to host events, with a parking area on an adjoining tract. The request involves a 7.1-acre site located at 4405-4461 Henry Dellinger Road, on the west side of Henry Dellinger Road about 250-850 feet south of N.C. 150, in Ironton Township.

CUP #409 Lake Vision Development, LLC (Parcel ID# 33039) A request for a conditional use permit to develop a self-storage facility in the Eastern Lincoln Development District (ELDD) in the I-G (General Industrial) district. The proposed 2.6-acre site is located on the west side of N.C. 16 Business about 300 feet north of Commerce Drive in Catawba Springs Township.

CUP #238-A2 James Pirog, applicant (Parcel ID# 33038) A request to amend a conditional use permit for a kennel to allow the addition of a 2,400-square-foot building. The 1.3-acre parcel is located at 1587 N. NC 16 Business Hwy., on the west side of N.C. 16 Business about 450 feet north of Commerce Drive.

Legislative Case

CZ #2019-6 David Turner, applicant (Parcel ID# 52767) A request to rezone a 1.6-acre parcel from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales and vehicle service. The property is located at 661 N. NC 18 Hwy., on the west side of N.C. 18 about 250 feet north of the southern intersection of N.C. 18 and N.C. 10, in North Brook Township.

4. Performance Guarantee Extension for Rock Creek Phase 1 - Andrew Bryant
5. Public Hearing - Proposed Industrial Incentive Grant for Existing Industry - John Dancoff
6. Public Hearing - Proposed Industrial Incentive Grant for Existing Industry - John Dancoff
7. Approval of Sublease from Communities in Schools organization to Lincoln County Special Olympics and Addendum to original Oaklawn building lease for Special Olympics to construct

additional recreational improvements on the property - Josh Grant

8. Approval of Sole Source Purchase from Aquila Education in the amount of \$32,650.00 - Jennifer Sackett
9. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
10. Other Business

Adjourn

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

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

- Waived fees - New Life Ministries
- Approval of Minutes - July 15, 2019
- Approval of Jail Health Plan

Commissioner Sigmon said at the last meeting a roll off truck was approved for purchase. The purchase was presented as a 2019 truck, but the truck purchased will be a 2020.

**Zoning Public Hearings:**

**New Business/Advertised Public Hearings:** Wesley Deaton gave information on the zoning cases and asked if any Board member has had ex parte communication on the Conditional Use Permits. He explained standing in quasi-judicial cases.

**CUP #407 D Block Metals, LLC, applicant** : Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to process metals in the I-G (General Industrial) district. An existing industrial building would be used for the processing operations, which under the North American Industry Classification System (NAICS) is grouped under Code 331492, Secondary Smelting, Refining and Alloying of Nonferrous Metal (except Copper and Aluminum). Under the Unified Development Ordinance, these types of operations are a conditional use in the I-G district. See addendum to application for description of proposed operations.

**SITE AREA AND DESCRIPTION**

The proposed site is an 11-acre parcel located at 1808 Indian Creek Road, on the northwest corner of Indian Creek Road and Kawai Road about 500 feet west of Riverview Road, in Lincolnton Township. The subject property is part of the Indian Creek Industrial Park. It is adjoined on all sides by properties zoned I-G. Land uses in this area include industrial, residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center.

Chairman Mitchem opened the public hearing for CUP #407 – Block Metals, LLC, applicant.

Craig Hafner, applicant, stated that he is the owner of D Block Metals. He said his business is currently in Gastonia but he would like to expand to this location. He said this business processes industrial scrap metals Tantalum, Niobium, Hafnium, Cobalt and Silver for use in aerospace energy production, electronics and Lithium batteries. He said the processing is all inside and they have state inspections on their facility. He incorporated the findings of fact into his testimony.

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

**CUP #408 – Darin Henley, applicant:**

**REQUEST**

The applicant is requesting a conditional use permit to host weddings and other events in the R-T (Transitional Residential) district. A site plan has been submitted as part of the application. An existing horse barn would be used to host events, with a parking area on an adjoining tract. An event center is classified under recreation. Under the Unified Development Ordinance, private recreation facilities are permitted in the R-T district where approved by the Board of Commissioners through the issuance of a conditional use permit.

**SITE AREA AND DESCRIPTION**

The request involves a 7.1-acre site consisting of three parcels located at 4405-4416 Henry Dellinger Road, on the west side of Henry Dellinger Road about 250-850 south of N.C. 150 in Ironton Township. The subject property is adjoined by properties zoned RT, I-G (General Industrial) and B-G (General Business). Land uses in this area include residential, industrial, business and agricultural. The site of the barn is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center. The proposed parking area is part of an area designated by the Land Use Plan as Large Lot Residential, suitable for single-detached detached homes with the following listed as secondary uses: church, community center, pool and amenities, natural areas and horse stables.

Commissioner Sigmon asked about restroom facilities. Mr. Hawkins said the applicant plans to use portable restrooms.

Chairman Mitchem opened the public hearing for CUP #408 – Darin Henley, applicant.

Darin Henley, applicant, said they have a working barn there with horses. He said he is in the entertainment industry and has worked at venues for years. He said Cooke Rentals will be able to bring in porta johns or the trailer type restroom facility. Mr. Henley said parking will be on the acre behind his house and people will be shuttled via golf cart or horse and carriage to the venue. He said at 9:30 p.m., music will be turned down and done at 10:00. Mr. Henley said he reviewed the Findings of Fact and would like to incorporate them into his testimony.

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

**Conditional Use Permit #409 – Lake Vision Development, LLC, applicant:**

**REQUEST**

The applicant is requesting a conditional use permit to develop a self-storage facility in the Eastern Lincoln Development District (ELDD) in the I-G (General Industrial) district. A self-storage facility is a permitted use in the I-G district and a conditional use in the ELDD overlay district. A site plan has been submitted as part of the application.

#### SITE AREA AND DESCRIPTION

The proposed 2.6-acre site is located on the west side of N.C. 16 Business about 300 feet north of Commerce Drive. It is adjoined by property zoned I-G, B-N (Neighborhood Business), B-G (General Business) and R-SF (Residential-Single Family). Land uses in this area include business, industrial, institutional (school) and residential. This property is part of an area designated by the Land Use Plan as a Suburban Commercial Center, suitable for general commercial services.

Chairman Mitchem opened the public hearing for Conditional Use Permit #409 – Lake Vision Development, LLC, applicant.

Phillip Rotella, applicant, incorporated the findings of fact into his testimony. He said they plan to begin construction in about 90 days, which is contingent on their financing approval.

Jonathan Carter, Engineer, stated that he would be happy to answer any questions.

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

#### **Conditional Use Permit #238-A2 – James Pirog, applicant:**

##### REQUEST

The applicant is requesting to amend a conditional use permit for a kennel to allow the addition of a 2,400-square-foot building. A site plan has been submitted as part of the application. The proposed building, which would serve as an indoor play area, would be located behind the existing facility, The Woof Den, formerly known as Barkin' Buddies. A conditional use permit for the kennel was approved in 2004, and an amendment was approved in 2006 to allow the facility to be expanded. A kennel is a condition use under the site's zoning, B-N (Neighborhood Business) and ELDD (Eastern Lincoln Development District). An increase of 5% or more in the approved floor area is subject to approval through the same process under which the original permit was issued.

#### SITE AREA AND DESCRIPTION

The 1.3-acre parcel is located at 1587 N. NC 16 Business Hwy., on the west side of N.C. 16 Business about 450 feet north of Commerce Drive. It is adjoined by property zoned B-N, I-G (General Industrial) and R-SF (Residential-Single Family). Land uses in this area include business, industrial, institutional (school) and residential. This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services.

Chairman Mitchem opened the public hearing for CUP #238-A2 – James Pirog, applicant.

James Pirog, applicant, said he purchased the property a little over 2 years ago and have done improvements to the property. He said they are maxed out and are looking to add more space. He said there are 4 runs in the yards and they may divide another off. He

incorporated his findings into his testimony.

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

**CZ #2019-6 – David Turner, applicant:**

**Request**

The applicant is requesting the rezoning of a 1.6-acre lot from B-N (Neighborhood Business) to B-G (General Business) to permit vehicle sales and vehicle service (oil change, brake service, tire mounting, alignment, etc.). Vehicle sales is not permitted in the B-N district and is a conditional use in the B-G district. Vehicle service is a conditional use in the B-N district and a permitted use in the B-G district. An existing commercial building would be used for the operations. A site plan has been submitted as part of the application. Also included are minutes of a community involvement meeting that was held on June 25. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the use of the property would be limited to vehicle sales and vehicle service in accordance with the approved site plan.

**Site Area & Description**

The subject property is located at 661 N. NC 18 Hwy., on the west side of N.C. 18 about 250 feet north of the southern intersection of N.C. 18 and N.C. 10, in North Brook Township. It is adjoined by property zoned B-N and R-R (Rural Residential). Land uses in this area included business, residential and religious. This property is part of an area designated by the Lincoln County Land Use Plan as Rural Crossroads, suitable for smallscale businesses.

**Additional Information**

**Permitted uses**

Under current zoning: retail sales, offices, personal services (hair salon, etc.), restaurant.

Under proposed zoning: vehicle sales and vehicle service.

**Adjoining zoning and uses**

East (opposite side of N.C. 18): zoned R-R, residence.

South: zoned B-N, vacant lot.

West: zoned R-R, residence.

North: zoned R-R, undeveloped tract.

**Staff's Recommendation**

Staff recommends approval of the rezoning request.

Chairman Mitchem asked about contamination at this site. Mr. Hawkins said there was no record of any contamination.

Chairman Mitchem opened the public hearing for CZ #2019-6 – David Turner, applicant.

David Turner said he has been a mechanic for around 20 years. He said he found this property and then found it was not zoned properly, so that is why he is here. He said they will do everything inside and will not have any runoff, they will catch all oil in containers,

which will be used to heat the building.

Lawrence A Deberry III, voiced concerns about the contamination on the site previously from the gas station. He said he is not against the use, but is afraid of what could go wrong and contaminate drinking water.

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

Chairman Mitchem called for a brief recess while the Planning Board moved their meeting to the 3<sup>rd</sup> floor. Chairman Mitchem called the meeting back to order.

**Performance Guarantee Extension for Rock Creek Phase 1** – Randy Hawkins presented the following:

The developer of the Rock Creek Subdivision is requesting to extend their performance guarantee for sidewalks in Phase 1 of the development. The Agreement for Completion of Improvements, for which cash was deposited with Lincoln County as surety, was approved on August 21, 2017. The developer is requesting to extend the Agreement an additional 12 months.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve Performance Guarantee Extension for Rock Creek Phase 1.

**Public Hearing - Proposed Industrial Incentive Grant for Existing Industry** - John Dancoff presented the following information:

**RESOLUTION TO ADOPT ECONOMIC  
INCENTIVE GRANT AGREEMENT WITH  
(Cataler North Carolina).**

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

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

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

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

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

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 5<sup>th</sup> day of August 2019.

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Carrol Mitchem, 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 5<sup>th</sup> day of August, 2019 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Cataler North America, a North Carolina corporation (hereinafter referred to as "Cataler").

### **WITNESSETH:**

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

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

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

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

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

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

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

1. On or before August 5, 2019, Cataler shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Cataler shall make an investment upon such site in building/land and/or machinery and equipment of \$14,806,881 (the expected capital investment) of which \$11,079,491.70 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Cataler shall provide at such site at least 3 new jobs paying average hourly wages of \$22.61 including benefits.
4. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$49,774.62 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Cataler within 30 days after Cataler has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level II grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. Cataler shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.
6.
  - a. In the event that the value of the investment actually made by Cataler pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.
  - b. In the event that the number of people in qualifying jobs actually employed by Cataler pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.
7. Cataler specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Cataler shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

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

Cataler

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

LINCOLN COUNTY

By: \_\_\_\_\_  
Carrol Mitchem, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins  
Clerk to the Board of Commissioners

Chairman Mitchem opened the public hearing concerning the Proposed Industrial Incentive Grant for Cataler. Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement with Cataler North Carolina.

**Public Hearing - Proposed Industrial Incentive Grant for Existing Industry** - John Dancoff presented the following:

**RESOLUTION TO ADOPT ECONOMIC  
INCENTIVE GRANT AGREEMENT WITH  
(Dellinger Precast).**

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, (Dellinger Precast), 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, (Dellinger Precast).

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 5<sup>th</sup> day of August, 2019.

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Carrol Mitchem, 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 5<sup>th</sup> day of August, 2019 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Dellinger Precast Inc., a North Carolina corporation (hereinafter referred to as “Dellinger Precast”).

WITNESSETH:

WHEREAS, Dellinger Precast 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 Dellinger Precast 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 August 5, 2019, Dellinger Precast 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.), Dellinger Precast shall make an investment upon such site in building/land and/or machinery and equipment of \$3,079,255 (the expected capital investment) of which \$2,616,342.50 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

3. Within two years of the effective date of this agreement, Dellinger Precast shall provide at such site at least 25 new jobs paying average hourly wages of \$16.00 including benefits.

4. In consideration of the performance of the aforesaid obligations by Dellinger Precast, the County will provide cash grants to Dellinger Precast of \$10,186.73 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 Dellinger Precast within 30 days after Dellinger Precast 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. Dellinger Precast 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 Dellinger Precast 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 Dellinger Precast 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. Dellinger Precast 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, Dellinger Precast 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.

Dellinger Precast

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

CEO

LINCOLN COUNTY

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

Carrol Mitchem, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board of Commissioners

Chairman Mitchem opened the public hearing concerning the Proposed Industrial Incentive Grant for Dellinger Precase. Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement with Dellinger Precast.

**Approval of Sublease from Communities in Schools organization to Lincoln County Special Olympics and Addendum to original Oaklawn building lease for Special Olympics to construct additional recreational improvements on the property** - Josh Grant presented the following:

As a part of the preparation for demolition of the structure at 211 W Water Street (United Way), Lincoln County Special Olympics has relocated to 410 Linden Street (Oaklawn Bldg.) Communities in Schools has agreed to sublease space within the building to this organization, which plans to construct recreational components on the property with a combination of volunteer hours and a private donation.

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

**FIRST LEASE ADDENDUM**

THIS FIRST LEASE ADDENDUM (the Amendment) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between **LINCOLN COUNTY**, a body corporate and politic ("Lessor") and **COMMUNITIES IN SCHOOLS**, a North Carolina non-profit corporation, ("Lessee");

**WITNESSETH:**

1. The "Lease" for purposes of this Amendment shall refer to the Amended Lease Agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between Lessor and Lessee.
2. The current Lessor and Lessee under the Lease desire to amend the terms of the Lease. The terms of this amendment shall supersede any contrary provisions of the lease.
3. Any term not specially defined in the Amendment shall have the same meaning as set forth in the Lease.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the parties agree as follows:

1. Under RECITALS, add section (D) which states as follows:

"The parties desire to amend the Lease Agreement to provide for the sublease of certain space located therein to Special Olympics North Carolina, Inc., a non-profit corporation organized under the laws of the State

of North Carolina. ("SONC"), and to more clearly provide for the rights of the Lessee and of Special Olympics North Carolina."

2. Paragraph 6(c) of the Lease is amended by deleting the same in its entirety and inserting in lieu thereof the following:

(c) The Lessee shall sublease, for nominal consideration, to Special Olympics North Carolina, sufficient space to allow for the building of a bocce ball court within the premises (the "court"), and shall approve Special Olympics North Carolina as an approved tenant for subleasing in the future. The Lessee shall allow for the complementary use of restrooms closest to the court. The Lessor shall provide Special Olympics North Carolina with access to the premises at any time for the purpose of accessing the court. The Lessee shall be entitled to enact reasonable regulations with regard to the subleased premises that (i) indemnify the Lessee from any liability of Special Olympics North Carolina and its guests and invitees except arising from Lessee's intentional or grossly negligent acts; (ii) regulate the reasonable utilities within the leased premises, and (iii) otherwise ensure the safety, security and maintenance of the premises. The court shall become and remain the property of the Lessor.

3. Add Paragraph 6(d) which states as follows:

(d) The Lessee shall make space available to other community uses within the demised premises, on a daily basis but not on a continuous basis, in the facility during the Lessee's non-operating hours. Any such activities shall be subordinate to the Lessee's use of the demised premises, and must be compatible with the Lessee's operations therein.

Except as amended herein, the provisions of the Lease shall remain the same.

IN WITNESS WHEREOF, the parties hereby execute this Lease Amendment.

**LESSOR:**

**LINCOLN COUNTY, a body corporate and politic**

**By:** \_\_\_\_\_

**Name:** Carrol D. Mitchem

**Title:** Chairman of the Board of Commissioners

**LESSEE:**

**COMMUNITIES IN SCHOOLS, a North Carolina non-profit corporation**

**By:** \_\_\_\_\_

**Name:**

**Title:**

***This instrument has been pre-audited in the manner required by the local government Budget and Fiscal Control Act.***

**By:** \_\_\_\_\_

**Deanna Rios, Finance Officer for Lincoln County**

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Sublease from Communities in Schools organization to Lincoln County Special Olympics and Addendum to original Oaklawn building lease for Special Olympics to construct additional recreational improvements on the property.

**Approval of Sole Source Purchase from Aquila Education in the amount of \$32,650.00** - Jennifer Sackett presented the following:

The Library requests approval for a sole source purchase of three 30 pack AR-VR Google Expedition Kits with software in the amount of \$32,650.00 from Aquila Education. The Google Expedition Kit was selected for standardization with technology used by Lincoln County Schools. There are only two authorized vendors who sell the Google Expedition Kits in the United States. Best Buy only sells an updated kit released in July of 2019 that exceeds the grant budget. The kit originally selected for the grant is still available through the other vendor, Aquila Education.

The Lincoln County Public Library will use \$22,000.00 in LSTA Grant funds, \$10,000.00 in grant funds from the Friends of the Lincoln County Public Library and \$650.00 from the library's operating budget.

Ms. Sackett requested approval of the sole source purchase from Aquila Education in the amount of \$32,650.00.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the sole source purchase from Aquila Education in the amount of \$32,650.00 as presented.

**Public Comments:** Chairman Mitchem opened Public Comments.

Mr. Deaton advised that the Board should not receive public comments concerning the Solar Farm due to the fact that is pending litigation and a quasi-judicial matter.

Timothy Mooney, 4320 Crepe Ridge Drive, Denver – spoke about the Board being a perpetual entity and the need for consistency in standing up for decisions when challenged.

Bob Bonner, 4249 Rustling Woods Drive, Denver – spoke about the Board standing up for itself in litigation.

Don Dwyer, 8251 Buena Vista Drive, Denver – said citizens elect Commissioners to make decisions on their behalf.

David Maddox, 3193 Fair Oaks Drive, Lincolnton – spoke concerning his road not being maintained by the developer.

Being no additional speakers, Chairman Mitchem closed Public Comments.

**Other Business:** Nothing reported

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners