

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 16, 2021

The Lincoln County Board of County Commissioners met on August 16, 2021, 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
Anita McCall
Cathy Davis

Commissioners Absent:

Bud Cesena

Others Present:

Kelly G. Atkins, County Manager
Wesley Deaton, County Attorney
Josh Grant, Programs Manager
Amy S. Atkins, Clerk to the Board

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 16, 2021
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 – August 2, 2021
 - b. Tax Request for Releases- June 16 – July 15, 2021
 - c. BOA #1
 - d. VTS Refunds
 - e. ~~Resolution #2021-34: Requesting the Abandonment of a Portion of Daniel Shrum Rd~~
 - f. Resolution #2021-33
 - g. Performance Guarantee Extension - Melwood Subdivision
3. Recognition of West Lincoln Women’s Golf Team
 4. Planning Board Recommendation – Randy Hawkins
 5. Invitation to Farm City Event – Tom Dyson
 6. Public Hearing – Debt Financing of the new Emergency Management Facility – Deanna Rios
 7. Annual Settlement for Tax Year 2020 and Resolution #2021-32: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator – Susan Sain
 8. Surplus Property Resolution – Dr. Aaron Allen
 9. Approval of Revised Inter-local agreement with the City of Lincoln for Code Enforcement Services – Andrew Bryant
 10. Request from Sheriff’s Department to change (3) Detention Officer Positions that were approved in the FY22 Budget in Position Control to a Deputy Sheriff positions and revised in the Budget Ordinance at a later date – Candy Burgin and Sheriff Beam
 11. Request from Sheriff’s Department to change Position #2324 Deputy Sheriff be changed in Position Control to a Deputy Sheriff Detective and revised in the Budget Ordinance at a later date – Candy Burgin and Sheriff Beam
 12. Request from Facilities Management to reclassify #1002 Part-Time Retirement Building Attendant and position #2163 Part-time Facilities Service Worker to one Full-time position – Facilities Service Worker in Position Control and revised in Budget Ordinance at a later date – Candy Burgin and John Henry
 13. FY 2022 Home and Community Care Block Grant (HCCBG) for Older Adults – Kathryn Saine

14. Purchase of three remount Type II GMC Cutaway Chassis from the HGAC Cooperative Purchasing Contract from Northwestern Emergency Vehicles in the amount of \$296,262 (\$98,745 each) and allow for the trade in of old ambulance chassis – Ron Rombs
15. Purchase of six Lifepak 15 Monitor/Defibrillators from Stryker Medical in the amount of \$121,011.12 and allow for trade in of old devices – Ron Rombs
16. Approval for construction services for rehabilitation of pump station #7. Public Works is requesting approval to enter into a contract with Brushy Mountain Builders, Inc. for construction services for the rehabilitation of Pump Station #7 – Chris Henderson
- ~~17. Solid Waste request approval from the Board of Commissioners for professional consulting services from LaBella Associates, PC – Mark Bivins~~
18. Proposal from UNC School of Government Development Finance Initiative for services related to the future use of the county courthouse building and associated property in downtown Lincolnton – Joshua Grant
19. Public Comments
20. Finance Officer's Report
21. County Manager's Report
22. County Commissioners' Report
23. County Attorney's Report
24. Vacancies/Appointments
25. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the agenda removing Item 2e and Item 17.

Consent Agenda: UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the consent agenda as presented.

- a. Approval of Minutes – August 2, 2021
- b. Tax Request for Releases- June 16 – July 15, 2021
- c. BOA #1
- d. VTS Refunds
- e. ~~Resolution #2021-34: Requesting the Abandonment of a Portion of Daniel Shrum Rd~~
- f. Resolution #2021-33
- g. Performance Guarantee Extension - Melwood Subdivision

Recognition of West Lincoln Women’s Golf Team: Commissioner Sigmon read a Resolution Honoring West Lincoln Women’s Golf Team and the Board congratulated them for their State Championship.

Planning Board Recommendation: Randy Hawkins presented the following:

CZ #2021-5 Ron Barbagli, applicant (Parcel ID# 30999) A request to rezone a 0.84-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. The property is located at 422 N. NC 16 Business Hwy., on the east side of N.C 16 Business at its intersection with Forest Oak Drive and on the west side of Pilot Knob Road, in Catawba Springs Township. The Planning Board voted 7-1 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted 3 – 1 (McCall against) to approve the Statement of Consistency and Reasonableness and to approve the rezoning as recommended by the Planning Board for CZ #2021-5 Ron Barbagli, applicant.

Invitation to Farm City Event: Tom Dyson invited the Board to the Farm City Event and the first Lincoln County “State of our Agriculture Address”.

Annual Settlement for Tax Year 2020 and Resolution #2021-32: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator: Susan Sain presented the following:

NC General Statute 105-373 requires the Tax Administrator to request approval of the 2020 annual tax settlement and the approval to collect taxes for 2021.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt Resolution #2021-32 as presented.

RESOLUTION # 2021:32 : A RESOLUTION ACCEPTING THE TAX
SETTLEMENT WITH THE LINCOLN COUNTY TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Tax Administrator is charged with the collection of all real and personal property taxes for Lincoln County, the Fire Districts, and the City of Lincolnton.

WHEREAS, NCGS 105-373 sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners on an annual basis for all taxes charged for collection and those collected and remaining uncollected at year-end; and

WHEREAS, such settlement is to take place before the Tax Administrator can be charged with the collection of the next year's tax collections; and

WHEREAS, the Tax Administrator has prepared the required Settlement and submitted it to the Finance officer for review; and

WHEREAS, the Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners hereby accepts and approves the Settlement of Taxes prepared by the Tax Administrator's Office, which is attached hereto and incorporated by reference into this Resolution.

Adopted this 16th day of August 2021.

Carrol Mitchem, Chair
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts as presented.

**Order Directing the Tax Collector
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina

County of Lincoln
To the Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of August 2021.

Carrol Mitchem, Chair

ATTEST:

Amy S. Atkins, Clerk to the Board

Surplus Property Resolution: Dr. Aaron Allen presented the following:

At the July 13, 2021 Board of Education Meeting, Mr. Walter Clark proposed the purchase of a portion of undeveloped land beside the bus and staff parking lot at East Lincoln High School. Before the property can be sold, Lincoln County Schools' Board of Education must declare the property as surplus.

Once the property is declared as surplus, under NCGS 115C-518, the property would first be offered to the Lincoln County Board of Commissioners. If the Board of Commissioners choose not to purchase the property, Lincoln County Schools' Board of Education may dispose of said property.

Dr. Allen said this money will go into the Capital line for emergencies and other capital needs potentially for East Lincoln but for other needs as well. He said his desire and recommendation would be that this money be earmarked for East Lincoln, but this would be decided by the Board of Education.

UPON MOTION by Commissioner McCall, the Board voted unanimously to decline the East Lincoln High School surplus property.

Public Hearing – Debt Financing of the new Emergency Management Facility:

Deanna Rios presented the following:

PUBLIC HEARING

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the “Board”) should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$23,000,000 for the purpose of financing the acquisition, construction and equipping of a new emergency services facility that would include, among other things, administration and field staff for Emergency Medical Services, Emergency Management and the Fire Marshall and under which the County would secure the repayment by it of moneys advanced pursuant to such contract by granting a lien on the property financed.

The Chairman announced that the notice of the public hearing was published in the Lincoln Times-News at least ten days before August 16, 2021.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract, pursuant to or who responded in writing to the notice of public hearing, are as follows:

After the Board had heard all persons who had requested to be heard, Commissioner Sigmon moved that the public hearing be closed. The motion was seconded by Commissioner McCall and was unanimously adopted.

* * *

Commissioner McCall introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION MAKING CERTAIN FINDINGS AND APPOINTMENTS AND REQUESTING APPROVAL OF THE LOCAL GOVERNMENT COMMISSION

WHEREAS, Davenport & Company LLC (“Davenport”), on behalf of the County, has distributed a Request for Proposals to secure a bank commitment for the installment financing of certain capital projects for the County, and the County has accepted the proposal of Truist Bank; and

WHEREAS, in order to secure required approval of the financing by the Local Government Commission of North Carolina, the County must make certain findings and must hold a public hearing;

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

1. The Board hereby finds and determines in connection with the proposed installment financing contract that (a) such proposed contract is necessary or expedient to the County, (b) such proposed contract, under current circumstances, is preferable to a general obligation bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed contract are adequate and not excessive for their proposed purpose, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) no increase in taxes will be necessary due to the proposed contract and (f) the County is not in default regarding any of its debt service obligations.
2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed contract under Article 8 of Chapter 159 of the General Statutes of North Carolina. The Board appoints Davenport as financial advisor and Robinson Bradshaw & Hinson P.A. as special counsel for the transaction.
3. This Resolution shall become effective immediately upon its adoption.

Commissioner Sigmon seconded the motion and the motion was adopted by the following vote:

AYES: Mitchem, Davis, McCall, Sigmon

NAYS: N/A

Approval of Revised Inter-local Agreement with the City of Lincolnton for Code Enforcement Services: Andrew Bryant presented the following:

The City of Lincolnton requested several revisions to the current inter-local agreement including amendments to Section I(A) 2. to add abandoned Structure Ordinance Violations. Also added Section I (G) and I. (H) to clarify responsibility.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Revised Inter-local Agreement with the City of Lincolnton for Code Enforcement Services.

Request from Sheriff's Department to Change (3) Detention Officer Positions that were approved in the FY22 Budget in Position Control to Deputy Sheriff Positions: Candy Stevens presented the following:

The Sheriff Department is requesting that (3) Detention Officer Positions that were approved for the FY22 Budget be changed in Position Control to a Deputy Sheriff positions and revised in the Budget Ordinance at a later date.

The request is to reclassify (3) Detention Officer positions to Deputy Sheriff positions. With the growth of the county leading to a new and expanded courthouse there is also the need to expand the manpower at the courthouse. The bailiff position is in charge of providing security and maintaining the day-to-day flow of civilians while allowing the court system to handle business as it relates to the criminal element

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the request that (3) Detention Officer Positions that were approved for the FY22 Budget be changed in Position Control to Deputy Sheriff positions and revised in the Budget Ordinance at a later date.

Request from Sheriff's Department to change Position #2324 Deputy Sheriff be changed in Position Control to a Deputy Sheriff Detective and revised in the Budget Ordinance at a later date: Candy Stevens presented the following:

The Sheriff Department is requesting that Position #2324 Deputy Sheriff be changed in Position Control to a Deputy Sheriff Detective and revised in the Budget Ordinance at a later date.

The request is to reclassify position #2324 currently (Deputy Sheriff) to a Deputy Sheriff Detective. With the continual increase of drugs that are being bought and sold throughout Lincoln County, it is imperative that we add to the specialized enforcement of the same, to help in deterring and arresting the perpetrators where it may lead to successful prosecutions

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the request that Position #2324 Deputy Sheriff be changed in Position Control to a Deputy Sheriff Detective and revised in the Budget Ordinance at a later date.

Request from Facilities Management to reclassify #1002 Part-Time Retirement Building Attendant and position #2163 Part-time Facilities Service Worker to one Full-time position – Facilities Service Worker in Position Control and revised in Budget Ordinance at a later date: Candy Stevens presented the following:

Facilities Management is requesting that position #1002 Part-Time Retirement Building Attendant and position #2163 Part-time Facilities Service Worker be reclassified to one Full-time position – Facilities Service Worker, with the Budget Ordinance revised at a later date.

With the upcoming additional facility additions, reclassifying the (2) part-time positions gives a better opportunity to fill the full-time position and provide building service coverage in the new buildings.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the request from Facilities Management to reclassify #1002 Part-Time Retirement Building Attendant and position #2163 Part-time Facilities Service Worker to one Full-time position – Facilities Service Worker in Position Control and revised in Budget Ordinance at a later date.

FY 2022 Home and Community Care Block Grant (HCCBG) for Older Adults: Kathryn Saine presented the following:

Lincoln County Senior Services is requesting approval of the FY 22 HCCBG Funding Plan so both the Senior Center and DSS can continue to offer targeted programs and services to the residents of Lincoln County 60 years or older. This grant has a 10% county match, which was part of the proposed FY 22 County budget.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve and accept the FY 2022 Home and Community Care Block Grant (HCCBG) for Older Adults.

Purchase of three remount Type II GMC Cutaway Chassis from the HGAC Cooperative Purchasing Contract from Northwestern Emergency Vehicles in the amount of \$296,262 (\$98,745 each) and allow for the trade in of old ambulance chassis: Ron Rombs presented the following:

The Commissioners approved money in the capital improvement account for the purchase of three remount Type III GMC Cutaway Chassis. This purchase shall be from the HGAC Cooperative Purchasing Contract. These units will be equipped with newly required environmental temperature controlled units for medication storage and includes upgrade for new stretcher mounting system.

These units will be identical to the rest of the fleet and will replace three of the aging apparatus. These ambulances will be purchased from Northwestern Emergency Vehicles. All of the ambulances purchased in the past 21 years have been from NWEV and are identical. Northwestern is based in West Jefferson, North Carolina and offers superior customer service and support.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the HGAC Coop Contract purchase of three remount Type II GMC Cutaway Chassis from the HGAC Cooperative Purchasing Contract from Northwestern Emergency Vehicles in the amount of \$296,262 (\$98,745 each) and allow for the trade in of old ambulance chassis.

Purchase of six Lifepak 15 Monitor/Defibrillators from Stryker Medical in the amount of \$121,011.12 and allow for trade in of old devices: Ron Rombs presented the following:

The Commissioners approved money in the capital improvement account for the purchase of six Lifepak 15 Monitor/Defibrillators. This purchase shall be a sole source from Stryker Medical. These units will be replacing outdated version 1 and 2 defibrillators that are obsolete.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve the purchase of six Lifepak 15 Monitor/Defibrillators from Stryker Medical in the amount of \$121,011.12 and allow for trade in of old devices.

Approval for construction services for rehabilitation of pump station #7. Public Works is requesting approval to enter into a contract with Brushy Mountain Builders, Inc. for construction services for the rehabilitation of Pump Station #7 – Chris Henderson presented the following:

Lincoln County Public Works is requesting approval to enter into a contract with Brushy Mountain Builders, Inc. to construct the rehabilitation of Pump Station #7 for a Lump Sum \$336,000.00. Pump Station #7 are subject to high levels of hydrogen sulfide due to low pressure sewer. The hydrogen sulfide has greatly deteriorated the concrete wetwells, discharge piping, valves, pump rails, and related appurtenances. The deterioration has reduced the integrity of the stations. As recommended by WK Dickson, the engineers for the project, Public Works is requesting approval to award the contract for construction to Brushy Mountain Builders, Inc.

Mr. Henderson requested that the Board of Commissioners authorize the Chairman to execute a contract with Brushy Mountain Builders, Inc. for construction services for \$ 336,000.00.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve and authorize the Chairman to execute a contract with Brushy Mountain Builders, Inc. for construction services for \$ 336,000.00.

Proposal from UNC School of Government Development Finance Initiative for services related to the future use of the County Courthouse building and associated property in downtown Lincolnton – Joshua Grant presented the following proposal from UNC School of Government Development Finance Initiative for services related to the future use of the county courthouse building and associated property in downtown Lincolnton.

The Board has directed staff to work with UNC on a proposal with two options for services. One for feasibility and one for pre-development. The City of Lincolnton will consider the proposal at their September 2nd council meeting.

There are two options outlined in the proposal. This item was not originally included in the FY22 budget due to the committee's work concluding in June. The fee for service is to be split on a 50/50 basis with the City of Lincolnton.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Option 2 – the Full Pre-Development Services at a cost of \$79,700, half paid by the County and half paid by the City of Lincolnton.

Public Comments: Chairman Mitchem opened Public Comments. Being no speakers, Chairman Mitchem closed Public Comments

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Kelly Atkins stated that The Board will have a workshop on September 20 at 4:00 PM to discuss property acquisition. Discussions continue with Duke concerning the play beach. FY23 Budget Manual and Prep Calendar has been sent out to staff.

County Commissioners' Report: Commissioner McCall reported on her attendance at the NCACC Conference, where she was the voting delegate for Lincoln County.

Commissioner Davis reported that the Cultural Center managed their first event at the Citizens Center with the Apple Queen Pageant. She said there will be budget requests concerning updates to the lighting in the facility.

Commissioner Sigmon said he attended the McGuire Nuclear practice and is proud of the county employees involved with this. He commended everyone involved with this event.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners