

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 18, 2009

The Lincoln County Board of County Commissioners met in regular session on May 18, 2009 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Bruce Carlton, Vice Chairman
James A. Klein
Carrol Mitchem

Commissioner Arena absent

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Randy Hawkins, Zoning Administrator
Ron Rombs, Emergency Medical Services Director
Danté Patterson, Information Technologies Director
Barry McKinnon, Sr. Utility Engineer
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the May 18, 2009 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Reverend J. V. Allen, Boger City Wesleyan Church, gave the Invocation. Chairman Patton led in the Pledge of Allegiance.

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

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
MAY 18, 2009

6:30 PM Call to Order

- | | | |
|-----|---------|--|
| | 6:31 PM | Invocation – Rev. J.V. Allen, Boger City Wesleyan Church |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none"> - Sponsored Group Status <ul style="list-style-type: none"> - RHA Dream Pageant - Tax Requests for Refunds – More than \$100 <ul style="list-style-type: none"> - April 13 – 26, 2009 - Approval of Minutes <ul style="list-style-type: none"> - May 4, 2009 - Scattered Site Housing Grant Administration Service Proposal and Agreement - Budget Adjustments 92, 93 |
| 3. | 6:35 PM | Public Comments |
| 4. | 6:50 PM | Recommendations from Planning Board – Randy Hawkins ZMA #572 – Bobby Thomas, applicant |
| 5. | 7:05 PM | Ordinance #2002-01 – Ordinance to Extend Effective Date of UDO until 8/31/09 |
| 6. | 7:10 PM | Public Hearing – Economic Development Incentive Grant for Existing Industry – Resolution #2009-14 and Agreement – Crystal Gettys |
| 7. | 7:15 PM | Public Hearing – Community Development (CDBG) Grant – James Luster |
| 8. | 7:20 PM | Regional Transit Contact Option – Larry Kopf, Ron Rombs |
| 9. | 7:30 PM | Capital Project Reports – Barry McKinnon |
| 10. | 7:35 PM | Finance Officer’s Report |
| 11. | 7:40 PM | County Manager’s Report |
| 12. | 7:45 PM | County Commissioners’ Report |
| 13. | 7:50 PM | County Attorney’s Report |
| 14. | 7:55 PM | Vacancies/Appointments |

15. 8:00 PM Calendar
16. 8:05 PM Budget Presentation – George Wood
17. 8:50 PM Other Business

Recess to May 26, 2009 at 3:00 p.m. at the Lincoln EDA Building, 502 East Main Street, Lincolnton for the purpose of a budget work session

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

- Sponsored Group Status
 - RHA Dream Pageant
 - Tax Requests for Refunds – More than \$100
 - April 13 – 26, 2009

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (APRIL 13, 2009-APRIL 26, 2009)

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

| NAME | YEAR | DIST | A/C# | AMOUNT |
|---------------|------|----------|---------|--------|
| Carlton, Adam | 2008 | DFD/ELSD | 0212876 | 113.85 |

TOTAL \$113.85

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (APRIL 13, 2009-APRIL 26, 2009)

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

| NAME | YR | DIST | A/C# | AMOUNT |
|-------------------------|------|------|---------|----------|
| Lincoln Med. Park Condo | 2008 | CITY | 0196729 | 4,102.89 |

TOTAL \$ 4,102.89

- Approval of Minutes
 - May 4, 2009
- Scattered Site Housing Grant Administration Service Proposal and Agreement

Public Comments: Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Rudy Bauer, 8252 Blades Trail, stated that since he wasn't allowed to speak while Mr. McSwain gave his report on Burton Creek, he wanted to present pictures he has taken of the site and the lake. He presented pictures of downed silt fences, brown water on sides of silt fence that is down and other violations. He said they are worried about keeping this silt out of the lake.

Chairman Patton stated that these pictures will be given to Mr. McSwain.

Martin Oakes, here representing Lincoln Shoreline Community Organization, said the fire departments have asked for a fire boat. He said the Board of Directors of the Lincoln Shoreline Community Organization is not convinced yet that a fire boat is the right answer to the problem. He asked the Board not to approve the purchase of the fire/rescue boat until further studies have been done to see if there are cheaper or better solutions than a fire boat.

Vickie Yount stated that she is here tonight to express her concerns about doing away with the Emergency Management Director's position. She said the safety in this county depends on whether we are prepared to handle an emergency. She asked the Board to please consider not doing away with this position.

Fred Jarrett stated that he is appearing to speak about Emergency Management. He expressed concerns that Emergency Management deserves a full-time position.

Joe Kiser stated that in his 22 years in government, he has worked with Emergency Management on all levels. He asked the Board not to put the citizens in Lincoln County at risk by doing away with Emergency Management. He said the county will lose more money and funds than will be gained.

Being no one additional speakers, Chairman Patton declared the public comments section closed.

Recommendations from Planning Board – Randy Hawkins:

ZMA #572 – Bobby Thomas, applicant: A request to rezone 3.4 acres from R-SF (Residential Single-family) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 16 about 600 feet south of McIntosh Road in Catawba Springs Township.

Randy Hawkins stated that the Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve ZMA #572 along with the Statement of Consistency and Reasonableness.

Ordinance #2002-01 – Ordinance to Extend Effective Date of UDO until 8/31/09:

ORDINANCE #2009-1: AN ORDINANCE AMENDING THE EFFECTIVE DATE OF THE UNIFIED DEVELOPMENT ORDINANCE

THAT WHEREAS, the Lincoln County Board of Commissioners previously had adopted a Unified Development Ordinance, with an effective date of March 31, 2009; and

WHEREAS, the Board of Commissioners subsequently voted to extend that effective date to May 31, 2009; and

WHEREAS, the Board of Commissioners and the Planning Commission have agreed upon a thorough review of the Unified Development Ordinance, with any changes to be made before the end of August, 2009; and

WHEREAS, the effective date of the Unified Development Ordinance needs to be extended to allow time for the study and recommendation of these changes for adoption in August;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Lincoln County, North Carolina as follows:

Section 1. That the Unified Development Ordinance, previously adopted and amended to go into effect on May 31, 2009, is hereby amended by extending the effective date from May 31, 2009 to August 31, 2009, unless made effective earlier than that date by a subsequent ordinance amendment.

Section 2. That this ordinance shall be effective upon its adoption.

Passed and adopted this 18th day of May, 2009.

LINCOLN COUNTY BOARD OF COMMISSIONERS

By: _____
Alex Patton, Chairman

Attest: _____
Amy Atkins, Clerk to the Board

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Ordinance #2002-01 – Ordinance to Extend Effective Date of UDO until 8/31/09.

Public Hearing – Economic Development Incentive Grant for Existing Industry – Resolution #2009-14 and Agreement – Crystal Gettys: Crystal Gettys, Existing Business Manager for Lincoln Economic Development Association, stressed the importance of our existing industries and supporting them as they play a major role in how Lincoln County thrives. She reviewed the process in the Economic Development Incentive Grant.

The proposed grant is for GE Security and is for installation of manufacturing equipment. Within two years of the date of this agreement, GE Security will make an investment in machinery and equipment of \$1,450,000, of which \$1,015,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the date of this agreement, GE Security will provide at such site at least 10 new jobs paying average weekly wages of \$560.00. Lincoln County will provide cash grants to GE Security of \$3,760.58 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 GE Security within 30 days after GE Security has made its payment for the then-current year.

Chairman Patton opened the public hearing concerning the public hearing for the Economic Development Incentive Grant for Existing Industry – Resolution #2009-14 and Agreement.

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

Commissioner Carlton stated that since coming on the Board, he has really wrestled with the issue of paying companies to come here and stay. He said he has gone along with them, but as we begin the budget process, we may be in a few weeks (after receiving the state budget) talking about how many teachers positions have to be cut. He said he worked for General Electric and they have more money than the county does and are expanding because their business is successful. He said in economic times like this when county employees are made to take furloughs and teachers are laid off, he cannot give a corporation money to expand a successful operation that they are already making money on. He said until the economy picks up, he will have to vote against these requests.

Commissioner Klein stated that given current economic situation, helping our manufacturing partners is the right thing to do, especially now.

Commissioner Carlton asked where it is stated that government should subsidize private industry, especially when it is successful. He said they will expand whether they get money from the county or not.

Commissioner Mitchem stated that two weeks ago, Timken was before the Board and now Commissioner Carlton has changed his mind. He asked if Commissioner Carlton has something against GE.

Commissioner Carlton stated that he worked for GE for many years and they are a great company, a successful company. He said in the future, he will have a hard time voting for any expansions of a successful company.

UPON MOTION by Commissioner Mitchem, the Board voted 3-1 (For: Patton, Klein, Mitchem; Against: Carlton) to approve the Resolution to Adopt the Economic Incentive

RESOLUTION TO ADOPT ECONOMIC INCENTIVE

GRANT AGREEMENT WITH GE SECURITY

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, GE Security, has developed plans for additional 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 GE Security
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 18th day of May, 2009.

Alex E. 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 18th day of May 2009, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and GE Security, a North Carolina corporation (hereinafter referred to as "GE Security").

WITNESSETH:

WHEREAS, GE Security has developed plans for installation of manufacturing 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 GE Security 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 June 2009, GE Security shall begin installation of manufacturing equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, GE Security shall make an investment upon such site in machinery and equipment of \$1,450,000, of which \$1,015,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, GE Security shall provide at such site at least 10 new jobs paying average weekly wages of \$560.00.
4. In consideration of the performance of the aforesaid obligations by GE Security, the County will provide cash grants to GE Security of \$3,760.58 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 GE Security within 30 days after has mad GE Security e 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 pursuant GE Security 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. GE Security 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, GE Security 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.

GE Security

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 _____, 2009, personally came before me _____ and acknowledged that he/she is Secretary of GE Security, a North Carolina 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 _____, 2009.

My Commission Expires: _____

Notary Public

NORTH CAROLINA
LINCOLN COUNTY

This the _____ day of _____, 2009, 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 Thomas R. Anderson, 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

Public Hearing – Community Development (CDBG) Grant – James Luster: James Luster thanked the Board for the opportunity to work with Lincoln County on the Scattered Site Housing. The County will receive \$400,000 in Scattered Site Housing Funds, but in order to receive those funds, a public hearing must be held and an application submitted. The public hearing is on the county's intent to request these funds.

Chairman Patton opened the public hearing concerning the public hearing for the Community Development (CDBG) Grant.

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

Regional Transit Contact Option – Larry Kopf, Ron Rombs: Ron Rombs stated that working with CATS, they have come back with a proposal to eliminate one morning and one afternoon route. Last years operational cost was \$52,000 and this year the cost will be \$42,835. CATS believes the ridership should remain pretty much the same.

Commissioner Klein asked how it will be determined which routes to forego. Mr. Rombs said that this will be part of the public hearing process.

**FIRST AMENDMENT TO
88x LINCOLN COUNTY REGIONAL TRANSIT SERVICE
CONTRACT
BETWEEN THE
CITY OF CHARLOTTE
AND
LINCOLN COUNTY**

THIS FIRST AMENDMENT TO THE 88X LINCOLN COUNTY REGIONAL TRANSIT SERVICE CONTRACT (the "Amendment") is made and entered into as of **MAY 18, 2009**, by and between the City of Charlotte, a North Carolina municipal corporation (the "City"), and Lincoln County a North Carolina municipal corporation doing business in North Carolina (hereinafter "Lincoln County").

Statement of Background and Intent

- A. The City and Lincoln County entered into the Lincoln County Regional Transit Service Contract dated July 1, 2008 (the "Contract") pursuant to which the City agreed to provide regional transit services to Lincoln County.
- B. The parties now desire to amend the Contract to reflect a decrease in the contract annual total amount to one hundred and ninety-three thousand, one hundred and ninety dollars (\$193,190.00). The net of total less farebox revenue is eighty-five thousand six hundred and seventy dollars (\$85,670.00), fifty-percent of which is to be reimbursed to CATS by Lincoln County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby amend the Contract as follows:

A G R E E M E N T

- 1. Section 3.2 of the Contract is amended to state that Lincoln County shall pay to the City of Charlotte: forty-two thousand eight hundred and thirty-five dollars (\$42,835.00) on an annual basis in monthly installments of three thousand five hundred and seventy dollars and (\$3,570.00) starting July 1, 2009, until June 30, 2010.
- 2. Section of the Contract is amended to state that the City will provide four (4) morning and four (4) evening transit service trips for Lincoln County Monday through Friday, from July 1 2009 to August 23, 2009. From August 24, 2009 to June 30, 2010, the City will provide three (3) morning and three (3) evening transit service trips for Lincoln County Monday through Friday.
- 3. Except to the extent specifically provided above, this Amendment shall not be interpreted or construed as waiving any rights, obligations, remedies or claims the parties may otherwise have under the Contract.
- 4. In all other respects and except as modified herein, the terms of the Contract shall remain in force and effect.

IN WITNESS WHEREOF, and in acknowledgement that the parties hereto have read and understood each and every provision hereof, the parties have caused this Amendment to be executed as of the date first written above.

WITNESS:

LINCOLN COUNTY

BY: _____ BY: _____

TITLE: Clerk to the Board

TITLE: County Manager

CITY OF CHARLOTTE:

BY: _____

TITLE: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

City's Finance Officer Date

A MOTION by Commissioner Mitchem to deny the CATS contract.

Vote: 1 – 3 AYES: Mitchem
 NOES: Patton, Klein, Carlton

UPON MOTION by Commissioner Klein, the Board voted 3 – 1 (For: Patton, Klein, Carlton; Against: Mitchem) to approve the Regional Transit Contract Option.

Capital Project Reports – Barry McKinnon: Barry McKinnon presented the Capital Project Reports.

Finance Officer's Report: Leon Harmon presented the Finance Officer's Report.

County Manager's Report: George Wood presented the County Manager's Report.

Mr. Wood stated that the county currently leases the Bank of America building. If the Board intends to buy this building, closing will need to be by August 31. He said the architects will be at the next meeting to give the Board a report and recommendation on this building.

Mr. Wood reminded the Board of the first budget work session on May 26, 2009 at 3 p.m. at LEDA.

County Commissioners' Report: Chairman Patton presented the County Commissioners' Report.

County Attorney's Report: Jeff Taylor presented the County Attorney's Report. He said the closings have been completed for the wastewater treatment plant properties. He thanked everyone involved.

Mr. Taylor also reported on a bill pending in general assembly concerning tort claims.

Vacancies/Appointments: Commissioner Carlton presented the following vacancies and appointments.

May 18, 2009
Lincoln County
Board of Commissioners
Board Vacancies/Appointments

Vacancies:

Nursing and Adult Care Home Community Advisory Committee
LNRC
Board of Equalization and Review Alternates
Pathways

The following are Commissioner Carlton's recommendations:

Appointments:

Recreation Commission

- Crystal Mitchem
- Ruben E. Barkley

LEDA

- Reappoint Rosalind Welder

DSS Board

- Brian Williams

UPON MOTION by Commissioner Carlton, the Board voted unanimously to appoint Crystal Mitchem and Ruben E. Barkley to represent North Brook Township on the Recreation Commission, reappoint Rosalind Welder to LEDA and Brian Williams to the DSS Board.

Calendar: Chairman Patton presented the June 2009 calendar.

Budget Presentation – George Wood: George Wood, County Manager, presented the 2009-2010 budget. He emphasized the extremely difficult budget year and gave an update on the budget shortfall with the state. He expressed concerns that on top of ADM monies, the State may take sales tax and/or lottery money.

Commissioner Klein praised Mr. Wood for the work on the budget.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to recess to May 26, 2009 at 3:00 p.m. at the Lincoln EDA Building, 502 East Main Street, Lincolnton for the purpose of a budget work session.

Amy S. Atkins, Clerk
Board of Commissioners

Alex Patton, Chairman
Board of Commissioners