

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 16, 2007

The Lincoln County Board of County Commissioners met in regular session on April 16, 2007 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:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Bruce Carlton
James A. Klein
Marie Moore

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Andrew Bryant, Planner
Stacy Yates, Associate Planner
Steve Gilbert, Director of Public Works
Maggie Dollar, Director of Health
Barry Matherly, Executive Director for LEDA
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the April 16, 2007 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Brother Bud Jernigan, Pastor of Southside Baptist Church gave the Invocation and Chairman Anderson led in the Pledge of Allegiance.

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
APRIL 16, 2007

6:30 PM Call to Order

- | | | |
|-----|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 6:31 PM | Invocation – Brother Bud Jernigan
Southside Baptist Church |
| | 6:34 PM | Pledge of Allegiance |
| 1. | 6:35 PM | Adoption of Agenda |
| 2. | 6:37 PM | Consent Agenda <ul style="list-style-type: none"> - Approval of Minutes <ul style="list-style-type: none"> - March 19, 2007 - April 5, 2007 - Spring Litter Sweep 2007 Proclamation - Tax Requests for Refunds <ul style="list-style-type: none"> - March 12 – 25, 2007 - Tax Requests for Releases <ul style="list-style-type: none"> - February 16 – March 15, 2007 - NC 73 Council of Planning Scope of Services and Service Agreement - Budget Adjustment No. 79 |
| 3. | 6:40 PM | Public Comments |
| 4. | 6:55 PM | Planning Board Recommendations

ZTA #550 Lincoln County, applicant.
ZMA #551 William Leonhardt, applicant
PCUR#152 John Gilbert, applicant |
| 5. | 7:10 PM | Road Renaming Public Hearing for Park Circle |
| 6. | 7:20 PM | Adoption of Gaston Lincoln County Boundary |
| 7. | 7:30 PM | Request to Purchase Knuckleboom Truck – Steve Gilbert |
| 8. | 7:40 PM | Roll-off Truck Piggy Back Purchase – Steve Gilbert |
| 9. | 7:50 PM | Board of Health Proposed Environmental Health Fee Schedule and Request for New EHS Position for the New Well Program – Maggie Dollar |
| 10. | 8:00 PM | Public Hearing – Proposed Industrial Incentive Grant for Existing Industry – Barry Matherly |
| 11. | 8:10 PM | Public Hearing – Proposed Industrial Incentive Grant for Prospective Industry – Barry Matherly |
| 12. | 8:20 PM | Public Hearing – Proposed Industrial Incentive Grant for |

Prospective Industry – Barry Matherly

13. 8:30 PM Discussion of Requirements of Rule 10 of Rules of Procedure
14. 8:40 PM Capital Project Reports – Steve Gilbert
15. 8:45 PM Finance Officer's Report
16. 8:50 PM County Manager's Report
17. 8:55 PM County Commissioners' Report
18. 9:00 PM County Attorney's Report
19. 9:05 PM Calendar
20. 9:10 PM Vacancies/Appointments
21. 9:15 PM Other Business

Adjourn

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the agenda adding a closed session for a personnel matter.

Consent Agenda:

- Approval of Minutes
 - March 19, 2007
 - April 5, 2007
- Spring Litter Sweep 2007 Proclamation
- Tax Requests for Refunds
 - March 12 – 25, 2007

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 12 - 25, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Clark, Walter	2006	DFD	30254	10,762.92
Times Oil Corp	2002-05	UFD	26145	6,482.76
Times Oil Corp	2004-05	CITY	26144	30,052.24
Times Oil Corp	2004-05	CITY	26148	34,890.55
Times Oil Co. # 42	2004-05	CITY	0166809	32,142.90

Times Oil Corp (LD7) #3	2004-05 CITY	26146	14,369.84
Times Oil Corp (LD8) #4	2004-05 CITY	26147	31,442.14

TOTAL \$ 160,143.35

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 12 - MARCH 25, 2007)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Deibel, Ronald D.	2005	City	0190993	153.73
Schrone, Sue T.	2006	City	0196245	169.32
TOTAL				\$323.05

- Tax Requests for Releases
- February 16 – March 15, 2007

NAME	YEAR	A/C NO	AMOUNT
Atnip, Maryann	2006	0179786	\$ 106.49
Burleson, Dion F.	2005/06	0154394	\$ 246.54
Capozzi, Kristen Jeanne	2006	0190413	\$ 412.66
Davis, Michael Brian	2006	0200281	\$ 115.71
Davis, Suzanne Renee	2006	0200025	\$ 155.61
Diebel, Ronald David	2006	0190993	\$ 135.14
Elrac Inc.	2006	0178556	\$ 247.36
Hollifield, Hershel Phillip	2006	0194032	\$ 102.53
Huss, Bradley Kent	2006	0060788	\$ 138.47
Jennings, Janet McSwain	2006	0200170	\$ 420.15
Johnson, Richard Norbert	2006	0199440	\$ 453.37
Jones, Danny Keith	2005	0107040	\$ 131.87
Magiera, Michelle Denise	2006	0189365	\$ 127.87
Majors, Anthony R.	2006	0193920	\$ 247.69
Moreno, Jesse	2006	0199478	\$ 219.38
Morosco, Philip James	2006	0181580	\$ 107.40
Nagim Corp.	2006	0096397	\$ 164.85
Ortega, Daniel Jr.	2006	0198631	\$ 142.51
Pitts, Jennifer Pauline	2006	0134069	\$ 131.50
Regdos, Mark T.	2005	0170768	\$ 179.02
Robinson, Donnie Irvin	2006	15338	\$ 289.27
Ross, Jerry Levern	2006	0075361	\$ 102.38
Sandoval, Armando	2006	0198940	\$ 165.79
Shields, Frederick A.	2006	0135296	\$ 224.76
Town Square Ford Inc. Rental	2006	0089603	\$ 191.06

TOTAL			\$ 4,959.38
NAME	YEAR	A/C NO	AMOUNT
Boyer, Michael Wayne	2002-06	0147105	\$ 696.34
Buitron, Angela Smith	2004-06	0101519	\$ 448.80
Carolina Trust Bank	2001-06	Multiple	\$ 1,763.95
Costner, Grier Wayne II	2005/06	0138994	\$ 128.50
Dixon, Thomas Henry	2006	0173231	\$ 119.85
Lockman, Sarah C. Heirs of	2006	0106502	\$ 583.69
Piedmont Companies Inc.	2004-06	0136745	\$ 111.32
Poovey, Stephen Mark Farm	2006	0180626	\$ 363.00
Powers, Lindsay & Allison	2001-06	36845	\$ 488.43
Saunders, Scott	2006	0154641	\$ 115.71
Sigmon Farms Inc.	2006	0121254	\$ 386.24
Tomovick, John W.	2006	0125432	\$ 191.37
Velez, Refael	2006	0189057	\$ 107.07
Williams, Kenneth Lynn	2002-06	03865	\$ 341.10
Wilson, Jimmy	2001-06	0129342	\$ 550.53
Wisuri, Todd	2006	0196103	\$ 185.01
- NC 73 Council of Planning Scope of Services and Service Agreement			
- Budget Adjustment No. 79			

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the consent agenda.

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

Raymond Holmes, 2920 Lakeshore Road South, stated that his purpose is to request that the Board of Commissioners, acting as the governing board of the Sewer District, set the tax rate at no more than what is currently required to service the original debt of the District, and to eliminate any District taxes when the original debt is retired.

Henry Abernathy, 1341 Georgetown Road, Lincolnton, stated that he owns 14 acres at the end of North Street Extension in High Schools. It has been in the family since 1920 and his son lives in a house on an acre of this property. He said that his son has two honor students in the Lincoln County School System. Mr. Abernathy asked the Board to leave them in Lincoln County.

Mike Baucom, 1168 Park Circle One, Lincolnton, stated that they have a firing range in their neighborhood. There is a person that for years and years is doing target practice with high powered rifles and there is nothing that can be done about this. He asked the

Board to consider some sort of law to stop the firing of high powered rifles in residential areas.

Chairman Anderson declared the public comments section closed.

Planning Board Recommendations:

Zoning Text Amendment #550 – Lincoln County, applicant: The Planning Board voted 7-2 to recommend approval.

UPON MOTION by Commissioner Moore, the Board voted unanimously to concur with the Planning Board's recommendation and approve Zoning Text Amendment No. 550.

Zoning Map Amendment #551 – William Leonhardt, applicant: The Planning Board voted 9-0 to recommend approval. Mr. Hawkins stated that on the Planning Board's Statement of Consistency and Reasonableness, the Board found that the proposed amendment is inconsistent with the Land Use Plan in that this is not one of the areas designated as most suitable for concentrating commercial development, but did find that it was reasonable and in the public interest.

UPON MOTION by Commissioner Patton, the Board voted unanimously to concur with the Planning Board's recommendation to approve Zoning Map Amendment No. 551 and adopt the statement of consistency and reasonableness as presented by the Planning Board.

Parallel Conditional Use Request #152 – John Gilbert, applicant: The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to concur with the Planning Board's recommendation and approve Parallel Conditional Use Permit No. 152, adopting the findings of fact and statement of consistency and reasonableness as presented.

Road Renaming Public Hearing for Park Circle: Lieutenant Leroy Buff presented the request for Park Circle.

Chairman Anderson opened the public hearing concerning the Road Naming Public Hearing – Park Circle.

Mike Baucom, 1168 Park Circle One stated that in 1984 he purchased the property he resides at. In 1992, when 911 was adopted, Park Circle One and Park Circle Two was conceived. He stated that this has been a total nightmare for anyone who lives on Park Circle One and Two. He stated that their mail is constantly mixed up. Mr. Baucom asked the Board to approve this request.

Being no additional speakers, Chairman Anderson declared the public hearing closed.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the road renaming as Park Circle.

Adoption of Gaston Lincoln County Boundary: Madge Huffman presented the House Bill 390, a brief synopsis of where we are on the county line, an estimate of cost received from Gaston County and stats concerning the county line.

Ms. Huffman stated that the Board may like to consider a change to North Street Extension. She stated that for safety issues, Plonk Road will be in Gaston County. Gaston County wanted Plonk Road to remain in Lincoln County.

Commissioner Patton stated that the original goal was that no one had so switch counties, but he cannot make a decision that lowers the safety for residents. He stated that Plonk Road should go to Gaston County since there is not a way to get there in Lincoln County.

Commissioner Carlton asked staff to go back to Gaston County to tell them what Lincoln County is proposing, get letters to all residents affected in the next week, and bring it up for a final vote at the next meeting.

Leroy Buff stated that he approves with 13b, with all of North Street being taken into Lincoln County. He said that Plonk Road needs to be in Gaston County.

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt sheet 13B, which shows all of North Street being taken into Lincoln County with the understanding that if Gaston County does not agree with that, the Board will fall back to map 13A.

The Board thanked Madge Huffman and Leroy Buff and commended them for a job well done.

Chairman Anderson called for a five minute recess.
Chairman Anderson called the meeting back to order.

Request to Purchase Knuckleboom Truck – Steve Gilbert:

Steve Gilbert requested authorization to purchase a used Knuckleboom Truck with the local Volvo/GMC dealer for \$81,575.00. It would be used to haul brush and limbs from Webb's Road site and difficult debris from other sites to the landfill. The truck would be used on a daily basis.

To date, the landfill has received over \$85,000.00 in revenue from sale of recyclables. The truck is a 2004 model Freightliner truck with an Allison transmission and approximately 50,000 miles. It is in good condition, and they have offered it to the County for \$81,575.00, which compares to approximately \$125,000 for a new one.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the purchase of the truck from Volvo/GMC of Charlotte for \$81,575.00.

Roll-Off Truck Piggy Back Purchase – Steve Gilbert: Mr. Gilbert stated that he received a quote for a 2007 Volvo roll-off truck from Solid Waste from the Volvo-GMC Truck Center of Charlotte. This truck will replace a 1991 GMC truck of questionable reliability and safety. By piggybacking this purchase to a bid already received by Mecklenburg County, NC, we will be able to purchase this truck for \$129,364.18. There are sufficient funds in the department budget to cover this amount. Delivery time is expected to be 90 to 120 days. A notice was run in the Lincoln Times-News on April 6, 2007, stating that this issue would be considered tonight, thereby meeting the ten-day notice.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Resolution for Purchase of Vehicle.

Board of Health Proposed Environmental Health Fee Schedule and Request for New EHS Position for the New Well Program – Maggie Dollar: Maggie Dollar presented the proposed environmental health fee schedule and request for a new EHS position for the New Well Program. She requested a new state-funded position for the first year this position will be supported by fees thereafter.

Commissioner Patton stated that he has the same complaint he always has, this is just more fees for the first time homebuyer.

UPON MOTION by Commissioner Moore, the Board voted 4 – 1 (Patton against) to approve the Environmental Health Fee Schedule as presented to be effective July 1, 2007 and approve the \$60,000 to hire the position.

Public Hearing – Proposed Industrial Incentive Grant for Existing Industry – Barry Matherly: Barry Matherly presented the following Incentive Grant for RSI.

Chairman Anderson opened the public hearing concerning the Proposed Industrial Incentive Grant for RSI.

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

UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the Incentive Grant for RSI.

RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH RSI and TKC LIV, 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, RSI and TKC LIV, LLC., have developed plans for expansion of their manufacturing 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 RSI and TKC LIV, 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 16th day of April, 2007.

Thomas R. Anderson, 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 16th day of April, 2007, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”); RSI HOLDING CORPORATION, a Delaware corporation (hereinafter referred to as “RSI”); and TKC LIV, LLC., a North Carolina limited liability company (hereinafter referred to as “TKC”).
WITNESSETH:

WHEREAS, RSI has developed plans for an expansion of their manufacturing facility in Lincoln County, North Carolina in the Lincoln County Industrial Park (hereinafter referred to as the “Park”); and

WHEREAS, TKC will purchase certain real property in the Park and will construct an expansion to the manufacturing facility on such property to be occupied by RSI under a long-term lease agreement; 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 RSI and TKC to bind themselves 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 1, 2007, TKC shall purchase certain real estate and begin construction of an expansion to the manufacturing facility on such site for occupancy by RSI.
2. Within two years of the date of this agreement, RSI and TKC shall make an investment upon such site in building and equipment of \$13,700,000.00, of which \$12,800,000.00 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, RSI shall provide at such site at least 200 new jobs paying average hourly wages of \$9.00 per hour.
4. In consideration of the performance of the aforesaid obligations by RSI and TKC, the County will provide cash grants to RSI of \$58,560.00 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 RSI within 30 days after RSI 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. In the event that the value of the investment actually made by RSI and TKC 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. RSI and TKC specifically agree 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, RSI and TKC 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.

RSI

By: _____

President

April 16, 2007
Regular Meeting

ATTEST:

_____ (Corporate Seal)

Secretary
TKC LIV, LLC.

By: _____

Authorized Member

ATTEST:

_____ (Corporate Seal)

Secretary
LINCOLN COUNTY

By: _____

Thomas R. Anderson, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Proposed Industrial Incentive Grant for Prospective Industry – Barry Matherly: Barry Matherly presented the following information on the proposed incentive grant for GE Security.

Chairman Anderson opened the public hearing concerning the Proposed Industrial Incentive Grant for GE Security.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Incentive Grant for GE Security.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH GE SECURITY and TKC LXXIX, 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, GE Security and TKC LXXIX LLC has developed plans for the upfit of a manufacturing shell 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, GE Security, and TKC LXXIX

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 16th day of April, 2007.

Thomas R. Anderson, 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 16th day of April, 2007, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and GE Security, a Delaware corporation (hereinafter referred to as “GE”); and TKC LXXIX, a North Carolina limited liability company (hereinafter referred to as “TKC”).

WITNESSETH:

WHEREAS, GE has developed plans for the up-fit of a manufacturing shell facility in Lincoln County, North Carolina in the Lincoln County Industrial Park (hereinafter referred to as the “Park”); and

WHEREAS, TKC will construct the up-fit of the facility on such property to be occupied by GE under a long-term lease agreement; 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 and TKC 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 2007, TKC shall begin the up-fit of a shell manufacturing facility on such site for occupancy by GE.
2. Within two years of the date of this agreement, GE shall make an investment upon such site in building and equipment of \$10,500,000, of which \$10,350,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, GE shall provide at such site at least 150 new jobs paying average hourly wages of \$12.00 per hour.
4. In consideration of the performance of the aforesaid obligations by GE and TKC, the County will provide cash grants to GE of \$47,351.25 per year for a five-year period. One full year after the project's completion, such cash grants will be paid to GE 30 days after GE has made their 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. In the event that the value of the investment actually made by GE and TKC 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. GE and TKC 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 and TKC 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:

_____ (Corporate seal)

Secretary

TKC LXXIX LLC.

By: _____

President

ATTEST:

_____ (Corporate seal)

Secretary
LINCOLN COUNTY

By: _____
Thomas R. Anderson, Chairman
Board of Commissioners
ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Public Hearing – Proposed Industrial Incentive Grant for Prospective Industry – Barry Matherly: Barry Matherly presented the following information concerning the Proposed Industrial Incentive Grant for SecureCoat.

Chairman Anderson opened the Public Hearing concerning the proposed Industrial Incentive Grant for SecureCoat International.

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

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Incentive Grant for SecureCoat.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT
WITH SECURECOAT INTERNATIONAL and TKC CXV, 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, SecureCoat International and TKC CXV, LLC. has developed plans for the up-fit of a manufacturing shell 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, SecureCoat International, and TKC CXV, 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 16th day of April, 2007.

Thomas R. Anderson, 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 16th day of April, 2007, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and SecureCoat International, a North Carolina corporation (hereinafter referred to as “SecureCoat”); and TKC CXV LLC, a North Carolina limited liability company (hereinafter referred to as “TKC”).

WITNESSETH:

WHEREAS, SecureCoat has developed plans for the up-fit of a manufacturing shell facility in Lincoln County, North Carolina in the Lincoln County Industrial Park (hereinafter referred to as the “Park”); and

WHEREAS, TKC will construct the up-fit of the facility on such property to be occupied by SecureCoat under a long-term lease agreement; 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 SecureCoat and TKC 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 December 1, 2007, TKC shall begin the up-fit of a shell manufacturing facility on such site for occupancy by SecureCoat.
2. Within two years of the date of this agreement, SecureCoat shall make an investment upon such site in building and equipment of \$25,500,000, of which \$23,850,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, SecureCoat shall provide at such site at least 100 new jobs paying average hourly wages of \$12.00 per hour.
4. In consideration of the performance of the aforesaid obligations by SecureCoat and TKC, the County will provide cash grants to SecureCoat of \$123,662.25 per year for a five-year period. One full year after the project's completion, such cash grants will be paid to SecureCoat 30 days after SecureCoat has made their tax payment for the then current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level III 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 SecureCoat and TKC 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. SecureCoat and TKC 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, SecureCoat and TKC 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.

SecureCoat International

By: _____

President

ATTEST:

_____ (Corporate seal)

Secretary

TKC CXV, LLC.

By: _____

President

ATTEST:

_____ (Corporate seal)

Secretary

LINCOLN COUNTY

By: _____

Thomas R. Anderson, Chairman

Board of Commissioners

ATTEST:

Amy S. Atkins

Clerk to the Board of Commissioners

Discussion of Requirements of Rule 10 of Rules of Procedure: Chairman Anderson stated that the Rules of Procedure say that Clerk to the Board shall place on the agenda of the regular meeting public comments. Both meetings are considered regular meetings, but public comments has only been on the meeting held on the 3rd Monday of each month.

UPON MOTION by Commissioner Klein, the Board voted unanimously to allow public comments at both regularly scheduled meetings of the Board.

It was the consensus of the Board to have a sign-in sheet for public comments.

Capital Project Reports – Steve Gilbert: Steve Gilbert presented the Public Works Capital Project Reports.

Finance Officer’s Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for March, 2007.

Mr. Harmon presented a request from Boger City Fire Department for a surplus vehicle.

UPON MOTION by Commissioner Patton, the Board voted unanimously to authorize provision of a surplus vehicle to the Boger City Volunteer Fire Department.

County Manager’s Report: Stan Kiser presented the County Manager’s Report.

County Commissioners’ Report: Commissioner Patton invited the Board to Highland Drive Freewill Baptist Church for a service honoring emergency personnel on April 29 at 11:00 a.m.

County Attorney’s Report: Jeff Taylor updated the Board in regards to the complaints concerning the Tri-County Animal Rescue. He also gave an update on the Interbasin Transfer Agreement. He spoke concerning a phone call he had requesting \$5,000 to try and enact legislation to prevent an IBT situation happening again. It was the consensus of the Board to approve this \$5,000.

The Board expressed a desire to look at ordinances concerning the firing of weapons in residential neighborhoods, the noise ordinance and the number of dogs per acre.

Calendar: Chairman Anderson presented the May 2007 calendar. Stan Kiser asked the Board to note the dates of May 23 at 3:00 p.m. as the second Budget Session, and May 24 at 10:00 a.m. as the Gaston College Science Center Groundbreaking.

Vacancies/Appointments: Commissioner Klein presented the following appointments:

UPON MOTION by Commissioner Klein, the Board voted 4 – 1 (Carlton against) to approve the appointment of Larry Craig as an ex officio member to the BFI Board.

UPON MOTION by Commissioner Klein, the Board voted unanimously to appoint Henry Fogle and Charles Wallace to the Environmental Review Board.

Closed Session:

UPON MOTION by Commissioner Klein, the Board voted unanimously to enter into closed session to consult with the County Attorney in order to preserve the attorney-client privilege pursuant to Section 143-318.11(a)(3)

UPON MOTION by Commissioner Patton, the Board returned to open session.

Chairman Anderson advised that there was nothing to report from Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners