

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 20, 2012

The Lincoln County Board of County Commissioners met February 20, 2012 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 A. 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 February 20, 2012 meeting of the Lincoln County Board of Commissioners to order.

Rev. J.V. Allen of Boger City Wesleyan Church gave the Invocation and 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 Robinson, the Board voted unanimously to adopt the agenda.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 20, 2012
6:30 PM

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

Call to Order

Invocation - Rev. J.V. Allen

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Ordinance #2012-3: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina
 - Waived fees
 - Home School Prom
 - Tax Requests for Refunds - Over \$100
 - January 23 - February 5, 2012
 - Approval of Minutes
 - Proclamation in Recognition of Support for "Fuel Up To Play 60"
3. Recommendations from Planning Board - Randy Hawkins
 - UDO Proposed Amendments #2012-1 Lincoln County Planning and Inspections Department
 - CUP #305 Iron Station Thunder, Inc., applicant
 - CUP #306 Melissa Lefler, applicant
4. Carolina Thread Trail:
 - a. Discussion of Carolina Thread Trail Participation and Grant Award
 - b. Motion to approve the route of the 1.7 mile segment of the Carolina Thread Trail running from the East Lincoln Community Center to Sally's YMCA
 - c. Motion to accept the \$46,000 grant from the Carolina Thread Trail for the purchase of easements for the 1.7 mile segment; and, authorize the Chairman and County Clerk to execute the "Implementation Grant Agreement"
5. Nursing and Adult Care Home Advisory Committee - Annual Report - Cindy Kincaid
6. Report from Airport Authority - Dr. Martin Eaddy
7. Emergency Operations Plan and approval of Resolutions 2012-5 and 2012-6 - Martha Lide
8. Public Hearing - Incentive Grant for Existing Industry - Kara Brown
 - Motion to approve Resolution 2012-7: Resolution to Adopt Economic Incentive Grant Agreement
9. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
10. Replacement of HVAC - Jonas Library - Burns Whittaker
11. Motion to Authorize Closure of Forney Creek Wastewater Treatment Plant - Burns Whittaker
12. Finance Officer's Report
13. County Manager's Report
 - Work Session Dates
 - NC Tomorrow Grant Award
14. County Commissioners' Report

- Mountain Island Educational State Forest Letter of Support
- 15. County Attorney's Report
- 16. Vacancies/Appointments
- 17. Calendar
- 18. Other Business
 - Register of Deeds Report

Adjourn

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

Consent Agenda

- Ordinance #2012-3: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina
- Waived fees
 - Home School Prom
- Tax Requests for Refunds - Over \$100
 - January 23 - February 5, 2012
- Approval of Minutes
- Proclamation in Recognition of Support for "Fuel Up To Play 60"

**ORDINANCE #2012-3: 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 #2012-3, 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 20th day of February, 2012.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-3

Budget Amendments numbered 88 through 91, inclusive, and numbered 94 though 96, inclusive.

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**
ANNUALS
PERIOD COVERED (JANUARY 23, 2012-FEBRUARY 5, 2012)
G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
SOMERS, GRAHAM W.	2007-2011	DFD	20536	153.68	PROPERTY ACREAGE CHANGE

TOTAL \$ 153.68

**LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS
MOTOR VEHICLES
PERIOD COVERED (JANUARY 23, 2012-FEBRUARY 5, 2012)**

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

NAME	YEAR DIST	A/C#	AMOUNT	REASON
B-D&D COMPANY, INC.	2011 CITY COUNTY	0236456	2,035.65	RELEASED TO CATAWBA
TOTAL \$2,035.65				

**PROCLAMATION
IN RECOGNITION OF SUPPORT FOR “FUEL UP TO PLAY 60”
A COMPREHENSIVE WELLNESS PROGRAM
LINCOLN COUNTY SCHOOLS CHILD NUTRITION
LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, “Fuel Up to Play 60” is the in-school nutrition and physical activity program founded by the National Dairy Council and National Football League; and

WHEREAS, the program’s creation was based on a mutual commitment to the health of the next generation; and

WHEREAS, The U.S. Department of Agriculture has joined the effort as well as many other government, businesses and industry leasers; and

WHEREAS, “Fuel Up to Play 60” has been adopted and endorsed by many K-12 schools, including Lincoln County Schools; and

WHEREAS, the support of the program extends beyond the walls of LCS to the entire county of Lincoln; and

WHEREAS, many community leaders have personally shown their commitment and support of the program;

NOW, THEREFORE, BE IT KNOWN, that Lincoln County Schools Child Nutrition Department, in seeking formal support of the program throughout Lincoln County, requests the signature of the Chairman of the Board of Commissioners as its official endorsement.

Adopted this 20th day of February, 2012.

Alex E. Patton, Chairman

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

UDO Proposed Amendments #2012-1 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.1.4.A to add a purpose statement for the Eastern Lincoln Development District.
- 2) Amend Section 2.1.4 (Overlay Districts) to delete a reference to the establishment of a Little Creek Cove Overlay district, and amend Section 2.5.4 (Overlay District Standards) to delete standards for a Little Creek Cove Overlay district.
- 3) Amend Section 2.2.1 (Use Table), under Commercial Uses, to change “Agriculture (involving livestock)” to simply “Agriculture” and to indicate that it is permitted in all zoning districts; and amend Section 2.3.4 (Commercial Use Groups) to redefine “Agriculture” by referencing the state statute that exempts “bona fide farm purposes” from county zoning regulations.
- 4) Amend Section 2.2.1 (Use Table), under Residential Uses, to change “Two-family house” from a permitted use in the R-14, R-20, R-MR and R-MF districts to not permitted; and Amend Section 2.4.6 (Cluster Subdivision Standards) to reflect this change.
- 5) Amend Section 2.2.1 (Use Table) to make “Retail, general” and Service, general” permitted uses in the B-N district, and amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum gross floor area in the B-N district to 10,000 square feet.
- 6) Amend Section 2.2.1 (Use Table) to move the lines “Storage, private (on <2 ac.)” and “Storage, private (on 2+ ac.)” from Commercial Uses to Residential Uses, delete Section 4.4.19 (Storage, Private) under Commercial Use Standards, and amend Section 12.3.2 (General Terms) to add a definition for “Storage, private.”
- 7) Amend Section 2.5.1 (Eastern Lincoln Development District) to stipulate that any use which has an anticipated peak hour trip generation of 100 trips or greater shall be subject to review as a conditional use, and amend Section 9.8 (Traffic Impact Analysis) to change the threshold for requiring a traffic impact analysis to 100 peak hour trips.
- 8) Amend Section 3.6.3 (Off-Road Parking Requirements) to add minimum requirements for manufacturing, transportation and warehousing, and wholesale trade.
- 9) Amend Section 4.4 (Commercial Use Standards) to stipulate that the standards for a kennel apply only in a residential district.
- 10) Amend Section 4.4 to allow vehicle sales in conjunction with vehicle service and vehicle repair.
- 11) Amend Section 12.3.2 (General Terms) to add a definition for campground.

The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve UDO Proposed Amendments #2012-1 – Lincoln County Planning and Inspections, applicant.

CUP #305 Iron Station Thunder, Inc., applicant (Parcel ID# 78416) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 13.3-acre parcel is located at 123 Major Lane, on the north side of Hwy. 73 about midway between its intersections with Reinhardt Circle, in Ironton Township.

The Planning Board voted 6-0 to recommend approval with the following conditions:

- 1) No more than four (4) vehicles shall be displayed near the highway. All other vehicles shall be located at least 150 feet from the edge of the road right-of-way.
- 2) A hedgerow shall be planted along the edge of the road right-of-way to provide a parking buffer in compliance with Section 3.4.6.B.2 of the Unified Development Ordinance.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve CUP #305 Iron Station Thunder, Inc., applicant, with the Findings of Fact, striking condition 2.

CUP #306 Melissa Lefler, applicant (Parcel ID# 76557) A request for a conditional use permit to operate a kennel in the I-G (General Industrial) district. The 1.5-acre parcel is located at 7804 Commerce Drive, on the south side of Commerce Drive at the end of the cul-de-sac, in Catawba Springs Township.

The Planning Board voted 6-0 to recommend approval with the following condition: The kennel must meet all local and state regulations.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve CUP #306 – Melissa Lefler, applicant, with the Findings of Fact.

Commissioner Klein asked if Commissioner Robinson would consider striking the conditions due to the fact that they are redundant.

Randy Hawkins stated that the issue at question was the hair going into the sewer. The applicant will be using a strainer to keep the pet hair out of the sewer system.

Commissioner Robinson said he would like to leave the conditions as they are.

Carolina Thread Trail: Mr. Wood presented the following information:

As you may recall, you have been asked on several occasions to support the Carolina Thread Trail. They are now prepared to award a grant for \$46,000 for Lincoln County to acquire the necessary easements for a segment of 1.7 miles connecting the East Lincoln Community Center to Sally's YMCA. I need to get clear direction from you on whether you want to accept this grant; and whether you are supportive of any financing of construction and/or maintenance that you can anticipate will be forthcoming either from the Carolina Thread Trail, or advocates of the CTT, once the easements are secured. They have submitted a proposed "Implementation Grant Agreement" for acceptance of the grant, and we have agreed on some amended language on the maintenance section.

First, I want to give you the background on this Board's involvement with the Carolina Thread Trail, and what policies are in effect governing that involvement currently. In addition, I will present the suggested language change for the proposed agreement. Then, I will propose what I think are the relevant issues you need to address. Finally, I will give you a listing of those recreational projects competing for funding with this request. We need to have a detailed discussion of all these matters at this meeting, and determine how you want to proceed with the Carolina Thread Trail going forward.

Background:

On March 17, 2008, the Board of Commissioners passed a Resolution of Support for the Carolina Thread Trail. It stated the Board was committed in concept, but "...it is expressly understood that this is not a financial commitment and any financial commitments for any phase within Lincoln County would have to be considered and voted upon by the Board of Commissioners." See Exh. #1.

On November 2, 2009, the Board of Commissioners conducted a public hearing on a proposed Master Plan for Greenways and Trails, which had been developed using a grant from the Carolina Thread Trail Foundation. See Exh. #2.

On November 16, 2009, the Board of Commissioners approved Resolution #2009-31: A Resolution to Adopt the Carolina Thread Trail Master Plan for Lincoln County Communities. The Board Minutes are attached as Exh. #3; and the signed Resolution is attached as Exh. #4. Note that the resolution stipulated five items:

- 1) The master plan was adopted as a conceptual plan, but not the maps.
- 2) That no property would be taken from an unwilling landowner, by eminent domain or otherwise.
- 3) That this action did not imply a commitment of funding by the Lincoln County Board of Commissioners for the trails.
- 4) That each proposed segment of the CTT must obtain approval from the Lincoln County Board of Commissioners.
- 5) That no county funds would be used to develop, construct or maintain any segment of the CTT.

On March 21, 2011, the Board of Commissioners held a public hearing on the matter, and then approved Resolution #2011-19: A Resolution to Adopt the Carolina Thread Trail Master Plan for Lincoln County Communities. The Board Minutes are attached as Exh. #5; and the signed Resolution is attached as Exh. #6. This resolution stipulated four items:

- 1) It approved the Map, after the Reepsville Road segment had been removed as some citizens at the original meeting had asked.
- 2) It reiterated the earlier resolution's ban on the use of eminent domain or any other means of acquiring property against a landowner's wishes.
- 3) It reiterated that this did not imply a commitment of funds for the CTT.
- 4) It amended #4 of the 2009 Resolution to still require approval of any segment, and that any request for funding must go through the normal budgetary cycle in Lincoln County, so its priority can be compared to all other priorities in the County.

On April 19, 2010, the Board of Commissioners approved submittal of a grant application to CTT for \$13,750 for Corridor Design of the 1.7 mile segment. See Exh. #7. This grant was not approved. However, based upon the Board's approval in 2010, I approved the submittal of a Letter of Intent to submit a grant (Exh. #8); and a grant application for \$46,000 for land acquisition (easements) in April, 2011. See Exh. #9.

The grant application does not require any money from Lincoln County. We would be contributing some land at both the East Lincoln Recreation Center and the existing Optimist Club Road Convenience Center (with LEDA approval), as well as some staff time. There is to be NO expenditure of any county funds for the development of the CTT without your specific approval of each segment's construction, and any funding through the normal budget cycle. (See Exh. #6.)

Suggested Language Changes:

The CTT has approved that grant. They had submitted their standard agreement for grant implementation. I had a concern about CTT's agreement on Post-Construction Requirements: b. Maintenance, requiring us to come up with a maintenance plan. I did not agree with that, as you have never committed to the maintenance. They have agreed to our substitute language as follows: "As part of the future construction of the trail, the Grant Recipient (the County) will maintain any improvements on its East Lincoln Community

Center property and will establish a viable plan for the Project Partners and other land owners to fully maintain any trails and associated improvements. We will also be working with civic groups, service groups, scout programs and/or church groups (among others) to implement an “adopt-a-trail” or similar type of program for the maintenance of this segment of the Carolina Thread Trail in Lincoln County when constructed. A more detailed plan of action for post-construction maintenance will be outlined within the Construction Grant Application and process.” See Exh. #10. We already maintain the EL Community Center property, so this is not an added cost.

Relevant Issues:

I believe this Board needs to address all of the issues listed below. There may be others that I am overlooking as well.

1. Does the County want to approve the route for the 1.7 mile segment from the East Lincoln Community Center to Sally’s YMCA? Any segment of the CTT must be approved by the BOC under Item #4 of Resolution #2011-19. That is the existing policy document.
2. Does the County want to accept the CTT Grant for \$46,000 in order to secure the necessary easements for this segment of the CTT?
3. If the answer to #2 above is “yes”, does the County want to go outside Item #4 of Resolution #2011-19 and agree to provide maintenance on a) the entire 1.7 mile segment; b) only the properties the County currently owns; or c) not provide maintenance on any segment until you consider it as part of overall budget priorities as the current policy requires? Unless you select option b), the proposed Grant Agreement will need to be revised accordingly.
4. If you accept the CTT Grant, do you want to reiterate to the CTT that this does not imply or guarantee any construction or maintenance funding unless specifically approved as part of the normal budgetary process for Lincoln County?

For future budget consideration these questions will need to be answered:

5. Once the easements are secured, you can be assured that advocates of the CTT will begin lobbying you for the construction of this segment of the CTT. Are you prepared to include it in the CIP as a Parks and Recreation capital project, and if so, what is its priority compared to other Parks and Recreation priorities? This should be discussed at Budget time, but before purchasing easements, we need to be clear whether this project is going to move forward or not.
6. Are you prepared to use County funding for the construction of this segment of the CTT if grants and donations do not cover the cost?

Capital Projects Listing:

In order to discuss these questions, you need some additional information. The estimated cost of this segment’s construction is \$290,700, based on estimated linear feet, and different costs for the different materials used. See Exh. #11. I have attached the Capital Projects Fund Summary for you, so that you can see the amount of capital projects the County is already facing. See Exh. #12.

Please note that on Pages 255 and 256, there is a listing of the Parks and Recreation projects. They are noted as REC-1 through REC-21. Also note that many big-ticket items were not funded for the next six years (see far right column). You can refer to your copy of the FY 2012 Budget under the General Capital Projects Fund to see the detailed project sheets for the estimated costs. The question for you to consider is where does the construction of the CTT compare with these other recreation projects, and where do recreational projects compare with the other listed projects in order of importance? This is a difficult question, but of course we are dealing with very limited financial resources to meet all these needs.

The Board needs to make these decisions so that we can respond to CTT's offer of a grant, stipulating what level of maintenance you finally decide upon.

Recommendation:

My recommendation is that you 1) approve the route for this segment of the CTT; and 2) accept the \$46,000 grant from CTT using the amended Implementation Grant Agreement; and 3) reiterate to the CTT that any requests for funding of either construction or maintenance must be made as part of the normal budgetary cycle, per Resolution #2011-19, Item #4. This would be in conformance with your existing policy, and get the easements for this project at no cost to the County.

a. Discussion of Carolina Thread Trail Participation Grant Award:

#1:

Commissioner Mitchem asked what this \$46,000 grant is supposed to fund. Mr. Wood said it is to get the easements. This would take care of the property acquisition, 10 – 12 easement segments.

Commissioner Mitchem asked what is normally done with maintenance. Mr. Wood stated that this has not been decided. Commissioner Mitchem asked who is normally responsible. Mr. Wood said that with the City Rail Trail, the City maintains it, since it is on their property. He said he feels this should be worked out before the trail is constructed.

A MOTION by Commissioner Klein to approve the route of the 1.7 mile segment of the Carolina Thread Trail running from the East Lincoln Community Center to Sally's YMCA.

Commissioner Robinson said just to make sure it is clear, approving this piece any additional county dollars will come to the Board. He said the Board does not need to accept these grants if there is no plan to move forward.

A SUBSTITUTE MOTION by Commissioner Mitchem to table this issue.

VOTE: 2 – 3

For: Mitchem, Klein

Against: Patton, Arena, Robinson

Vote on original motion: unanimously approved.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the CTT Grant for \$46,000 in order to secure the necessary easements for this segment of the CTT.

Mr. Wood stated that number 3 has been answered, because what the agreement has in it is that the County will only maintain the property the county currently owns, which is the East Lincoln Community Center.

Mr. Wood asked if the Board wants him to put in a cover letter with the agreement that this does not imply a guarantee of any construction or maintenance funding unless specifically approved as part of the normal budgetary process for Lincoln County.

Commissioner Klein stated that he misunderstood and for the record, he would like to on the record saying he is against moving forward on the grant since the maintenance issue is in there.

Nursing and Adult Care Home Community Advisory Committee:

Cindy Kincaid, along with members of the Nursing and Adult Care Home Community Advisory Committee gave their annual report. She spoke of the difficulty finding volunteers to serve and said they can have up to 18 members.

Report from the Airport Authority – Dr. Marty Eaddy: Dr. Marty Eaddy gave a Powerpoint Presentation concerning the Aiport.

Emergency Operations Plan and Approval of Resolutions #2012-5 and #2012-6:

Martha Lide, Assistant Manager, presented the Emergency Operations Plan and Resolutions #2012-5 and #2012-6 for the Board's approval.

It is recommended that the Board approve the attached update of the Lincoln County Emergency Operations Plan. Staff from the Office of Emergency Management worked on updating the Plan over the past year. They met and reviewed sections of the plan with all of the various departments and agencies that respond in emergencies to develop the plan update.

The plan has been reviewed by the Emergency Services Committee, the Lincoln County Local Emergency Planning Committee, the State Office of Emergency Management and all of the County impacted departments.

The Office of Emergency Management is currently also preparing a "supplement" book for this plan. The "supplement" will contain lists of support resources that may be available, contact information, reference materials, forms and "to do" checklists for each of the Annexes in the Emergency Operations Plan. The information in the "supplement" will be a working document, and will be regularly updated. The intent is to have critical information at the fingertips of people who respond in emergencies.

UPON MOTION by Commissioner Arena, the Board voted unanimously to adopt Resolution #2012-5.

RESOLUTION #2012-5
RESOLUTION TO ADOPT THE EMERGENCY OPERATIONS PLAN –
EMERGENCY MANAGEMENT – FOR LINCOLN COUNTY, NORTH CAROLINA

WHEREAS, Lincoln County has identified natural and man-made hazards that have the potential to disrupt day to day activities and/or cause extensive property damage, personal injury and/or casualties; and

WHEREAS, 166A of the North Carolina General Statutes Emergency Management Act sets forth the authority and responsibility of local governments in prevention of, preparation for, response to and recovery from natural or man-made disasters; and

WHEREAS, the Lincoln County Emergency Operations Plan serves as a basis for effective response to any hazard that threatens Lincoln County and provides a coordinated response to a disaster or emergency in Lincoln County; and

WHEREAS, the Lincoln County Board of Commissioners deems it advisable and in the best interest of Lincoln County to approve the Lincoln County Emergency Operations Plan.

WHEREAS, the attached plan has been developed in conjunction with the various responding emergency agencies and departments, and has been reviewed by the Emergency Services Committee and the Lincoln County Local Emergency Planning Committee.,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Lincoln County Board of Commissioners that the Emergency Operations Plan is hereby adopted and effective upon adoption.

Adopted this 20 day of February 2012.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board of Commissioners

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2012-6.

**RESOLUTION 2012-6:
RESOLUTION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
FOR HANDLING ALL EMERGENCIES IN LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, the President in Homeland Security Presidential Directive 5 (HSPD-5) directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management training programs, and the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

WHEREAS, the NIMS will assist Lincoln County to coordinate its efforts with Federal, State and other emergency agencies to insure that the highest level of incident management is provided to the public; and

WHEREAS, adoption of the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve Lincoln County's ability to utilize federal funding to enhance local agency readiness, maintain first responder's safety and streamline incident management processes.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Lincoln County Board of Commissioners hereby adopt the National Incident Management System (NIMS) as the standard for incident management.

This resolution is hereby adopted and effective upon adoption this 20 day of February 2012.

LINCOLN COUNTY

By: _____

Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board of Commissioners

Public Hearing – Incentive Grant for Existing Industry Kara Brown:

Kara Brown presented the Incentive Grant Agreement and Resolution for Robert Bosch Tool Corporation.

Chairman Patton opened the public hearing concerning the Incentive Grant for Robert Bosch Tool Corporation.

Being no speakers, Chairman Patton closed the public hearing.

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 20th day of February 2012, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Robert Bosch Tool Corporation, a corporation (hereinafter referred to as "Bosch").

WITNESSETH:

WHEREAS, Bosch has developed plans to install 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 Bosch 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 May 1, 2012, Bosch shall begin installation of equipment and machinery in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Bosch shall make an investment upon such site in machinery and equipment of \$3,500,000, of which \$2,450,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Bosch shall provide at such site at least 7 new jobs paying average weekly wages of \$400.00.
4. In consideration of the performance of the aforesaid obligations by Bosch, the County will provide cash grants to Bosch of \$9,523.15 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 Bosch within 30 days after Bosch 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 1 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 Bosch 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. Bosch 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, Bosch 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.

Robert Bosch Tool Corporation

By: _____
President

LINCOLN COUNTY

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

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

**RESOLUTION #2012-7:
RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH ROBERT BOSCH TOOL CORPORATION**

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, Robert Bosch Tool Corporation, has developed plans for expansion of their (distribution/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 Robert Bosch Tool Corporation..

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 20th day of February, 2012.

Alex Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy Atkins, Clerk to the Board

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2012-7: Resolution to Adopt Economic Incentive Grant Agreement with Robert Bosch Tool Corporation.

Public Comments: Chairman Patton opened Public Comments.

Robert Avery asked if any consideration has been taken concerning a county survey.

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

Replacement of HVAC – Jonas Library:

Burns Whittaker stated that bids were received on January 19 to replace the HVAC system at the Jonas Library. Three bids were received, ranging from \$79,025 to \$100,701. The low bidder is Platinum Energy Group of Monroe, NC.

UPON MOTION by Commissioner Klein, the Board voted unanimously to award the bid to Platinum Energy Group of Monroe.

Motion to Authorize Closure of Forney Creek Wastewater Treatment Plant: Burns Whittaker stated that they have completed the study for the disposition of the Forney Creek Waste Water Treatment Plant and concur with the Engineers recommendation for a permanent closure of the Forney Creek Plant. We will begin immediately transferring flow to the Killian Creek Plant and begin preparation of the contract documents for bidding the physical closure. I anticipate that within 3 months all flow can be stopped at Forney Creek and within 6 months the plant will be physically secured.

UPON MOTION by Commissioner Klein, the Board voted unanimously to authorize the closure of Forney Creek Wastewater Treatment Plant.

Finance Officer's Report: Scott Cook, Interim Finance Director, gave the Finance Officer's Report.

County Manager's Report: Mr. Wood said the Board received the NC Tomorrow Grant.

He asked for the Board to set a work session on the Oaklawn Building and Hospital conversion. The Board set the date for March 12 at 6:30 p.m.

Chairman Patton and Mr. Wood praised Burns Whittaker for his work and the money he has saved Lincoln County.

County Commissioners' Report: Commissioner Robinson said Pam Stroup from Gaston County asked for the Board to endorse a letter of support to the Mountain Island State Educational Forest.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the letter of support for the Mountain Island State Educational Forest.

County Attorney's Report: Wesley Deaton, County Attorney, gave an update on his recent activities.

Vacancies/Appointments: Commissioner Robinson presented the following vacancies:

**Lincoln County
Board of Commissioners
Board Vacancies/Appointments
February 20, 2012**

Vacancies:

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
 - o Lincolnton Township
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board – North Brook Township
- Board of Adjustment – 2 alternates

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

Appointments:

Gaston College Board of Trustees:

Reappoint: Jim Watson

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners