

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 19, 2021

The Lincoln County Board of County Commissioners met on April 19, 2021, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Anita McCall
Cathy Davis

Commissioners Absent:

Bud Cesena

Others Present:

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

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 19, 2021
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda

2. Consent Agenda

- a. Approval of Minutes – April 5, 2021
- b. Tax Request for Releases- February 16 – March 15, 2021
- c. Resolution Honoring Eagle Scout
- d. Resolution Honoring Eagle Scout
- e. GPOA #1
- f. BOA #5
- g. CPOA #2
- h. Request to attend NCACC Annual Conference
- i. Surplus Property Sale

3. Presentation to Eagle Scouts

4. Zoning Cases for Decisions – Randy Hawkins

5. Public Hearing - to receive public input concerning the proposed sale to The Historic Preservation Foundation of North Carolina, Inc., a North Carolina non-profit corporation, of that building located at 129 E. Pine St., Lincolnton, NC 28092, which is also known as the Pleasant Retreat Academy

6. Public Hearing – Proposed Industrial Incentive Grant for New Industry (Project Resort)– Kara Brown

7. Public Hearing – Application to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development – Kara Brown

8. Request to begin design and permitting for removal of trees and lightly grading approximately 55 acres in Airlie Business Park for industrial development – Cliff Brumfield

9. Memorandum of Understanding between the County and the Lincoln Cultural Development Center for the operation and management of the James W. Warren Citizen Center Auditorium – John Henry

10. Public Comments

11. Finance Officer's Report

12. County Manager's Report

13. County Commissioners' Report

14. County Attorney's Report

15. Vacancies/Appointments

16. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

17. Closed Session

Adjourn

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

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

- a. Approval of Minutes – April 5, 2021
- b. Tax Request for Releases- February 16 – March 15, 2021
- c. Resolution Honoring Eagle Scout
- d. Resolution Honoring Eagle Scout
- e. GPOA #1
- f. BOA #5
- g. CPOA #2
- h. Request to attend NCACC Annual Conference
- i. Surplus Property Sale

Presentation to Eagle Scouts: The Board recognized Preston Bisson and Aiden Yount for achieving the rank of Eagle Scout.

Planning Board Recommendations: Randy Hawkins presented the following:

Planning Board recommendations in legislative rezoning cases

ZMA #678 Chance Owens, applicant (Parcel ID# 59127) A request to rezone a 1.66-acre lot from R-R (Rural Residential) to R-T (Transitional Residential). The property is located at 3083 Summerow Road, on the west side of Summerow Road about 1,900 feet north of its intersection with Highland Bluff Court, in Lincolnton Township.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Statement of Consistency and Reasonableness and to approve the rezoning as recommended by the Planning Board for ZMA #678 – Chance Owens, applicant.

ZMA #679 Jenson Shults III, applicant (Parcel ID# 26894) A request to rezone 2.0 acres from R-SF (Residential-Single Family) to R-T (Transitional Residential), The subject property, part of 15.5-acre tract, is located about 400 feet east of Randleman Road and 500 feet south of Reinhardt Circle in Ironton Township.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Statement of Consistency and Reasonableness and to approve the rezoning as recommended by the Planning Board for ZMA #679 – Jenson Shults III, applicant.

Quasi-judicial cases for decisions

PA #52 United Contracting Group, Inc., applicant (Parcel ID# 54934) A request for preliminary plat approval for a 20-lot residential subdivision. The 24-acre site is located on the west side of Lee Lawing Road immediately south of North Lincoln High School in Ironton Township.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve PA #52 – United Contracting Group, Inc., applicant, based on the Findings of Fact.

SUP #438 Brian Richardson, applicant (Parcel ID# 10692) A request for a special use permit to establish a campground in the R-R (Rural Residential) district. The proposed 36.8-acre site is located at 394 N. NC 18 Hwy., on the east side of N.C. 18 about 2,800 feet north of its intersection with N.C. 27, in North Brook Township.

Commissioner Sigmon said signage at the adjacent property lines was discussed at the previous meeting. Mr. Hawkins said the applicant agreed to place signage at the property lines.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve SUP #438 – Brian Richardson, applicant, based on the Findings of Fact.

WSSUP #25 Mark Cotter, applicant (Parcel ID# 75926) A request for a watershed special use permit to use the high-density option in the Catawba River/Lake Norman WS-IV Protected Area. The applicant is proposing to develop a 0.82-acre site for a 7,520-square-foot, two-unit building for retail sales or offices. The high-density option would allow the development to have a built-upon surface area covering up to 50 percent of the site, with the use of engineered stormwater controls. The subject property is located on the east side of N.C. 16 Business about 600 feet north of Smith Harbour Drive in Catawba Springs Township.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve WSUP #25 – Mark Cotter, applicant, based on the Findings of Fact.

Public Hearing to Receive Public Input Concerning the Proposed Sale to The Historic Preservation Foundation of North Carolina, Inc., a North Carolina Non-profit Corporation, of that Building Located at 129 E. Pine St, Lincolnton, NC, 28092, Which is also Known as the Pleasant Retreat Academy: Wesley Deaton, County Attorney, presented information concerning the sale of the Pleasant Retreat Academy to Preservation Foundation of North Carolina, Inc. The Board has negotiated with PNC to take ownership of the Pleasant Retreat Academy. PNC is willing to enter into an option agreement for a nominal consideration. In exchange, PNC will make the property subject to restrictive covenants and will work with the UDC Chapter renting the building.

Chairman Mitchem opened the Public Hearing concerning the proposed sale to the Historic Preservation Foundation of North Carolina, Inc., a North Carolina non-profit corporation, of that building located at 129 E. Pine St, Lincolnton, NC, 28092, which is also known as the Pleasant Retreat Academy.

Commissioner Davis asked for the Public Hearing to be continued until May 3 to give the Historic Properties Commission an opportunity to be heard concerning this sale.

UPON MOTION by Commissioner Davis, the Board voted unanimously to recess the Public Hearing until May 3, 2021 at 6:30 PM.

Public Hearing – Proposed Industrial Incentive Grant for New Industry (Project Resort):
Kara Brown presented the following:

On or before May 1, 2021, Hodges International shall begin construction of a new facility, upgrades and/or installation of equipment and machinery in Lincoln County, North Carolina. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Hodges International shall make an investment upon such site in (building/land and/or machinery and equipment of \$7,045,000, (the expected capital investment) of which \$5,911,500

will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the effective date of this agreement, Hodges International shall provide at such site at least 75 new jobs paying averaged wages of \$41,059 plus full benefits. In consideration of the performance of the aforesaid obligations by Hodges International, the County will provide cash grants to Hodges International of \$26,577.41 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 Hodges International within 30 days after Hodges International 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.

Chairman Mitchem opened the Public Hearing concerning the proposed Economic Incentive Grant with Hodges International.

Being no speakers, Chairman Mitchem closed the Public Hearing.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant with Hodges International.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH HODGES INTERNATIONAL.**

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, Hodges International, has developed plans to investment in facility and 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, Hodges International.
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 19th day of April, 2021.

Carroll Mitchem, 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 19th day of April, 2021 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Hodes International/H2 Home Collection, a North Carolina incorporation (hereinafter referred to as “Hodges International”).

WITNESSETH:

WHEREAS, Hodges International has developed plans for construction, renovation, or expansion of a facility and 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 Hodges International to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

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

1. On or before May 1, 2021, Hodges International shall begin construction of a new facility, upgrades and/or installation of equipment and machinery in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), Hodges International shall make an investment upon such site in (building/land and/or machinery and equipment of \$7,045,000, (the expected capital investment) of which \$5,911,500 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Hodges International shall provide at such site at least 75 new jobs paying averaged wages of \$41,059 plus full benefits.
4. In consideration of the performance of the aforesaid obligations by Hodges International, the County will provide cash grants to Hodges International of \$26,577.41 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 Hodges International within 30 days after Hodges International 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. Hodges International 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 Hodges International 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 Hodges International 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. Hodges International 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, Hodges

International 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.

By: _____

Deanna Hodges, President
Hodges International

LINCOLN COUNTY

By: _____

Carrol Mitchem, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Application to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development: Kara Brown presented the following:

Lincoln County is considering applying to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development.

Project Resort has been offered by NC Department of Commerce a CDBG grant of \$750,000 for work and renovations to take place at 215 Bonview Avenue, Lincolnton. The building was purchased and under new ownership by the project December, 2020.

According to CDBG Guidelines, a public hearing must be held concerning the application.

Chairman Mitchem opened the Public Hearing concerning the Application to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development.

Being no speakers, Chairman Mitchem closed the Public Hearing.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the Application to the North Carolina Department of Commerce for a Community Development Block Grant as presented.

Request to Begin Design and Permitting for Removal of Trees and Lightly Grading Approximately 5 acres in Airlie Business Park for Industrial Development: Cliff Brumfield requested permission to begin design and permitting for removal of trees and lightly grading approximately 55 acres in Airlie Business Park for industrial development. Lincoln County requires a speed to market advantage in developable sites to locate new industry.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the request to begin design and permitting for removal of trees and lightly grading approximately 55 acres in Airlie Business Park for industrial development.

Memorandum of Understanding between the County and the Lincoln Cultural Development Center for the operation and management of the James W Warren Citizen Center Auditorium: John Henry presented the Memorandum of Understanding between the County and the Lincoln Cultural Development Center for the operation and management of the James W. Warren Citizen Center Auditorium.

Lincoln Cultural Development Center staff approached the County regarding a joint venture to operate and manage the Citizen Center Auditorium. LCDC will manage and operate the auditorium, County will cover maintenance. LCDC and the County will work together to make necessary upgrades to improve the auditorium.

Commissioner Sigmon asked if there would be a possibility that the courts would need to use the Auditorium once the new Courthouse is open. John Henry said there would be no need for the courts to use the Auditorium then. Mr. Atkins said after the new Courthouse is open, the MOU can be amended to remove the language about the courts using the Auditorium.

UPON MOTION by Commissioner Davis, the Board voted unanimously to allow her to abstain from voting on this matter.

UPON MOTION by Commissioner McCall, the Board voted unanimously (Commissioner Davis abstaining) to approve the Memorandum of Understanding between the County and the Lincoln Cultural Development Center for the operation and management of the James W. Warren Citizen Center Auditorium.

Public Comments: Chairman Mitchem opened Public Comments.

Wanda Hallman, 435 Olde Kings Trail, Vale, addressed the Board on behalf of the Library Board saying that the Jonas Library has outgrown the facility and would like to purchase land for a new Library in Lincolnton.

Being no additional speakers, Chairman Mitchem closed Public Comments

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

County Manager's Report: Kelly Atkins reminded the Board of the joint meeting with the Board of Education for a budget discussion on Thursday, April 22 at 6:30 PM. He said the budget will be presented on May 17 and the budget public hearing will be held on June 7.

Closed Session: **UPON MOTION** by McCall, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to return to open session.

Other Business: Candy Burgin asked the Board to move forward creating a position of full time Permit Technician for Planning and Inspections effective immediately.

UPON MOTION by Commissioner Davis, the Board voted unanimously to move forward creating a position of full time Permit Technician for Planning and Inspections effective immediately.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners