

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 6, 2018

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on August 6, 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:

Todd Burgin, Vice Chair
Floyd Dean, Secretary
Matt Burton
Keith Gaskill
Jamie Houser
John Marino
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, August 6, 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
 - Lincoln County Coalition Against Domestic Violence Luncheon
 - Medal of Honor Banquet
 - VTS Refunds
 - Tax Requests for Releases - June 16 - July 15, 2018
 - Approval of Minutes – July 16, 2018
3. Zoning Public Hearing - Randy Hawkins

CUP #379 Herbert and Priscilla Vollmann (Parcel ID# 31654) A request for a conditional use permit to operate a bed and breakfast with one guest bedroom in the R-SF (Residential Single Family) district. The 0.53-acre parcel is located at 1876 Hagers Point Lane, on the east side of Hagers Point Lane about 600 feet north of Hagers Ferry Road, in Catawba Springs Township.

CZ #2018-5 Samuel Goodson, applicant (Parcel ID# 34700) A request to rezone 20 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill with a disposal area under two acres in size. The subject property, a portion of a 71-acre tract, is located at 6792 Kidville Road, about 1,200 feet south of Kidville Road and 3,200 feet east of Beth Haven Church Road, in Catawba Springs Township.

4. Public Hearing - Industrial Development Incentive Grant Approval - Kara Brown
5. Public Hearing - Industrial Development Incentive Grant Approval - Kara Brown
6. Performance Guarantee Application Approval - Canopy Creek Phase 1 Subdivision - Jeremiah Combs
7. Request for approval of the HGAC Coop Contract purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$282,058 (\$94,020 each) and allow for trade of old ambulance chassis - Ron Rombs
8. Request for approval of sole source purchase of five LUCUS Chest Compression Systems from Physio Control in the amount of \$73,998.75 - Ron Rombs
9. Request for approval of purchase of 25 Panasonic Toughbook CF-20s from ARC in the amount of \$88,808.28 - Ron Rombs
10. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
11. Request to authorize the Chairman to execute a base contract with State Utility Contractors, Inc. for \$10,939,600.00 for the construction of the Lincoln County Water Treatment Plant Expansion - Don Chamblee
12. Request for approval of preferred equipment resolution for the Optimist Club Road Convenience Center - Don Chamblee

13. Adoption of Resolution making certain findings and determinations for the proposed issuance of Revenue Bonds for financing various projects of the Utility System, filing an application with the Local Government Commission and requesting the LGC sell such bonds - Deanna Rios
14. Grant Project Ordinance #1 - Deanna Rios
15. Grant Project Ordinance #2 - Deanna Rios
16. Budget Ordinance Amendment #1 - Deanna Rios
17. Other Business

Adjourn

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda as presented, adding Airport Appointment in Other Business.

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

- Waived Fees
 - Lincoln County Coalition Against Domestic Violence Luncheon
 - Medal of Honor Banquet
- VTS Refunds
- Tax Requests for Releases - June 16 - July 15, 2018
- Approval of Minutes – July 16, 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. Commissioner Permenter revealed ex parte communications he had with the applicants as well as residents. Commissioner Oakes revealed that he had a discussion with the applicant before the CUP was filed. Commissioner McCall revealed that she received emails, but did not respond to them. Keith Gaskill revealed that he met with the applicant on the site and looked around the property.

Mr. Deaton advised that testimony given about the use prior to the permit, will not be relevant or relevant and cannot be used to make a decision in the case.

CUP #379 – Herbert and Priscilla Vollmann, applicant: Mr. Randy Hawkins presented the following:

The applicants are requesting a conditional use permit to operate a bed and breakfast with one guest bedroom in the R-SF (Residential Single-Family) district. Under the Unified Development Ordinance, a bed and breakfast is a conditional use in the R-SF district, subject to certain standards.

SITE AREA AND DESCRIPTION

The 0.53-acre parcel is located 1876 Hagers Point Lane, on the east side of Hagers Point Lane about 600 feet north of the end of Hagers Ferry Road. The applicants own and reside in a single-family house on this parcel. Hagers Point Lane is a private road. The subject property is adjoined by property zoned R-SF and by Lake Norman. 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.

BED AND BREAKFAST STANDARDS

The Unified Development Ordinance establishes the following standards for a bed and breakfast:

§4.4.3 Bed & Breakfast

Single-family detached dwellings may be used as bed and breakfasts in accordance with the following requirements:

- A.** One or more bedrooms may be rented on a daily basis to tourists, vacationers and similar transients;
- B.** Where the provision of meals is provided, such provision is limited to the breakfast meal, available only to guests and employees;
- C.** Individual rooms shall not be equipped with cooking facilities;
- D.** There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety;
- E.** Such operations shall be conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of two full-time employees; and
- F.** An owner of the use shall reside on site

Mr. Hawkins said they received complaints in May that the applicants were renting out part of their house. The applicants agreed not to accept any additional reservations and applied for the CUP. He said if this is approved, it would be limited to one bedroom.

Mr. Hawkins said with a bed and breakfast, they must be inspected by Environmental Health.

Chairman Beam opened the public hearing for CUP #379 – Herbert and Priscilla Vollmann, applicant.

Herb Vollmann, applicant, apologized for allowing AirBnb before the CUP was applied for, but said they wanted to kind of test the waters before moving forward.

Floyd Dean asked the longest length of time he plans to have a guest. Mr. Vollmann said 5 days is the longest.

Priscilla Vollmann, applicant, stated that positives for the application are: Short term housing since there are no hotels in the area, serving as a welcome center for people who are looking to reside in East Lincoln County, encourage guests to shop and eat locally, tourism taxes paid, more comfortable atmosphere, provide Denver families with a place for their guests to stay, AirBnb requires identity credentials before staying so safety things are in place. The negatives would be a person who would rent their whole house out, whereas they will be in the home with guests. They have restricted the rental to 2 people and 1 vehicle to park only in their circular driveway.

Mr. Vollmann said the health and safety requirement is clear since they are vetted through AirBnb. He presented proposed findings and incorporated them into his testimony.

Applicant's Proposed Findings Of Fact For Commisioners To Consider:

1. Health and safety:

Guests are vetted through the airbnb program before being able to make a reservation. The maximum number of guests allowed (2) is stipulated on the website. No visitors are allowed. Applicant will personally welcome arriving guests and be present to monitor activities. Guests are given clear specific directions to drive to the house as part of a welcome letter sent days before the arrival date. Guests will park off street in our circular driveway.

2. Meeting all required conditions and specifications:

Applicant will comply with all Lincoln County Environmental Health Division Standards as required for a bed and breakfast use.

3. Will not substantially injure the value of adjoining or abutting property:

The property will appear no different than it appears now. There will be no signage on property to indicate that it is anything but a single family dwelling. There is a buffer of green trees and planting on both sideyards that screen the rear yard where guests may be present.

4. Will be in harmony with the Land Use Plan:

There will be no change in the street view appearance of the property. Except for the guests parked car in the driveway the property will continue to visually remain as a single family residence.

Jan Mercer, 1863 Hagers Point Lane, Denver, presented a petition (which Mr. Deaton advised was not admissible on a quasi-judicial matter). She said by allowing a bed and breakfast, they are going to be exposed to transient individuals who would otherwise not even know their secluded neighborhood was there. She said none of the AirBnb have a real vetting process and do not even require a photo id. She said allowing strangers to stay overnight, in addition to the use of their private road, is not conducive to the single family neighborhood. The violations of the terms and conditions announced previously speaks to how they will follow them in the future. She said another speaker will provide testimony concerning property values. The land use is single family residential and is not meant for use as a bed and breakfast. She said the road is not state maintained, but is maintained by the residents on the road. Ms. Mercer submitted pictures of the one lane private road.

Robert Savoie, 8897 Hagers Ferry Road, submitted a picture of the one lane road. He said they purchased a home there for the peace and tranquility there. He said increased traffic creates safety issues for the children in the neighborhood. He said they strongly oppose this request. He said recently the traffic has increased through their neighborhood.

Matt Burton, Planning Board Member, asked the Vollmanns how many guests they have had in the past 10 months. Mrs. Vollmann said it was only open for 6 months and there is less than one car per week in this time. Todd Burgin asked if anyone from Lincoln County had stayed there. Mrs. Vollmann said that a couple came from Cleveland County to stay so they could fish and a couple stayed there that was visiting family in Sailview.

Sean Curley, 8889 Hagers Ferry Road, Denver, spoke in opposition of the request saying he and his wife bought last September in a single family residential neighborhood. He spoke about the concern of setting a precedent with other bed and breakfasts being allowed in single family areas. He said there is no good place to turn around and his property was damaged when someone turned around in his driveway. He said he does not know who did the damage, but he would think one of his neighbors would have told him if they had done it.

Catherine Judson, 8201 Bright Water Lane, Denver, said she has family and grandchildren in and out all of the time. She said she worries about their safety. She said the Air Bnb's that they have rented do not ask for driver's license, you've got a credit card and you're good to go. She said she worries her for her grandchildren and strangers coming into the neighborhood. Ms. Judson said there are suggestions on Air Bnb for listing property and you have to agree to certain suggestions such as checking the zoning and speaking with neighbors.

Commissioner McCall said there are 4 legal findings that must be met in a conditional use and opinions and concerns cannot be taken into consideration. She said she would like everyone to know what the Board is up against with the decision.

Ms. Judson showed the Board on the map where her property is located.

Rick Judson, 8201 Bright Water Lane, Denver, said he has owned this property for 17 years. He said he has been a licensed real estate broker and limited license general contractor since the mid 1980's. He said he has developed and built over 2500 homes and has participated in many hearings. He said the current zoning is residential single family and the neighborhood is exclusively made up of single family homes. He said the most immediate impact is on safety and property values. He said the property is on a narrow, private street. He said it is spot zoning and could set a precedence.

Todd Burgin asked if there have been any disturbances at this location and if there was any evidence concerning property values.

Mr. Judson said there have not been disturbances and he spoke of the lack of regulatory oversight on the residential property rental and how this would affect property values.

Michael Beam, 1891 Hagers Point Lane, Denver, said he has lived at this location for 30 years and chose this for privacy and the lake location. He said a bed and breakfast would create safety concerns and decrease their property values.

Celia Beam, 1891 Hagers Point Lane, Denver, said she has lived there for 16 years. She said their neighborhood is safe, peaceful and private. She said she is opposed since their neighborhood is not a commercial district and she is concerned with the precedent and increased traffic on their small, private drive.

Matt Burton asked if there has been any law enforcement activity on the road since Mrs. Beam spoke about safety three different times. Mrs. Beam said there has been nothing that they are aware of. She said they are a private road so there is no speed limit on their private street.

John Hedley, 8890 Hagers Ferry Road, Denver, stated that they moved there about 13 years ago to retire to a quiet serene neighborhood. He said they all have visitors, but the difference is they know the people who come to visit them. He voiced concerns for safety and the precedence for more to be allowed if this one is approved.

Commissioner Oakes reviewed the 4 findings of fact that must be met in order for the application to be approved.

Mr. Vollmann said in the time that the BNB has been in operation, there have been 2 homes for sale and one lot. He said people that come to the BNB have clear directions so there would be no need for them to be riding around the neighborhood. He said as far as maintaining the road, when they moved there 6 years ago, he spent time and money to get work done on the road. He said they have signed up as guests on AirBnb and were vetted. He said they turned down a request because there was not a picture id on the request.

Mrs. Vollmann said at the end of their road, the mail person, UPS, garbage trucks and others turn around at the end of the road. She said the signage that was placed concerning children were there way before the rental started.

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

CZ #2018-5 – Samuel Goodson, applicant:

The applicant is requesting the rezoning of 20 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill (LCID) with a disposal area under two acres in size. Materials that may be accepted at an LCID landfill are limited to stumps, limbs, brush, concrete, used asphalt, brick, concrete block, uncontaminated soil, rock and gravel.

Under the state's solid management rules, an LCID landfill must be located at least 50 feet from any stream and at least 100 feet from all property lines, dwellings and wells. In the case of an LCID landfill with a disposal area of less than two acres, an operator must file a notification form with the state.

Under the Lincoln County Unified Development Ordinance, a landfill is included under the use group Waste Service, which is permitted only the I-G district as a conditional use and requires a minimum area of 20 acres. A site plan and an operations plan have been submitted as part of the rezoning application. Also included are minutes from a community involvement meeting that was held on June 19. 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 an LCID landfill.

The subject property, a portion of a 71-acre tract, is located at 6792 Kidville Road, about 1,200 feet south of Kidville Road, and 3,200 feet east of Beth Haven Church Road, in Catawba Springs Township. The applicant previously operated an LCID landfill on an adjoining parcel. The 71-acre tract is surrounded by properties zoned R-T. Land uses in this area included residential and agricultural. The subject property is part of an area designated by the Land Use Plan as Large Lot Residential. Planning Staff's Recommendation Staff recommends approval of the rezoning request. Under state law, prior to adopting or rejecting a zoning amendment, the Board of Commissioners must adopt one of the following statements: (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (3) A statement approving the zoning amendment and containing at least all of the following: a. A declaration that the approval is also deemed an amendment to the comprehensive plan. b. An explanation of the change in conditions the governing board took into account in amending the plan to meet the development needs of the community. c. Why the action taken is reasonable and in the public interest. Staff recommends that the Board of Commissioners exercise Option 3.

Chairman Beam opened the public hearing for CZ #2018-5 – Samuel Goodson, applicant.

David Ledford, 2730 Maiden Highway, said he is a Landscape Architect, representing Samuel Goodson, who is looking to continue a business that has been in operation over 20 years. He provides local builders and grading contractors with an economic and convenient source to dump land clearing and inert debris from construction sites. The request is to use 2 acres of the 71 acres he owns for this site, which will allow him to continue for another 10 to 20 years with the current activity.

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

Chairman Beam called for a brief recess while the Planning Board moved their meeting to the 2nd floor balcony. Chairman Beam called the meeting back to order.

Public Hearing – Industrial Incentive Grant for Huber Technology: Kara Brown presented the following:

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH HUBER TECHNOLOGY**

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, Huber Technology desires to relocate its business to and construct a physical plant 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, Huber Technology.
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 6th day of August, 2018.

Bill Beam, 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 6th day of August 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Huber Technology, a North Carolina corporation (hereinafter referred to as “Huber”).

WITNESSETH:

WHEREAS, Huber has developed plans for construction of a new 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 Huber 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, Huber shall begin construction of a new facility and 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.), Huber shall make an investment upon such site in (building/land and/or machinery and equipment of \$11,000,000, (the expected capital investment) of which \$9,980,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Huber shall provide at such site at least 56 new jobs paying average annual wages of \$60,000.
4. In consideration of the performance of the aforesaid obligations by Huber, the County will provide cash grants to Huber of \$45,733.35 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 Huber within 30 days after Huber has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. Huber 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 Huber 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 Huber 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. Huber 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, Huber 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: _____
 President

LINCOLN COUNTY

By: _____

Bill Beam, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

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

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Industrial Incentive Grant for Huber Technology.

Public Hearing – Industrial Incentive Grant for Texture Plus: Kara Brown presented the following:

Chairman Beam opened the public hearing concerning the Industrial Incentive Grant for Texture Plus. 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 Texture Plus.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH PROJECT TEXTURE PLUS.**

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

WHEREAS, Project TEXTURE PLUS, has developed plans for new real estate and manufacturing equipment investment in Lincoln County; and

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

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

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

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 6th day of August 2018.

Bill Beam, 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 6th day of August 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Texture Plus, a North Carolina corporation (hereinafter referred to as Texture Plus).

WITNESSETH:

WHEREAS, TEXTURE PLUS has developed plans for investment in an existing 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 TEXTURE PLUS 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 September 1, 2018 TEXTURE PLUS shall begin construction on an existing facility and 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.), TEXTURE PLUS shall make an investment upon such site in (building/land and/or machinery and equipment of \$1,300,000 (the expected capital investment) of which \$971,953.30 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, TEXTURE PLUS shall provide at such site at least 30 initial jobs paying average annual wages of \$41,270.00.
4. In consideration of the performance of the aforesaid obligations by TEXTURE PLUS, the County will provide cash grants to TEXTURE PLUS of \$3,860.11 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 TEXTURE PLUS within 30 days after TEXTURE PLUS has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. TEXTURE PLUS 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 TEXTURE PLUS 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 TEXTURE PLUS 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. TEXTURE PLUS 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, TEXTURE PLUS 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: _____
President

LINCOLN COUNTY

By: _____
Bill Beam, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Performance Guarantee Application Approval – Canopy Creek Phase 1 Subdivision: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Performance Guarantee Application Approval – Canopy Creek Phase 1 Subdivision.

Request for approval of the HGAC Coop Contract purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$282,058 (\$94,020 each) and allow for trade of old ambulance chassis - Ron Rombs presented the following:

The Lincoln County Board of Commissioners has approved money in the capital improvement account for the purchase of three remount Type III GMC Cutaway Chassis. This purchase shall be from the HGAC Cooperative Purchasing Contract. These units will be equipped with newly required environmental temperature controlled units for medication storage and includes upgrade for a new stretcher mounting system with a trade in of old chassis.

These units will be identical to the rest of the fleet and will replace three of the aging apparatus. These ambulances will be purchased from Northwestern Emergency Vehicles. All of the ambulances purchased over the last 10 years have been from NWEV and are identical. Northwestern is based in West Jefferson, NC and offers superior customer service and support.

Mr. Rombs requested that the Board approve the HGAC Coop Contract purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$282,058 (\$94,020 each and allow for trade in of old ambulance chassis.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to Board approve the HGAC Coop Contract purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$282,058 (\$94,020 each and allow for trade in of old ambulance chassis.

Request for approval of sole source purchase of five LUCUS Chest Compression Systems: Ron Rombs presented the following:

The Lincoln County Board of Commissioners has approved money in the capital improvement account from the purchase of five LUCUS Chest Compression Systems. This purchase shall be a sole source based upon availability only from one manufacturer. The notice was published in the Lincoln Times News.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the sole source purchase of five LUCUS Chest Compression Systems from Physio Control in the amount of \$73,998.75.

Request for approval of purchase of 25 Panasonic Toughbook CF-20s from ARC in the amount of \$88,808.28: Ron Rombs presented the following:

The Lincoln County Board of Commissioners has approved money in the capital improvement account for the purchase of 25 Panasonic Toughbook CF20 computers. This purchase shall be from the North Carolina State Contract. These computers will replace the current devices that are now obsolete. These computers are used for all patient care charting and call reports.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the purchase of 25 Panasonic Toughbook CF-20's from ARC in the amount of \$88,808.28.

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

Request to authorize the Chairman to execute a base contract with State Utility Contractors, Inc. for \$10,939,600.00 for the construction of the Lincoln County Water Treatment Plant Expansion: Don Chamblee presented the following:

Lincoln County Public Works is requesting approval to enter into a contract with State Utility Contractors, Inc. for the construction of the expansion to the Lincoln County Water Treatment Plant. Lincoln County advertised an invitation to bid for the Water Treatment Plant expansion construction project on May 17, 2018. The sealed bids were

received and opened on June 21, 2018. The low base bid of \$8,454,600.00 was received from State Utility Contractors, Inc; the bid with all alternates was a total of \$10,939,600. As recommended by Woolpert, the engineering firm for the project, Public Works is requesting approval to award the contract for construction to State Utility Contractors, Inc.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to authorize the Chairman to execute a base contract with State Utility Contractors, Inc. for \$10,939,600.

Request for approval of preferred equipment resolution for the Optimist Club Road Convenience Center - Don Chamblee presented the following:

Public Works requests approval to establish preferred equipment during bidding for the proposed Lincoln County Optimist Club Road Convenience Center.

Bidding for construction on this project is anticipated to be completed in October 2018. In order to ensure the smoothest and most cost effective installation, operation, maintenance, and repair at the current time and in the future, the Department of Public Works requests that the equipment be specified to match some of the equipment currently in place, at some of the County's other convenience center sites. The new equipment will work seamlessly with the existing equipment, as well as reduce cost by allowing existing controls and spare parts to be used with new equipment.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the County of Lincoln is constructing and intends to upgrade the Optimist Club Road Convenience Center that will provide recycling and solid waste disposal services to all within the facility's service area; and

WHEREAS, the proposed facility will be upgraded and expanded; and

WHEREAS, North Carolina General Statute 133-3 requires that alternate equipment approved by the owner shall be approved prior to the opening of bids in an open and public meeting; and

WHEREAS, the alternate equipment is consistent with the existing equipment currently in operation at the current Optimist Club Road Convenience Center and other County facilities, is conforming to Lincoln County standards, and will facilitate efficient operation and maintenance of the existing and proposed equipment.

NOW, THEREFORE, in consideration of the requirements of North Carolina General Statute 133-3, the listed items below have been approved in an open meeting by the owner as preferred alternates to the base bid for the Optimist Club Road Convenience Center project.

1. Five recycling compactors – Baker Equipment Corporation
2. Three municipal solid waste compactors – Baker Equipment Corporation

Adopted this the _____, 2018 at Lincoln County, North Carolina

ATTEST:

Witness

(SEAL)

County of Lincoln

By: _____

Bill Beam
Chairman of the Board

ATTEST:

County Clerk

(SEAL)

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

Adoption of Resolution making certain findings and determinations for the proposed issuance of Revenue Bonds for financing various projects of the Utility System, filing an application with the Local Government Commission and requesting the LGC sell such bond: Commissioner Oakes introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE ISSUANCE OF ENTERPRISE SYSTEM REVENUE BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SUCH BONDS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL SUCH BONDS

WHEREAS, the Board of Commissioner the County of Lincoln, North Carolina (the "County") has determined that it is necessary to issue revenue bonds of the County pursuant to Chapter 159I of the North Carolina General Statutes, as amended, for the purpose of (a) financing improvements to the County's existing water treatment facilities (b) paying certain costs and expenses incurred in connection with the issuance of such revenue bonds; and

WHEREAS, it is necessary to take certain related action at this time;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioner of the County, as follows:

Section 1. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of such revenue bonds with the Local Government Commission of North Carolina (the "Local Government Commission") and authorized to take such other actions as may be advisable in connection with the negotiation of such revenue bonds and the development of the related financing; and all actions heretofore taken by any of such officers or any other officer of the

County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 2. The Board of Commissioner hereby requests the Local Government Commission to approve such revenue bonds under Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended, and to sell such revenue bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 3. The Board of Commissioner recommends the selection of the following professionals to be on the financing team for the issuance of such revenue bonds and that the Local Government Commission approve such professionals as members of such financing team:

Bond Counsel	Robinson, Bradshaw & Hinson, P.A.
Underwriter	Wells Fargo Bank, National Association
Counsel to the Underwriter	Womble Bond Dickinson (US) LLP
Financial Advisor	Davenport & Company LLC

Section 4. The Board of Commissioner hereby finds, determines and affirms that (i) the issuance of such revenue bonds is necessary for the County to finance improvements to its water treatment facilities, (ii) the amount of the proposed revenue bonds will be sufficient but not excessive for its purposes, (iii) the proposed financing is feasible, (iv) the County's debt management procedures and policies are good and are managed in strict compliance with law and (v) under current economic conditions, the proposed revenue bonds can be marketed at a reasonable interest cost to the County.

Section 5. This resolution shall take effect immediately upon its passage.

UPON MOTION of Commissioner Oakes, seconded by Commissioner McCall, the foregoing resolution was passed unanimously.

Grant Project Ordinance #1 - Deanna Rios presented GPO #1 which is adding and budgeting the TLC Capital Grant for FY 19. State Grant amount is \$278,424, and local match is \$30,936. This will purchase vehicles and equipment.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve GPO #1 as presented.

Grant Project Ordinance #2 - Deanna Rios presented GPO #2 which is adding and budgeting the MIPPA Grant to Senior Services to assist Senior Citizens in the community.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve GPO #2 as presented.

Budget Ordinance Amendment #1 - Deanna Rios presented BOA #1 which is budgeting the Medicaid Settlement received in late FY18, budgeting excess WIC

revenues, removing Komen Grant funds, budgeting Special Adoption funds received in late FY18, and appropriating fund balance for Water and Sewer to transfer funds to W/S CIP for the Pump Station 8 and 9 Project.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve BOA #1 as presented

Other Business: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to appoint Tom Anderson as Chair of Airport Board.

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