

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 17, 2011

The Lincoln County Board of County Commissioners met October 17, 2011 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carl E. Robinson, Jr.
Carrol Mitchem

Others Present:

George Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the October 17, 2011 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

OCTOBER 17, 2011

- | | | |
|----|---------|--|
| | 6:30 PM | Call to Order |
| | | Invocation - Rev. J.V. Allen, Boger City Wesleyan Church |
| | | Pledge of Allegiance |
| 1. | 6:32 PM | Adoption of Agenda |
| 2. | 6:33 PM | Consent Agenda |
| | | - Ordinance #2011-14: Budget Adjustments |
| | | - Sponsored Group Status - Mt. Hebron Baptist Church |
| | | - Waived fees - The Nutcracker |
| | | - Approval of Minutes |

- September 12, 2011
 - October 3, 2011
 - Refunds Over \$100
 - September 12 - 25, 2011
 - DJJDP Allocation - Alexander Youth Sex Offender Program
3. 6:35 PM Public Hearing - Removal of Road Names
 - Bradshaw and Brymer Trail
 - Onyx Lane
 4. 6:40 PM Public Hearing - Road Name Change
 - Livy Road
 - Wilderness Trail
 5. 6:50 PM Public Comments
 6. 7:05 PM Severe Weather and Emergency Conditions Policy and Motion to Adopt Resolution #2011-53: Resolution to Amend Lincoln County Personnel Policy with Respect to the Conditions of Employment - Martha Lide
 7. 7:15 PM Motion to Approve Ordinance #2011-15: Capital Project Ordinance - Rock Springs Nature Preserve - Leon Harmon
 - 7a. Motion to Approve County Manager's Recommendation Regarding a Satellite Station and Funding for East Lincoln Volunteer Fire Department - George Wood
 8. 7:20 PM Public Hearing - Industrial Incentive Grant for New Industry and Resolution #2011-54: Resolution to Adopt Economic Incentive Grant Agreement - Crystal Gettys
 9. 7:25 PM Public Hearing - Industrial Incentive Grant for Existing Industry and Resolution #2011-55: Resolution to Adopt Economic Incentive Grant Agreement- Kara Brown
 10. 7:30 PM Public Hearing - NC Tomorrow Grant - Andrew Bryant
 11. 7:35 PM Motion to Direct Planning Board to Prepare Small Area Plan for Crescent Properties on NC 16 at Gaston County Line - George Wood
 12. 7:45 PM Finance Officer's Report - Leon Harmon
 13. 7:50 PM County Manager's Report - George Wood
 - Report on Industrial Incentives Policy
 - Update on Oaklawn
 - Update on Airlie Park Bids
 - Discussion of Budget Retreat Dates
 14. 8:05 PM County Commissioners' Report
 15. 8:10 PM County Attorney's Report
 16. 8:15 PM Vacancies/Appointments
 17. 8:20 PM Calendar
 18. 8:25 PM Other Business
 - Register of Deeds Report
- Adjourn

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda.

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

- Ordinance #2011-14: Budget Adjustments
- Sponsored Group Status - Mt. Hebron Baptist Church
- Waived fees - The Nutcracker
- Approval of Minutes
 - September 12, 2011
 - October 3, 2011
- Refunds Over \$100
 - September 12 - 25, 2011
- DJJDP Allocation - Alexander Youth Sex Offender Program

**ORDINANCE #2011-14: AN ORDINANCE AMENDING THE FY 2012 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-14, are hereby approved and adopted as amendments to the FY 2012 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 17th day of October, 2011.

BY:

Alex E. Patton, Chairman
Lincoln County Board of

Commissioners
ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2011-14

Budget Amendments numbered 29 through 34, inclusive, and number 38.

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 12, 2011-SEPTEMBER 25, 2011)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME AMOUNT	YEAR	DIST	A/C#	REASON
COMPUTER GEEKS	2006-07	HCFD	0187423	165.76
PRO-RATED BILLS				
HUNT, CLARENCE C.	2007-10	PCFD	0125462	1,029.87
SQ. FOOTAGE				CORRECTED
	TOTAL			\$1,195.63

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 12, 2011-SEPTEMBER 25, 2011)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
COUNTS, JEANNETTE D.	2011	DFD	0187780	138.06	PRO-RATED BILL
RADEMAKER, RICHARD L.	2010-11	CITY	0225249, 0216312	124.22	PRO-RATED BILL
	TOTAL			\$262.28	

Public Hearing - Removal of Road Names

Bradshaw and Brymer Trail

The request is for approval to remove Bradshaw and Brymer Trail from the Master Street Address Guide, due to the fact there are no structures addressed off of Bradshaw and Brymer Trail. The road is located off of E NC 27 Highway and the property owners have requested to remove the road name Bradshaw and Brymer Trail.

Chairman Patton opened the public hearing. Being no speakers, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to remove the road name Bradshaw and Brymer Trail from the Master Street Address Guide.

Onyx Lane

Netta Anderson presented a request to remove Onyx Lane from the Master Street Address Guide, due to the fact that there are no structures addressed off of Onyx Lane.

The road is located off of Randleman Road and the property owners request to remove the road name Onyx Lane.

Chairman Patton opened the public hearing. Being no speakers, Chairman Patton closed the public hearing.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to remove the road name Onyx Lane from the Master Street Address Guide.

Livy Road

This is a privately maintained road that by ordinance needs to be renamed and added to the Master Street Address Guide for address purposes. It has now been added to the Department of Transportation Roadway System as a State Road. Ms. Anderson requested the Board's voted of approval to rename this road and add to the system. The road is located off of W Old NC 150 Hwy and is formerly known as Livy Lane. This requires renaming due to the fact that Livy Lane is currently a private road and has now been added to the Department of Transportation Roadway System as a State Road. The proposed road name change is Livy Road.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the name Livy Road.

Wilderness Trail

This is a privately maintained road that by ordinance needs to be renamed and added to the Master Street Address Guide for address purposes. It has now been added to the Department of Transportation Roadway System as a State Road. This road is located off of Deer Track Dr and is formerly known as Unnamed Road. This requires renaming due

to the fact that Unnamed Road is an unacceptable Roadway Name. The proposed road name change is Wilderness Trail. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Patton opened the public hearing. Being no speakers, Chairman Patton closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to accept the road name Wilderness Trail.

Public Comments: Chairman Patton opened Public Comments. Being no speakers, Chairman Patton declared the Public Comments section closed.

Severe Weather and Emergency Conditions Policy and Motion to Adopt Resolution #2011-53: Resolution to Amend Lincoln County Personnel Policy with Respect to the Conditions of Employment - Martha Lide: Ms. Lide presented the following information:

It is recommended that the Board approve the Resolution that modifies Lincoln County's policy on Severe Weather and Emergency Conditions. This modification is being proposed because staff believes that clarification of the current policy is necessary (Lincoln County Personnel Policy Effective September 1, 2005 -attached).

The proposed policy:

- Still requires the County Manager to approve any early closing or deviation from the full scheduled workday.
- Still requires employees, who do not report to work as required, to use accrued annual. The proposed policy also allows employees to use accrued holiday leave.
- Better defines that certain of our operations are "essential" and "non essential."
 - Employees in "essential" County operations are expected to report to work on their regular schedule in spite of any closing, delay or cancellation.
 - Employees in "non essential" County operations are excused from reporting during an official closing.
- Suspends previously approved flexible scheduling during the delayed opening unless specifically approved by the supervisor.
- Defines the compensation during periods of severe weather or emergency conditions for Essential Non Exempt Employees, Essential Exempt Employees and Non-essential Employees.

**RESOLUTION #2011-53
RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY
WITH RESPECT TO THE CONDITIONS OF EMPLOYMENT**

WHEREAS, the Lincoln County Personnel Policy adopted by Resolution of the Board of Commissioners in 2005 and made effective September 1, 2005, contains provisions regulating the holidays and leave, and

WHEREAS, the Board believes that it is necessary and desirable to amend the existing provisions in the Personnel Policy to address changes and concerns in the severe weather and emergency conditions policy,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

1. That the Lincoln County Personnel Policy Article VI. Holidays and Leave, Section 20. is amended to include the attached provisions concerning severe weather and emergency conditions.

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By:

Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Resolution #2011-53: Resolution to Amend Lincoln County Personnel Policy with Respect to Conditions of Employment.

Motion to Approve Ordinance #2011-15: Capital Project Ordinance - Rock Springs Nature Preserve - Leon Harmon: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve Ordinance #2011-15: Capital Project Ordinance for Rock Springs Nature Preserve.

Capital Project Ordinance
Rock Springs Nature Preserve Project

BE IT ORDAINED by the Lincoln County Commissioners, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the construction of a new park on land owned by Lincoln County.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the contracts and budget contained herein.

Section 3. The following amounts are appropriated for the project:

Design Fees & Permitting	\$ 70,648
Construction	831,145
Contingency	41,557
Total	\$ 943,350

Section 4. The following revenues are anticipated to be available to complete this project:

County Appropriation	\$ 478,350
State PARTF Grant	415,000
DE-Wildlife Grant	50,000
Total	\$ 943,350

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Local Government Commission.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the State Agency in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total funds expended.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Board, and to the Budget Officer and Finance Director for direction in carrying out this project.

Adopted this 7th day of November, 2011

Motion to Approve County Manager's Recommendation Regarding a Satellite Station and Funding for East Lincoln Volunteer Fire Department - George Wood

East Lincoln Volunteer Fire Department has been notified by several homeowners and insurance companies that some homes within that fire district do not meet the five-mile travel distance requirement from the station to receive the Class 5 fire insurance rating for those homeowners instead of a Class 9. These homeowners face homeowner insurance premium increases beginning with renewals this fall of between 30-70%, depending on the insurance company they use.

There are 352 affected properties as shown on a map prepared by the Lincoln County Fire Marshal's Office. They represent about \$126,000,000 in assessed value, which at the 6.8 cents fire district tax rate generates about \$85,680 for the ELVFD.

None of the rules have changed, but insurers are now being told by the State ISO that they must write the policy based upon the actual travel distance requirement. That is what has created this issue. ELVFD has been looking at the purchase of land for its second station. This would correct the problem, but cannot happen fast enough to avoid these higher premiums. In addition, the department would like to wait about three years before making that major investment of approximately \$650,000 - \$750,000. This would also help our citizens by keeping the tax rate lower during those years as the economic downturn continues.

The best solution is for ELVFD to rent an existing small industrial building on Commerce Drive that has large doors and bays capable of storing two fire engines. Renting this facility would give the department the necessary five-minute response time to these 352 affected properties, so that their insurance premiums do not go up. Chief Tench has indicated that he can staff the sub-station with volunteers and existing personnel, and move two engines to this location from the main station. We did explore the option of these houses being served by the nearest Denver VFD sub-station, but that did not work. This appears to be the only option available.

This would need to begin in November to avoid these proposed homeowner insurance premium increases. For the eight months of FY 2012, they would need approximately \$30,000 to offset the rent, utilities and other operating expenses for this temporary sub-station. They have very limited financial resources and have asked that the County loan the fire district this funding for this fiscal year. They would then request the fire district tax be increased in the next fiscal year to repay this loan and cover these expenses in FY 2013.

The \$30,000 loan for the FY 2012 and the need for about \$45,000 in continuing expenses in FY 2013 (for 12 months instead of 8) would require about \$75,000 more in FY 2013.

That is 5.44% more than their current tax revenues of \$1,378,198. That would increase the current 6.8 cent tax rate by 0.37 cents to 7.17 cents.

This was discussed at the Emergency Services Committee Meeting and the group felt this was the logical approach to resolving this issue. Mr. Wood recommended the Board approving this approach.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the satellite station and funding for the East Lincoln Volunteer Fire Department.

Public Hearing - Industrial Incentive Grant for New Industry and Resolution #2011-54: Resolution to Adopt Economic Incentive Grant Agreement - Crystal Gettys: Crystal Gettys presented the following information:

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH TECHNICAL PARTS MANUFACTURING 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, Technical Parts Inc., have developed plans to up-fit and install equipment and machinery in an existing facility 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 Technical Parts 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 17 day of October, 2011.

Alex Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

**LINCOLN COUNTY INCENTIVE GRANT
AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 17 day of October, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and TECHNICAL PARTS MANUFACTURING INC, a North Carolina corporation (hereinafter referred to as Technical Parts);

WITNESSETH:

WHEREAS, Technical Parts has developed plans to install equipment and machinery and up-fit an existing manufacturing facility in Lincoln County, North Carolina at 1443 E Gaston Street, and

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 Technical Parts 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 February, 2012 Technical Parts shall begin construction/installation of new equipment on such site.
2. Within two years of the date of this agreement, Technical Parts shall make an investment upon such site in building and equipment of \$2,500,000, of which \$1,750,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Technical Parts shall provide at such site at least 6 new jobs paying average weekly wages of \$500 per week.
4. In consideration of the performance of the aforesaid obligations by Technical Parts, the County will provide cash grants to Technical Parts of \$6,802.25 per year for a five-year period. One full year after the project's completion, such cash grants will be paid to Technical Parts 30 days after their tax payment for the then current year has been received by Lincoln County and after the company has notified Lincoln Economic Development Association their taxes have been paid. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Technical Parts pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Technical Parts 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, Technical Parts 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 received by Technical Parts.

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

COMPANY

By: _____

—
President

ATTEST:

Secretary

(Corporate seal)

LINCOLN COUNTY

By:

Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

State of _____ - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that ___he is the _____ of _____ a _____ corporation, and that by authority duly give and as the act of such entity, ___he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public

NORTH CAROLINA

LINCOLN COUNTY

This the _____ day of _____, 201_, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by

me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Alex Patton, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, north Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy. S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires: _____

Notary Public

Chairman Patton opened the public hearing. Being no on wishing to speak, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2011-54 as presented.

Public Hearing - Industrial Incentive Grant for Existing Industry and Resolution #2011-55: Resolution to Adopt Economic Incentive Grant Agreement- Kara Brown

Kara Brown presented the following information.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH SENNEBOGEN REAL ESTATE LLC**

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, Sennebogen Real Estate, LLC, has developed plans for an expansion of its existing facility 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 Sennebogen Real Estate, LLC.

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 17th day of October, 2011.

Alex Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 17th day of October 2011, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and Sennebogen Real Estate, LLC, (hereinafter referred to as “Sennebogen”).

WITNESSETH:

WHEREAS, Sennebogen has developed plans to expand the existing facility and install new equipment in Lincoln County, North Carolina; and

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 Sennebogen 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 March 2012, Sennebogen shall begin construction of an expansion to the existing facility in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Sennebogen shall make an investment upon such site in machinery and equipment of \$3,065,000 of which \$2,820,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Sennebogen shall provide at such site at least 3 new jobs paying average weekly wages of \$680.00.
4. In consideration of the performance of the aforesaid obligations by Sennebogen, the County will provide cash grants to Sennebogen of \$10,963.28 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 Sennebogen within 30 days after Sennebogen 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. In the event that the value of the investment actually made by Sennebogen pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Sennebogen 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, Sennebogen 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.

SENNEBOGEN REAL ESTATE, LLC

By: _____
President

ATTEST:

Secretary

LINCOLN COUNTY

By: _____
Alex E. Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

NORTH CAROLINA

LINCOLN COUNTY

This the ____ day of _____, 2011, personally came before me _____ and acknowledged that he/she is Secretary of Sennebogen LLC, a Delaware corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this ____ day of _____, 2011.

My Commission Expires: _____
Notary Public

NORTH CAROLINA

LINCOLN COUNTY

This the ____ day of _____, 2011, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Alex E. Patton, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires: _____
Notary Public

Chairman Patton opened the public hearing. Being no one wishing to speak, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Resolution #2011-55 as presented.

Public Hearing - NC Tomorrow Grant - Andrew Bryant

The Centralina Council of Governments (CCOG) has requested that Lincoln County serve as a sponsor for a regional grant application. This regional application will be part of a statewide planning pilot program called NC Tomorrow. Each Council of Government (COG) will coordinate the planning project, and each COG must have a sponsoring County.

The county will be applying for a \$50,000 Community Development Block Grant, on behalf of the COG, that is being offered by the US Department of Economic Development, North Carolina Department of Commerce –Community Development Division and the SAS Institute of Cary, NC.

The overall purpose is to create a Statewide Comprehensive Economic Development Strategy (CEDS). The Statewide CEDS will serve as a “blueprint” for growth and development based on common sense, sustainable best practices and “one version of the truth” provided by data collection and analysis from the SAS Institute. The SAS Institute is developing software specifically for the initiative, North Carolina Regional Economic Prosperity Strategy (REPS). REPS will be a “tool” for use by planning professionals, economic development professionals, elected officials and private industry developers. REPS will also provide a tool for our measuring success. The blueprinting process will be built around the following four strategic goals:

Build a Regional Competitive Advantage
Establish and maintain a robust regional infrastructure
Create revitalized and vibrant communities
Leverage the marketplace

In order to apply for these funds, the Lincoln County Board of County commissioners must approve the application, conduct two public hearings, approve the grant if awarded, and approve an agreement with CCOG to carry out the work of the grant. Our role is to act as a pass through for the grant funds.

Chairman Patton opened the public hearing. Being no speakers, Chairman Patton declared the public hearing closed.

Motion to Direct Planning Board to Prepare Small Area Plan for Crescent Properties on NC 16 at Gaston County Line - George Wood: Mr. Wood stated that Commissioner Arena has been working with Crescent Properties along with LEDA on this property. Crescent has agreed to participate in a Small Area Plan. This is one of the prime commercial properties in Lincoln County. He asked for the Board to add this to the program of work for the Planning Board.

Kelly Atkins, Director of Planning and Inspections, asked the Board to look at the projects they have to complete prior to the next workshop. He asked them to move this ahead of the NC 73 Corridor Plan and then they can continue down the order they were given.

UPON MOTION by Commissioner Arena, the Board voted unanimously to direct the Planning Board to prepare a Small Area Plan for Crescent Properties on Highway 16 at the Gaston County line.

Finance Officer's Report - Leon Harmon: Leon Harmon gave the Finance Officer's Report.

County Manager's Report - George Wood: George Wood reported on the following:

- Report on Industrial Incentives Policy

- Update on Oaklawn
- Update on Airlie Park Bids
- Discussion of Budget Retreat Dates – set for December 2, 2011 at 8:30 a.m. at Killian Creek Wastewater Treatment Plant conference room

Mr. Wood presented a letter from Danny Hester, Register of Deeds, saying the Register of Deeds office will be moving effective Tuesday, November 8, 2011 to the temporary location at 200 Gamble Drive inside the old Lincoln Medical Center. The renovations will take 3 to 4 months. Their offices will be closed Friday, November 4 and Monday, November 7, 2011 in order to move equipment and office furnishings. He said he had given authority to Mr. Hester today subject to the Board not having any problems with it.

County Commissioners' Report: Chairman Patton shared information provided by Eric Robinson, Veterans Service Office.

County Attorney's Report: Wesley Deaton stated that he has been working on tax foreclosures and zoning cases that need to be cleaned up.

Vacancies/Appointments: Commissioner Robinson presented the following:

Vacancies:

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
 - o Lincolnton Township
- Lincoln County Community Friends
 - o Ironton
 - o Lincolnton
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board
 - o Lincolnton Township
- **Airport Authority**

UPON MOTION by Commissioner Robinson, the Board voted unanimously to appoint the following:

Appointments:

- Airport Authority
 - o Walt Krupowicz
- Nursing and Adult Care Home Community Advisory Committee
 - o Kathryn Yarbro
- Library Board
 - o Jane Crouse

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners