

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, NOVEMBER 19, 2018**

The Lincoln County Board of County Commissioners met November 19, 2018 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Bill Beam, Chair  
Anita McCall, Vice Chair  
Martin Oakes  
Richard Permenter  
Carrol Mitchem

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 November 19, 2018 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 Beam presented the agenda for the Board's approval.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, November 19, 2018**  
**6:30 PM**

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  1. Tax Requests for Refunds
  2. Tax Requests for Releases

3. Resolution #2018-31 - 34: Resolutions Honoring Eagle Scouts
  - ~~4. Minutes for Approval~~
  5. Award of Service Weapon to Captain Timothy Wade Johnson
  6. Ordinance - Cat Square Christmas Parade Road Closure
  7. Resolution #2018-35: Resolution Designating David A Workman, Jr. as Review Officer for Lincoln County, North Carolina
3. Eagle Scout Recognition
    - Adam Henderson
    - Joshua Fesmire
    - Trevor Kitsinian
    - Jake Zimmerman
    - Edouard Nadra
  4. Planning Board Recommendations - Randy Hawkins
  5. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
  6. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
  7. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
  8. Public Hearing - Proposed Industrial Development Incentive Grant for Existing Industry - John Dancoff
  9. Master Gardner Presentation – Marcia Scheideman and Barb Misner
  10. Parking options near Citizens Center - John Henry
  11. Capital Project Ordinance Amendment #1  
Capital Project Ordinance Amendment #2  
Budget Ordinance Amendment #3
  12. Public Comments
  13. Finance Officer's Report - Deanna Rios
  14. County Manager's Report
  15. County Commissioners' Report
  16. County Attorney's Report
  17. Vacancies/Appointments
  18. Calendar
  19. Other Business
    - **Hickory Creek Discussion**

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

20. Closed Session – Personnel

Adjourn

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the agenda as amended adding Item 3b – Hickory Creek Discussion.

**Consent Agenda:** Josh Grant reviewed the items on the Consent Agenda.

1. Tax Requests for Refunds
2. Tax Requests for Releases
3. Resolution #2018-31 - 34: Resolutions Honoring Eagle Scouts
- ~~4. Minutes for Approval~~
5. Award of Service Weapon to Captain Timothy Wade Johnson
6. Ordinance - Cat Square Christmas Parade Road Closure
7. Resolution #2018-35: Resolution Designating David A Workman, Jr. as Review Officer for Lincoln County, North Carolina

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

**Eagle Scout Recognition:** The Board recognized the following Eagle Scouts and presented them with Resolutions honoring their accomplishment:

- Adam Henderson
- Joshua Fesmire
- Trevor Kitsinian
- Jake Zimmerman
- Edouard Nadra

**Hickory Creek Discussion:** Mr. Kelly Atkins said a sink hole has developed in Hickory Creek Subdivision and staff will be giving an update on this situation.

Mr. Bill Summers, Director of Emergency Management, said Hickory Creek Subdivision is off Highway 16 Business, near the Rescue Squad Park. It is a private subdivision and all road in the subdivision are privately owned by the residents or owners. There is a culvert that has collapsed and an area opened in the road that is about 16 – 18 feet in diameter and around 10 – 12 feet deep. The hole is getting bigger every day and there are around 30 homes that are blocked from access for their homes and also for emergency services. After meeting with Chief Tench and Mr. Atkins, a State of Emergency was declared and a temporary bridge was placed. They are not

sure what is under the emergency bridges or how long they will be there. It is a very temporary solution. Mr. Summers said there is no other access into the neighborhood and none that can be created without out tremendous work and expense. He said the neighborhood is coming together and trying to get a resolution. He said they will place flyers on all doors telling the residents to move their vehicles to the other side of the bridge. The biggest concern at this point is emergency access for the residents of the subdivision. The bridge has been rented for a period of 30 days for \$3,000.

Wesley Deaton advised the Board that the County has authority under Emergency Management powers to take stop gap measures when a state of emergency is declared, which was done over the weekend. What the County cannot do is large scale improvements to roads or infrastructure. There are statutory provisions for improving roads, but it is more complicated and requires citizen input and paying for a large portion, then assessing taxes to pay for the improvements. Mr. Atkins said the local law was created for turning roads over to NCDOT and he is not positive that this could be used for this situation. He said in the future, the residents are interested in having the improvements made and the road turned over to NCDOT.

Commissioner Oakes said the easiest way to do this would be to revive the dormant HOA in this neighborhood, then assess the homeowners.

Mr. Summers said the State, through a program with the Forestry Service, will build a hand bridge for the residents to use during the reconstruction of the culvert. There is no charge to the county for this service and inmates will build the hand bridge.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to proceed with the hand bridge.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to give authority to extend the temporary bridge for one additional month.

**Planning Board recommendations:** Randy Hawkins presented the following:

**CUP #387 Marvin and Jennie Simmons, applicants** (Parcel ID# 31502) A request for a conditional use permit to allow an accessory structure to be located in front of the front building line of a house on a lot adjacent to Lake Norman. The 0.83-acre lot is located at 8353 Luckey Point Road in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval with the condition that the exterior of the structure closely match the exterior of the house.

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

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve CUP #387 – Marvin and Jennie Simmons, applicant.

**CUP #388 Tracy Godfrey, applicant** (Parcel ID# 23332) A request for a conditional use permit to allow a guest house as an accessory use to a single-family dwelling. The 22-acre parcel is located at 4242 John Ritchie Road in Ironton Township. The Planning Board voted 7-0 to recommend approval.

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

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve CUP #388 – Tracy Godfrey, applicant.

**PD #2018-3 Blum, Inc., applicant** (Parcel ID# 02372 and 34251) A request to rezone 68 acres from I-G (General Industrial) and R-T (Transitional Residential) to PD-I (Planned Development-Industrial) to permit expansions of manufacturing, warehousing and office facilities and allow a building height in excess of 60 feet and not more than 100 feet for a high-bay warehouse. The property is located at 7733 Old Plank Road, on the north side of Old Plank Road about 600 feet west of N.C. 16 Business, in Catawba Springs 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 as submitted by the Planning Board.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve PD #2018-3 – Blum, Inc., applicant.

**PD #2018-4 Provident Land Services, Inc., applicant** (Parcel ID# 02465, 34170, 34189, 34190, 55690, 57451, 74300, 86960 and portions of 34201 and 86959) A request to rezone 123 acres from R-SF (Residential Single-Family) and R-T (Transitional Residential) to PD-R (Planned Development Residential) to permit a subdivision with up to 225 single-family detached houses. The property is located on the west side of Little Egypt Road about 2,000-4,000 feet north of N.C. 73 in Catawba Springs Township. The Planning Board voted 6-1 to recommend approval. Land Use Plan Guiding Principles The Planning Board voted 7-0 to recommend approval with the proposed modifications.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as submitted by the Planning Board.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve CZ #2018-4 – Provident Land Services, Inc., applicant.

**Land Use Plan Guiding Principles:** The Planning Board voted 7-0 to recommend approval with the proposed modifications.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the Land Use Plan Guiding Principles with the proposed modifications.

**Public Hearing – Proposed Industrial Development Incentive Grant for Calico Coatings:**

John Dancoff presented the request for a proposed Industrial Development Incentive Grant for Calico Coatings.

Chairman Beam opened the public hearing for the proposed Industrial Development Incentive Grant for Calico Coatings. Being no speakers, Chairman Beam closed the public hearing.

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

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH CALICO COATINGS.**

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, Calico Coatings, 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, Calico Coatings.
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 November 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 19th day of November, 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Calico Coatings, a North Carolina corporation (hereinafter referred to as “Calico Coatings”).

WITNESSETH:

WHEREAS, Calico Coatings 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 Calico Coatings 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 November 19, 2018, Calico Coatings 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.), Calico Coatings shall make an investment upon such site in building/land and/or machinery and equipment of \$1,350,000 (the expected capital investment) of which \$1,170,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, Calico Coatings shall provide at such site at least 8 new jobs paying average hourly wages of \$15.00 including benefits.
4. In consideration of the performance of the aforesaid obligations by Calico Coatings, the County will provide cash grants to Calico Coatings of \$4,646.66 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 Calico Coatings within 30 days after Calico Coatings 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. Calico Coatings 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 Calico Coatings 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 Calico Coatings 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. Calico Coatings 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, Calico Coatings 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.



**Public Hearing – Proposed Industrial Development Incentive Grant for Aptar:** John Dancoff presented the request for a proposed Industrial Development Incentive Grant for Aptar.

Chairman Beam opened the public hearing for the proposed Industrial Development Incentive Grant for Aptar. Being no speakers, Chairman Beam closed the public hearing.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Industrial Development Incentive Grant for Aptar.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH  
APTARGROUP,INC.**

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

WHEREAS, AptarGroup, Inc. have developed plans for expansion of their manufacturing equipment in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County and AptarGroup, Inc..
2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.
3. This resolution shall become effective upon adoption.

This 19th day of November 2018.

Bill Beam, Chairman  
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

November 19, 2018  
Public Hearing - Zoning

## LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA  
LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 19th day of November, 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Aptar Group Inc, a Delaware corporation (hereinafter referred to as “Aptar”).

WITNESSETH:

WHEREAS, Aptar 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 Aptar 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 November 19, 2018, Aptar 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.), Aptar shall make an investment upon such site in building/land and/or machinery and equipment of \$36,000,000 (the expected capital investment) of which \$25,200,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.

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Public Hearing - Zoning

3. Within two years of the effective date of this agreement, Aptar shall provide at such site at least 40 new jobs paying average weekly wages of \$725 including benefits.

4. In consideration of the performance of the aforesaid obligations by Aptar, the County will provide cash grants to Aptar of \$146,273 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 Aptar within 30 days after Aptar 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 IV grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. Aptar 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 Aptar 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 Aptar 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. Aptar 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, Aptar 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.

**Public Hearing – Proposed Industrial Development Incentive Grant for FMS:** John Dancoff presented the request for a proposed Industrial Development Incentive Grant for FMS.

Chairman Beam opened the public hearing for the proposed Industrial Development Incentive Grant for FMS. Being no speakers, Chairman Beam closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Industrial Development Incentive Grant for FMS.

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

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

WHEREAS, FMS, 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, FMS.
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 November 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 19th day of November, 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and FMS, a Delaware corporation (hereinafter referred to as “FMS”).

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WITNESSETH:

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

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

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

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

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

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect FMS 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 November 19, 2018, FMS shall begin installation of an equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), FMS shall make an investment upon such site in building/land and/or machinery and equipment of \$2,500,000 (the expected capital investment) of which \$1,750,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, FMS shall provide at such site at least 20 new jobs paying average weekly wages of \$650 including benefits.
4. In consideration of the performance of the aforesaid obligations by FMS, the County will provide cash grants to FMS of \$6,950.13 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to FMS within 30 days after FMS has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a

Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. FMS shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by FMS pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by FMS pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. FMS specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, FMS 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.

**Public Hearing – Proposed Industrial Development Incentive Grant for Cataler:** John Dancoff presented the request for a proposed Industrial Development Incentive Grant for Cataler.

Chairman Beam opened the public hearing for the proposed Industrial Development Incentive Grant for Cataler. Being no speakers, Chairman Beam closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Industrial Development Incentive Grant for Cataler.

### **RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH CATALER**

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, 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.
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 November 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 19th day of November, 2018 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Cataler, 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

November 19, 2018  
Public Hearing - Zoning

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 November 19, 2018, 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 \$11,394,835 (the expected capital investment) of which \$8,258,756.80 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 8 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 \$37,845.75 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.

**Master Gardner Presentation:** Marcia Scheideman and Barb Misner gave an update from the Master Gardener Program in Lincoln County and the various projects and events they participate in.

**Parking Options near Citizens Center:** John Henry presented options for parking lots near the Citizens Center as requested at a previous meeting. Commissioner Mitchem asked for this to be include at the budget work session.

**Capital Project Ordinance #1:** Deanna Rios presented Capital Project Ordinance Amendment #1 for the Board's approval.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Capital Project Ordinance #1.

**Capital Project Ordinance Amendment #2:** Deanna Rios presented Capital Project Ordinance Amendment #2 for the Board's approval.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Capital Project Ordinance Amendment #2.

**Budget Ordinance Amendment #3:** Deanna Rios presented Budget Ordinance Amendment #3 for the Board's approval.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance Amendment #3.

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

Patty Korn spoke concerning the need for enforcement of secured loads

Chenavery Cherry spoke concerning the need for a county wide leash law and a complaint she filed about aggressive dogs chasing her family as they walk along a public road in Lincoln County.

Being no additional speakers, Chairman Beam closed Public Comments.

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

**County Manager's Report:** Mr. Kelly Atkins informed the Board that there will be a budget retreat on December 14, 2018 at 10:00 AM. He said he received the official resignation of the Sheriff effective November 30 and the Chief Deputy will be in charge until the new Sheriff is sworn in on December 3.

**County Attorney's Report:** Nothing reported.

**County Commissioners' Report:**

**Vacancies/Appointments:** None reported.

**Closed Session:** UPON MOTION by Commissioner Oakes, the Board voted unanimously to enter Closed Session to discuss Personnel issues.

The Board returned to Open Session.

**A MOTION** by Commissioner McCall to set the incoming Sheriff's salary at \$115,003.20.  
VOTE: 3 – 1 (Permenter) (Chairman Beam recused from voting)

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to increase the County Manager's (Kelly Atkins) salary to \$170,019.20 based on an annual review.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to increase the Clerk to the Board's (Amy Atkins) salary to \$65,000, based on an annual review.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Bill Beam, Chairman  
Board of Commissioners