

Resolution #: _____

RESOLUTION AUTHORIZING BUNCOMBE COUNTY TO PAY ECONOMIC DEVELOPMENT INCENTIVES AND TO SIGN ECONOMIC DEVELOPMENT AGREEMENT

- WHEREAS, New Belgium Brewing Company, Inc., a privately held Colorado corporation authorized to do business in North Carolina ("Company") proposes to establish and operate a beverage manufacturing facility on Craven Street in Asheville, Buncombe County, North Carolina (the "Project");
- WHEREAS, if the Company moves forward with the Project and signs an economic development agreement with the County, the Project will include the acquisition by the Company of approximately 20 acres of real property located in the City of Asheville ("City"), the construction of a commercial manufacturing facility and supporting warehouse for raw materials and outbound finished goods, and the acquisition of production equipment;
- WHEREAS, in connection with the development of the Project and as part of its purchase of the property, the Company expects to invest at least \$175 million in the improvements and facilities that will be located on this property and possibly other properties in Buncombe County (collectively, the "Facility") and to employ 154 persons within a period of approximately nine years;
- WHEREAS, additionally, the Company also expects that it, in conjunction with the City, will make additional improvements to public infrastructure in the immediate area of the Facility to facilitate the construction and operation of the Project;
- WHEREAS, the average wage that would be paid to the persons holding those jobs at the Facility would be approximately \$50,000 per year beginning in 2015;
- WHEREAS, the Company has requested that the County provide economic development incentives to induce the Company to make the capital investment at the Facility and for the creation of the jobs at the Facility;
- WHEREAS, the Company has informed the County that if the County does not provide those economic development incentives, the Company will not locate the Project at the Facility;
- WHEREAS, under the attached Economic Development Agreement ("EDA"), the Company would agree to refund to the County a portion of the economic development incentive grants it receives if, by December 31, 2022 (which could be extended under certain circumstances), the Company does not achieve either or both of

the Investment Benchmark or the Jobs Benchmark, as those terms are defined in the EDA;

WHEREAS, the Company's location of the Project at the Facility would, in addition to bringing the jobs described above, produce revenue for local businesses and the County due to the employment of individuals and the spending by the Company and those new employees, which will provide further economic benefits to the County and local businesses;

WHEREAS, the Company's investment at the Facility would substantially enhance the County's property tax base and increase the County's property tax revenues;

WHEREAS, the employment of 154 full-time persons at the Facility would create jobs for the area and provide a positive impact for the County; and

WHEREAS, pursuant to the provisions of North Carolina General Statutes §158-7.1, this Board of Commissioners deems its desirable and in the best interests of the County and its businesses and residents to offer certain economic development incentives to the Company and to enter into an EDA with the Company; and

WHEREAS, this Board of Commissioners has organized and approved the holding of a public hearing, at the Board's August 7th, 2012 regular meeting, to discuss and approve certain economic development incentives to the Company and authorize the entering into of the EDA.

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

1. The Board of Commissioners approves appropriating and spending from the County's general fund amounts to make cash grants totaling \$8,450,000 over a period beginning in 2016 and continuing through 2028, such amounts and payment schedule being more specifically described in the draft EDA attached to this Resolution as Exhibit A.
2. To implement these incentives and the Company's associated refund obligations for failure to meet the Investment and Jobs Benchmarks, the Board of Commissioners hereby approves the attached Economic Development Agreement and authorizes the Chairman of the Board of Commissioners and the County Manager (or either of them) to execute that Economic Development Agreement on the County's behalf and to take all actions necessary to implement the actions and grants required by that Agreement.
3. By and with the approval of the County Attorney, the Chairman and County Manager, or either of them, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution,

including without limitation to negotiate and approve changes to that EDA's language that do not increase the amounts of the cash grants the County is required to pay the Company, or decrease the amount the Company is required to refund to the County under the Agreement; except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.

4. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with the purposes and intents of this Resolution and in the furtherance of the intents and purposes of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

5. Any prior resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

6. This Resolution is effective upon its adoption.

This the 7th of August, 2012.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney

Exhibit A

See attached draft Economic Development Agreement