

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 18, 2022

The Lincoln County Board of County Commissioners met on July 18, 2022, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Bud Cesena
Cathy Davis

Commissioners Absent:

Anita McCall

Others Present:

Davin Madden, Interim County Manager
Megan Gilbert, County Attorney
Amy S. Atkins, Clerk to the Board

Chairman Mitchem called for a Moment of Silence and led in the Pledge of Allegiance. He asked everyone to remember Commissioner McCall who is hospitalized.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, July 18, 2022
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda

- a. Approval of Minutes – June 6, 2022; June 20, 2022
 - b. Resolution Ratifying the Updated Charter of Centralina Regional Council
 - c. Designation of Commissioner McCall as Voting Delegate for NCACC
 - d. Releases over \$100 – 5/22 – 6/22
 - e. VTS Refunds
 - f. Resolution Honoring Eagle Scout
 - g. Resolution Honoring Eagle Scout
 - h. Resolution Honoring Eagle Scout
 - i. Resolution – Service Weapon
 - j. Amended Meeting Schedule
3. Recognition of Eagle Scouts
 4. Authorizing Resolution for Submitting a Building Reuse Application to the NC Department of Commerce – John Dancoff
 5. Continuance of PD#2014-2-A6 zoning amendment for the Board of County Commissioners to consider formal request submitted by the applicant to revise original proposal – Joshua Grant
 6. Motion to Award the Tax Renovation contract to Wilkie Construction in the amount of \$299,970.00 – John Henry
 7. Request from the Sheriff’s Department to Change the Captain (Position #2282) in Position Control to a Major Position and revise in the Budget Ordinance at a later date – Candy Stevens
 8. Request from the Sheriff’s Department to Change the Lieutenant (Position #2550) in Position Control to a Captain Position and revise in the Budget Ordinance at a later date – Candy Stevens
 9. Request from the Sheriff’s Department to Change the Asst. Detention Administrator (Position #2582) in Position Control to a Lieutenant position and revise in the Budget Ordinance at a later date – Candy Stevens
 10. Request from Register of Deeds for a New Part-time Position titled, Part-time Register of Deeds Clerk, Passport Agent – Candy Stevens
 11. Amended and Restated Agreement with Lincoln County Board of Education and Lincoln Charter School, Inc. for distribution and use of Article 46 Funds – Megan Gilbert
 12. Resolution Regarding the Security and Safety of the Lincoln County Courthouse, Parking Lots, and Grounds – Megan Gilbert
 13. Public Comments

14. County Manager's Report
15. Finance Officer's Report
16. County Commissioners' Report
17. County Attorney's Report
18. Vacancies/Appointments
19. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

20. Closed Session Pursuant to NCGS 143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the consent agenda adding Item k – Waived fees for funeral for Kenny Hambright.

- a. Approval of Minutes – June 6, 2022; June 20, 2022
- b. Resolution Ratifying the Updated Charter of Centralina Regional Council
- c. Designation of Commissioner McCall as Voting Delegate for NCACC
- d. Releases over \$100 – 5/22 – 6/22
- e. VTS Refunds
- f. Resolution Honoring Eagle Scout
- g. Resolution Honoring Eagle Scout
- h. Resolution Honoring Eagle Scout
- i. Resolution – Service Weapon
- j. Amended Meeting Schedule
- k. Waived fees – funeral service for Kenny Hambright

Recognition of Eagle Scouts: Commissioner Sigmon read and presented Resolutions to Eagle Scouts Grant Berry, Brock Pagel, and Jack Seeley congratulating them on their accomplishments.

Authorizing Resolution for Submitting a Building Reuse Application to the NC

Department of Commerce: John Dancoff presented the following:

The County is applying for funds to assist Huber Technology expand their existing building and create 46 new jobs in the first two years.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Authorizing Resolution by Lincoln County for the North Carolina Department of Commerce Building Reuse Program “Huber Technology Building Reuse”.

AUTHORIZING RESOLUTION BY LINCOLN COUNTY

for the

North Carolina Department of Commerce

Building Reuse Program

“Huber Technology Building Reuse”

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the expansion of an existing building in a project described as the "Huber Technology Building Reuse" (Project Hank); and

WHEREAS, the County intends to request funding assistance of \$300,000 from the North Carolina Department of Commerce from its Building Reuse Program for the project. Huber Technology Inc. is adding approximately 122,000 square feet of space for offices and manufacturing, including sheet metal fabrication, enhanced machine shop capabilities, and pickling to augment their existing network of suppliers. They will create 46 new jobs in the first two years at an average annual salary of \$61,913. Eventually, 91 jobs will be created. The company's new investment will total \$39,500,000 in two years.

NOW THEREFORE BE IT RESOLVED, BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS:

That the County is in full support of the application and the project, if funding is received, and

That the County will arrange for a local cash match of at least 5% of the grant amount to be used for planning and grant administration, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and

that Davin Madden, Interim County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

Adopted this the 18th day of July 2022 in Lincolnton, North Carolina.

Carrol D. Mitchem, Chairman

ATTEST:

Amy Atkins, Clerk

(Seal)

Planning Board Recommendations: Joshua Grant presented the following:

Continuance of PD#2014-2-A6 zoning amendment for the Board of County Commissioners to consider formal request submitted by the applicant to revise original proposal: Josh Grant presented the following:

At the direction of the Board of County Commissioners staff has worked with assistance from the County Attorney to require the applicant - First Federal Properties, Inc. to submit a formal revision to their original zoning amendment request. The initial request for the amendment of the Rivercross master planned development was for 35 additional townhomes and up to 100,000 sq. ft. of commercial space. The revision of this request is for 35 additional townhomes and up to 90,000 sq. ft. of commercial space. The primary reason for this request is in response to feedback the applicant received from the community and is an effort to try and offset any additional traffic caused by the additional townhomes by reducing the overall commercial square footage.

The applicant has provided an amended technical memorandum from their transportation engineer, a letter confirming amendment of their initial application, a revised set of terms and conditions, and a revised site plan, to reflect the change described above.

Brad Bowman thanked the Board for consideration of their request. He apologized for not putting the reduced square footage in writing. He said they recognize traffic is an issue so the traffic engineer said this would be a way to reduce the impact of the change.

Cindy apologized for any confusion and spoke about the revision to the original proposal.

A **MOTION** by Commissioner Cesena to deny based on the fact that this proposed amendment **is not reasonable** in that:

The requested increase in townhomes is a deviation from what is approved on the site currently. A further deviation from the approved plan is that the original proposal did not contemplate commercial buildings on the south side of Waterway Drive where additional factors are at play including the potential relocation of a major utility line and impacts to natural features (stream & pond).

He said this proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans but is not reasonable.

VOTE: 2 – 2 AYES: Cesena, Davis
NOES: Mitchem, Sigmon

Josh Grant advised that the 2-2 vote results in a disapproval.

Motion to Award the Tax Renovation Contract to Wilkie Construction in the amount of \$299,970: John Henry presented the following:

Purchasing issued RFB 2022-0628 in May. Three bids were received on June 28 with Wilkie Construction being the lowest. He asked the Board to award the Tax Renovation contract to Wilkie Construction in the amount of \$299,970.00.

UPON MOTION by Commissioner Davis, the Board voted unanimously to award the Tax Renovation contract to Wilkie Construction in the amount of \$299,970.00.

Request that Captain (Position # 2282) be changed in Position Control to a Major position and revised in the Budget Ordinance at a later date: Candy Stevens and Sheriff Beam presented the following:

The Sheriff's Department is requesting that Captain (Position # 2282) be changed in Position Control to a Major position and revised in the Budget Ordinance at a later date.

The necessity to create the requested position is the result of the growing duties and additional responsibilities that have been added.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Request that Captain (Position # 2282) be changed in Position Control to a Major position and revised in the Budget Ordinance at a later date.

Request from the Sheriff's Department - Detention that the Lieutenant (Position # 2550) be changed in Position Control to a Captain position and revised in the Budget Ordinance at a later date: Candy Stevens and Sheriff Beam presented the following:

The Sheriff Department - Detention is requesting that the Lieutenant (Position # 2550) be changed in Position Control to a Captain position and revised in the Budget Ordinance at a later date.

The necessity to create the requested position is the result of the growing duties and additional employees to supervise.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Request from the Sheriff's Department - Detention that the Lieutenant (Position # 2550) be changed in Position Control to a Captain position and revised in the Budget Ordinance at a later date.

Request from the Sheriff's Department - Detention that the Asst. Detention Administrator (Position #2582) be changed in Position Control to a Lieutenant and revised in the Budget Ordinance at a later date: Candy Stevens and Sheriff Beam presented the following:

The Sheriff Department - Detention is requesting that the Asst. Detention Administrator (Position # 2582) be changed in Position Control to a Lieutenant position and revised in the Budget Ordinance at a later date.

The necessity to create the requested position is the result of the growing duties and additional responsibilities of added employees to supervise.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Request from the Sheriff's Department - Detention that the Asst. Detention Administrator (Position # 2582) be changed in Position Control to a Lieutenant position and revised in the Budget Ordinance at a later date.

Request from the Register of Deeds for a new part-time position titled, Part-time Register of Deeds Clerk, Passport Agent and revised in the Budget Ordinance at a later date: Candy Stevens and Danny Hester, Register of Deeds, presented the following:

Register of Deeds is requesting a new part-time position titled, Part-time Register of Deeds Clerk, Passport Agent and revised in the Budget Ordinance at a later date.

The necessity to create the requested position is the result of the growing complexity of managing an increased need for passport requests throughout Lincoln County and surrounding counties utilizing our local office. The money for this position will be paid out of the money being collected from the passports, therefore it is paying for itself.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Request from the Register of Deeds for a new part-time position titled, Part-time Register of Deeds Clerk, Passport Agent and revised in the Budget Ordinance at a later date.

Amended and Restated Agreement with Lincoln County Board of Education and Lincoln Charter School, Inc. for distribution and use of Article 46 Funds: Megan Gilbert presented the following:

In May 2018, the voters of Lincoln County passed a referendum to allow a quarter-cent sales tax under Article 46 of Chapter 105 of the General Statutes. It has been the intent that these funds be used to benefit the children of Lincoln County, and that all funds collected should be distributed to the schools. Under this Agreement, the County will provide funds to the Board of Education, and the Board of Education is responsible for distributing to the Charter School. This previous Agreement is being amended to solidify accounting requirements for the School Board and the Charter School to provide information about expenditure of said funds. The Amended Agreement has been approved by the Lincoln County Board of Education.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Amended and Restated Agreement with Lincoln County Board of Education and Lincoln Charter School, Inc. for Distribution and Use of Article 45 Funds.

Resolution Regarding the Security and Safety of the Lincoln County Courthouse, Parking Lots and Grounds– Megan Gilbert presented the following:

This Resolution is being adopted to designate responsibility of security for the new Lincoln County Courthouse, and its grounds, to the Sheriff of Lincoln County.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Resolution Regarding the Security and Safety of the Lincoln County Courthouse, Parking Lots and Grounds.

RESOLUTION REGARDING THE SECURITY AND SAFETY OF THE LINCOLN COUNTY COURTHOUSE, PARKING LOTS AND GROUNDS

WHEREAS, the safety and protection of all visitors and citizens of Lincoln County is a fundamental priority; and,

WHEREAS, Lincoln County owns the real property described as Parcel No. 102387 and further described on that plat recorded in Book 18 at Page 86 and 87 of the Lincoln County Public Registry (the “Courthouse Property”); and

WHEREAS, Lincoln County recently constructed the new Lincoln County Courthouse located at 120 Justice Drive in Lincolnton, North Carolina; and

WHEREAS, the Office of the Clerk of Court, the Offices of the District and Superior Courts, the District Attorney's Office, and the Office of the Magistrate shall operate in the new Lincoln County Courthouse, which shall be a facility that ensures their capability to carry out essential duties as prescribed to them under the North Carolina General Statutes; and

WHEREAS, the Lincoln County Sheriff's Office may, from time to time, have detainees located in the Lincoln County Courthouse; and

WHEREAS, pursuant to N.C. Gen. Stat. §17E-1, the Sheriff, in addition to his criminal justice responsibilities, is the only officer of local government responsible for the Courts of the State of North Carolina, acting as their bailiff and marshal; and

WHEREAS, the Sheriff administers and executes criminal and civil justice and acts as the ex officio detention officer; and

WHEREAS, the deputy sheriff has been held by the Supreme Court of this State to hold an office of special trust and confidence, acting in the name of and with powers coterminous with his principal, the elected Sheriff; and

WHEREAS, the Lincoln County Courthouse operates with a high volume of employees and public visitors to conduct business daily; and

WHEREAS, the Board of County Commissioners is sensitive to and concerned for the safety and security of the Lincoln County Courthouse, the employees operating therein and the public; and

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners does hereby impart the responsibility of security, further conferred by statute, for the new Lincoln County Courthouse, including all areas of the Courthouse Property to the Sheriff of Lincoln County.

Adopted this 18th day of July, 2022.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins Clerk to the Board

Public Comments: Chairman Mitchem opened Public Comments.

Being no speakers, Chairman Mitchem closed Public Comments

County Manager's Report: Davin Madden, Interim County Manager, thanked the Commissioners for the opportunity to serve as Interim Manager. He said the transition is going smoothly and he has started working on a 2024 budget calendar. He said he was notified that the County received the grant for internet in Western Lincoln County.

Finance Officer's Report: Amanda McCrickard presented the Finance Officer's Report. Commissioner Sigmon noted that sales taxes and property taxes have exceed projections.

County Commissioners Report: Commissioner Cesena thanked Mr. Madden and Commissioner Davis for attending and judging the Westport July 4th Parade.

County Attorney's Report: Megan Gilbert said she is currently working the School Board Attorney to deed property back to the schools, with the exception of North Lincoln Middle School, which there is still active debt on. She said she will also be bringing a Resolution to the 2nd meeting in August declaring the new Lincoln County Courthouse site. The lease for Juvenile Probation will be on the August agenda. Mrs. Gilbert reported on a meeting with the Town of Maiden for collection of vehicle taxes for nine parcels of property in Lincoln County that was annexed by Maiden. An Interlocal Agreement will be drafted for these properties.

Vacancies/Appointments: UPON MOTION by Commissioner Cesena, the Board made the following appointments:

- **Historic Preservation Commission**
 - Reappoint: Jennifer Baker (Term 2)
 - Darryl Saunders (Term 1)
 - Beth Yarbrough (Term 1)
 - Appoint: Kelly Brown
 - Tommy Smith
- **DSS Board**
 - Reappoint Alex Patton
- **Child Protection/Child Fatality Team**
 - Appoint Christine Poinsette
- **Environmental Review Board**
 - Reappoint
 - Tommy Houser
 - Charles Keener
- **Opioid Steering Committee**
 - Appoint Keith Poston as Hesed House Director
- **Gaston Community Action**

- Reappoint Ola Mae Foster
- **Partners Board**
 - Casey Gilbert, NP
- **Planning Board**
 - Reappoint
 - Bob Shugarman
 - Doug Tallent
 - George Mull
- **Recreation Commission**
 - Appoint Joe Lampron – At Large
 - Appoint Carrie Carpenter – Howard’s Creek
- **Lincoln City Planning Board ETJ**
 - Appoint Rebecca Shaw to fill the unexpired term of Steve Silva

Megan Gilbert reminded the Board that the August 1, 2022 meeting will be held at the James W. Warren Citizens Center.

Closed Session: UPON MOTION by Commissioner Sigmon, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. **Closed sessions.**(a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

The Board returned to open session and Chairman Mitchem announced that no action was taken in closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners