

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 20, 2021**

The Lincoln County Board of County Commissioners met on September 20, 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  
Bud Cesena

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
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, September 20, 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 – September 13, 2021
  - b. Tax Request for Releases- July 16 – August 15, 2021

- c. 2022 Holiday Schedule
  - d. Performance Guarantee Carolina Ridge (Trilogy Lake Norman) Parcel E/K Phase 1
  - e. Performance Guarantee - Carolina Ridge (Trilogy Lake Norman) Parcel E/K Phase 2
  - f. Performance Guarantee - Carolina Ridge (Trilogy Lake Norman) Ellicott Rock Parcel B/C
3. Planning Board Recommendations – Jeremiah Combs
  4. Public Hearing – NCDOT 5310 Purchase of Service Transportation Grant Funds – Kathryn Saine
  5. Public Hearing – NCDOT 5311 Grant Funds – TLC – Andrew Bryant
  6. Public Hearing – CDBG Grant Opportunity to assist Amy’s House – Deanna Rios
  7. Request from Communications for an Additional Telecommunicator 1 (Temporary Part-time for remainder of FY22 Budget Year – Candy Stevens and Bill Gibbs
  8. Request from the Health Department to add a new position “Substance Use Prevention Coordinator” – Candy Stevens, Davin Madden, and Tony Carpenter
  9. Approval of Contract for Purchase of New Election Equipment – Bradley Putnam
  10. Public Comments
  11. Finance Officer’s Report
  12. County Manager’s Report
  13. County Commissioners’ Report
  14. County Attorney’s Report
  15. Vacancies/Appointments
  16. Other Business
- Information only – no action needed
- Register of Deeds Report
  - Property Tax Collection Report

Adjourn

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

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

- a. Approval of Minutes – September 13, 2021
- b. Tax Request for Releases- July 16 – August 15, 2021
- c. 2022 Holiday Schedule
- d. Performance Guarantee Carolina Ridge (Trilogy Lake Norman) Parcel E/K Phase 1
- e. Performance Guarantee - Carolina Ridge (Trilogy Lake Norman) Parcel E/K Phase 2
- f. Performance Guarantee - Carolina Ridge (Trilogy Lake Norman) Ellicott Rock Parcel B/C

**Planning Board Recommendation:** Randy Hawkins presented the following:

**PD #2016-10-A Real Estate Development Partners, LLC** (Parcel ID# 90176) A request to amend the master plan for a PD-C (Planned Development-Commercial) district to permit a 12,070-square-foot retail store on a 1.9-acre portion of 6.2-acre tract approved for an office park. The subject property is located on the north side of Cresset Dellinger Road between N.C. 16 Business and North Pilot Knob Road in Catawba Springs Township. The Planning Board voted 5-3 to recommend disapproval.

Chairman Mitchem said with the deliberations, salaries and other items should not have been included in the decision.

**A MOTION** by Commissioner Davis, to approve staff’s Statement of Consistency and Reasonableness: This proposed amendment is consistent with the Lincoln County Land Use Plan and other adopted plans in that: This property is part of an area designated by the Land Use Plan as Walkable Activity Center. This residential development will be part of a larger network of residential and commercial uses with integrated vehicular and pedestrian access. This proposed amendment is reasonable in that: These amendments do not increase the density of the residential development. The second access off Highway 16 will provide two emergency access routes and approve PD #2016-10-A as recommended by staff.

**VOTE: 2 – 3**            **AYES: Davis, Mitchem**  
**NOES: Sigmon, McCall, Cesena**

A **MOTION** by Commissioner McCall to adopt the Planning Board’s Statement of Consistency and Reasonableness and to deny PD #2016-10-A as recommended by the Planning Board.

**VOTE: 3 - 2**            **AYES: Sigmon, McCall, Cesena**  
**NOES: Davis, Mitchem**

A **MOTION** by Commissioner McCall to deny PD #2016-10-A based on the Statement adopted.

**VOTE: 3 - 2**            **AYES: Sigmon, McCall, Cesena**  
**NOES: Davis, Mitchem**

**PD #2021-3 Springs at Westport Club, LLC** (Parcel 93583) A request to amend the master plan for a conditional zoning district for attached and detached residential development that was approved in 2006. The proposed amendments include adding another point of access from N.C. 16 Business and reducing the setback of the attached housing portion of the development closest to the adjoining properties on N.C. 16 Business and Ron Howard Lane. The subject property is located on the east side of N.C. 16 Business near the end of Ron Howard Lane in Catawba Springs Township. The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to adopt an Alternate Statement of Consistency and Reasonableness

This proposed amendment **is consistent** with the Lincoln County Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Land Use Plan as Walkable Activity Center. This residential development will be part of a larger network of residential and commercial uses with integrated vehicular and pedestrian access.

This proposed amendment **is not reasonable** in that:

The amendments to the plan encroaches closer towards adjacent development. Furthermore, the additional access points to NC16 without an access to Golf Course Dr creates an unacceptable Level of Service on NC16 that does not meet the standards of the Unified Development Ordinance.

A **MOTION** by Commissioner Cesena to deny PD #2016-10-A based on the Statement adopted.

**VOTE: 4 - 1**            **AYES: Davis, McCall, Cesena, Mitchem**

**NOES: Sigmon**

**Public Hearing – NCDOT 5310 Purchase of Service Transportation Grant Funds:** Kathryn Saine presented the following:

This agenda item is for a FY23 NCDOT Purchase of Service Transportation Grant. This project will help increase transportation funds for individuals who are 65 and older or individuals with disabilities or do not qualify for Medicaid. Received same funding for 2017-2018/2018-2019/2019-2020/2020-2021/2021-2022. The grant has a 20% match, which will come from a Block Grant.

Chairman Mitchem opened the public hearing concerning the FY23 NCDOT Purchase of Service Transportation Grant. Being no speakers, Chairman Mitchem declared the public hearing closed.

**HUMAN SERVICE AGENCY TRANSPORTATION RESOLUTION**

**State Funds**

**FY 2023 RESOLUTION**

**Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for Human Service Transportation funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances, and the required local match.

A motion was made by (*Board Member's Name*) Commissioner Sigmon and seconded by (*Board Member's Name or N/A, if not required*) N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, the funds applied for may be Administrative, Operating, Planning or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may only apply for funding for “purchase-of-service” projects under the Section 5310 program

WHEREAS, (*Legal Name of Applicant*) **Lincoln County Senior Services** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the North Carolina Department of Transportation;

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)\* **County Manager of Lincoln County** of (*Name of Applicant's Governing Body*) **Kelly G. Atkins** is hereby authorized to submit a grant application for state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)\* **Amy S. Atkins** (*Certifying Official's Title*) **Clerk to the Board** do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) **Lincoln County Board of Commissioners** duly held on the 20th day of September, 2021.

**Public Hearing – NCDOT 5311 Grant Funds - TLC:** Andrew Bryant presented the following:

Transportation Lincoln County is in the process of applying for their FY23 grants with NCDOT. A public hearing is required to solicit comments prior to Board approval.

Chairman Mitchem opened the public hearing concerning the FY23 NCDOT 5311 Grant Funds. Being no speakers, Chairman Mitchem declared the public hearing closed.

## **PUBLIC TRANSPORTATION PROGRAM RESOLUTION**

### **FY 2023 RESOLUTION**

**Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) Commissioner Cesena and seconded by (*Board Member's Name or N/A, if not required*) N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital Purchase of Service budget, Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) **Transportation Lincoln County** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)\* **County Manager** of (*Name of Applicant's Governing Body*) **Lincoln County** is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I (*Certifying Official's Name*)\* Amy S. Atkins (*Certifying Official's Title*) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Lincoln County Board of Commissioners duly held on the 20th day of September, 2021.

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*Signature of Certifying Official*

**Public Hearing – CDBG Grant Opportunity to assist Amy's House**

Deanna Rios and James Luster presented the following:

The County has an opportunity to apply for a CDBG grant to assist Amy's House. Amy's House is a battered women's shelter in Lincoln County. The grant opportunity is being offered by the NC Department of Commerce, and will be managed by the Centralina COG. There is no cost to the County for this grant application.

No action is necessary tonight, there will be another public hearing before the Grant can be approved.

**Request from Communications for an Additional Telecommunicator 1 (Temporary Part-time for remainder of FY22 Budget Year):** Candy Stevens and Bill Gibbs presented the following:

Communications is requesting an additional Telecommunicator 1 (Temporary Part-time for remainder of FY22 Budget Year) and to be revised in the Budget Ordinance at a later date. The E 911 center currently has 4 open positions and 1 on Medical Disability, 2 employees on FMLA. This has posed a significant impact on the staffing for the 911 center.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the request for an additional Telecommunicator 1 (Temporary Part time for the remainder of the FY22 Budget Year) and revise in the Budget Ordinance at a later date.

**Request from Health Department to add a new position “Substance Use Prevention Coordinator” and revised in the Budget Ordinance at a later date:** Candy Stevens, Tony Carpenter, and Davin Madden presented the following:

To continue to expand the resources in Lincoln County which can battle the affects and lessen the impact of addiction by continuing to enhance community collaboration, expand funding streams to offset gaps in services, and manage the effort all involved effectively. Substance Use Addiction affects nearly every family in our community. It affects our county economically, socially, and increases demands on our society and services provided. More people are becoming addicted to various substances, both legal and illegal. This issue will continue to have a fatal impact if not addressed and having a person focused on that effort can push this forward.

There is no budget impact, no additional county expense is requested. Budget: Each year Lincoln County is required by NC Statute 122C-2 and 122C-115 to invest a percentage of Maintenance of Effort funding into the Mental Health, Individuals with Developmental Disabilities and Substance Abuse system. These dollars are received by Partners Health Management and are to be reinvested in Lincoln County to enhance services in these areas. When these dollars are not fully expended during a budget cycle they roll over to County MOE Fund Balance at Partners. All of the dollars to fund this position, overhead and startup cost will come from these MOE dollars so no additional county expense is requested.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the request from the Health Department to add a new position “Substance Use Prevention Coordinator” and revise in the Budget Ordinance at a later date.

**Approval of Contract for Purchase of New Election Equipment:** Bradley Putnam presented the following:

The request is for approval of a contract for replacing equipment to meet ADA requirements. This equipment allows visual and hearing impaired citizens to vote. Current ADA equipment (Automarks) are over fifteen years old. Equipment weighs over ninety pounds with replacements weighing a little over ten pounds.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Contract, up to \$105,000, with ES&S for the purchase of new Elections equipment as presented.

**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 Duke Recreation Beach Agreement will be on the October 18 agenda. The first budget retreat will be held in January. He said Friday, Chairman Mitchem, Commissioner Cesena, and LEDA met with Bosch. An announcement will be made soon concerning this meeting.

**Vacancies: UPON MOTION** by Commissioner Cesena, the Board voted unanimously to make the following appointments:

Appointments:

- **Transportation Advisory Board**
  - Appoint
    - Ron Rombs
    - Carly Thorpe
    - Benjamin Birkowitz
    - Crystal Watson
    - Lou Burgess
    - Cliff Brumfield
    - Susan Bre Griffin
    - Andrew Bryant
    - Hayley Moses
    - Kathryn Saine
    - Darlene Hollar
    - Jo-Ellen Carsley
    - Alex Patton
    - Kristal Ford
  
- **Community Friends Corporation**
  - Appoint Lauren Heavner
  
- **Historic Properties Commission**
  - Appoint Darryl Saunders

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners