

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 1, 2021**

The Lincoln County Board of County Commissioners met on February 1, 2021, at the Commissioners Room, 353 N. Generals Blvd., Lincolnton, at 6:30 PM.

Commissioners Present:

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

Others Present:

Kelly G. Atkins, County Manager
Josh Grant, Programs Manager
Amy S. Atkins, Clerk to the Board
Deanna Rios, Finance Director
Candy Burgin, HR Director

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 1, 2021
6:30 PM**

**Lincoln County Administration Building
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

- Approval of Minutes – January 11, 2021
- Resolution #2021-1: A Resolution Awarding Service Weapon to Deputy Sheriff Robert Wayne Hooks
- Resolution #2021-2: A Resolution Awarding Service Weapon to 1st Sergeant Sheldon Scott Burnham

3. ~~Appointments and Oath Administration~~

4. ~~Zoning Public Hearing – Randy Hawkins~~

Legislative Case:

~~CZ #2021-1 John and Carolyn Prime, applicants (Parcel ID# 02291) A request to rezone a 0.87-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 1656 N. NC 16 Business Hwy., on the east side of N.C. 16 Business at Galway Lane, in Catawba Springs Township.~~

5. Resolution #2021-3: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens – Susan Sain
6. Resolution #2021-4: Lincoln County Board of Commissioners Resolution for Election of Lincoln County Board of Education Members Requesting Partisan Filing and Identification of Each Candidates' Party Affiliation
7. Request to Amend the Current Lincoln County Personnel Policy by adding a Extended Duty Pay for Exempt Employees In Article VI, Section 20 Severe Weather and Emergency Conditions of the Lincoln County Personnel Policy – Candy Burgin
8. Public Comments
9. Other Business
10. Closed Session Pursuant to § 143-318.11(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.
 - (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Adjourn

Commissioner Cesena announced that the zoning case on the agenda tonight has been postponed at the request of the applicant. He also mentioned that the joint meeting with the Board of Education tomorrow has been cancelled and will be rescheduled.

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

Chairman Mitchem thanked everyone for the phone calls, texts, emails on behalf of the Mitchem family in the passing of his mother.

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

- Approval of Minutes – January 11, 2021
- Resolution #2021-1: A Resolution Awarding Service Weapon to Deputy Sheriff Robert Wayne Hooks
- Resolution #2021-2: A Resolution Awarding Service Weapon to 1st Sergeant Sheldon Scott Burnham

Appointments: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to appoint Mr. George Mull to the Planning Board – At Large.

Resolution #2021-3: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens: Susan Sain presented the Resolution and requested the Board’s approval. Pursuant to NCGS 105.369(a), the amount of delinquent 2020 taxes which are a lien on real estate property is \$3,692,703.74. A complete listing of these delinquent taxes is on file at the Lincoln County Tax Department.

Upon receipt of this statement, the governing board must order advertising of the unpaid delinquencies. It is our recommendation that this advertisement appear one (1) time between March 1 and June 30, 2021, as required per NCGS 105.369 (a), In the Lincoln Times News, Lincoln Herald, and the Denver Citizen. This delinquent list will also be posted in the Lincoln County Courthouse upon approval by the board.

Resolution #2021-3: A RESOLUTION ORDERING THE ADVERTISING OF DELINQUENT REAL ESTATE PROPERTY TAX LIENS

THAT WHEREAS, NCGS 105.369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published one (1) time between March 1 and June 30; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property.

Passed and adopted this the 1st day of February 2021.

BY: _____
Carrol Mitchem, Chair
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Resolution #2021-3: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens and to continue to advertise in all 3 local newspapers as done previously.

Resolution #2021-4: Lincoln County Board of Commissioners Resolution for Election of Lincoln County Board of Education Members Requesting Partisan Filing and Identification of Each Candidates' Party Affiliation: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Resolution #2021-4 as presented.

**RESOLUTION #2021-4: LINCOLN COUNTY BOARD OF COMMISSIONERS
RESOLUTION FOR ELECTION OF LINCOLN COUNTY BOARD OF EDUCATION
MEMBERS REQUESTING PARTISAN FILING AND
IDENTIFICATION OF EACH CANDIDATES' PARTY AFFILIATION**

WHEREAS, members of the Lincoln County Board of Education are elected in non-partisan elections defined in North Carolina General Statute 115C-37;

WHEREAS, the majority of elected offices throughout our state and nation are elected on a partisan basis;

WHEREAS, researchers have found that some individuals elected, or running for elected office, in nonpartisan contests actually express more polarized views than those individuals elected, or running for elected office, in partisan elections;

WHEREAS, it is our belief that public education is an issue in which political parties differ greatly in a variety of policy areas, and that the voters of Lincoln County are better served when they have the opportunity to vote for a candidate who shares their basic core values and identification, based on their political party;

WHEREAS, it is our belief that individuals become members of political parties because the party represents the views of the candidate toward government, and toward public education; and

WHEREAS, other counties in North Carolina have made the transition to partisan contests for Board of Education races; and

WHEREAS, it is our belief that the identification of candidates' political party affiliation will provide voters with more information about the positions and policies the candidates support; and

WHEREAS, we support the transition to partisan Board of Education elections; and

BE IT RESOLVED, that the Lincoln County Board of Commissioners formally requests the North Carolina General Assembly enact a Local Act changing the election method for the Lincoln County Board of Education, and further stating that members of the Lincoln County Board of Education shall be elected in elections conducted on a partisan basis, as provided in G.S. 163-291. Furthermore, stating that any vacancies for members elected in 2022 and thereafter shall be filled as provided in G.S. 115C-37.1; and

FURTHER BE IT RESOLVED, that the Local Act shall not affect the terms of office of any person elected in the 2018 or 2020 elections to the Lincoln County Board of Education, and said members elected in 2018 or 2020, or any member appointed by the remaining members of the Board to fill a vacancy of a member elected in 2018 or 2020, shall serve until a successor has been elected and qualified;

Adopted this the ____ day of _____, 2021.

Attest:

Amy Atkins
Clerk to the Board

Carrol Mitchem, Chairman of the
Lincoln County Board of Commissioners

Request to Amend the Current Lincoln County Personnel Policy by adding a Extended Duty Pay for Exempt Employees In Article VI, Section 20 Severe Weather and Emergency Conditions of the Lincoln County Personnel Policy: Candy Burgin presented the following:

This is a request to amend the current Lincoln County Personnel Policy by adding Extended Duty Pay for Exempt Employees In Article VI, Section 20 Holiday and Leave; Severe Weather and Emergency Conditions.

The request is to provide compensation to Lincoln County exempt personnel that are approved by the County Manager and assigned to work more than 80 hours in a two week period; and work that is directly related to COVID-19 in a health-care capacity. The primary objective of this revision is to provide additional compensation when an employee is needed to manage and/or expedite progressive measures to promote health in Lincoln County during the COVID-19 pandemic is needed to manage and/or expedite progressive measures to promote health in Lincoln County during the COVID-19 pandemic.

Ms. Burgin said the original request was to allow retro back pay, but after discussions with the County Attorney, it does not seem this is allowed.

Mr. Deaton responded that it is permissible for the Board to grant bonuses for overtime for retention purposes, but the Board does not have the authority to do it after the fact. He said in that case, the Board would be granting for something already worked and contracted for so it is a gratuity. He said the Board can do this going forward but not retroactive.

Commissioner Davis asked how many employees this would cover. Ms. Burgin said this would cover all the School Health Nurses and some other employees assigned to work the Covid Pandemic. She estimated 20 employees would be included.

Mr. Atkins said this has been a grueling situation for all healthcare workers. He said they are trying to allow the exempt employees working to be paid for that time, considering they will be continuing this for the foreseeable future. This is very narrowly defined who qualifies and is an attempt to address a specific need during a Pandemic.

Ms. Burgin said these employees will receive comp time for the time worked. She said this could be effective starting today.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt Resolution #2021-5 effective February 1, 2021.

RESOLUTION NO. 2021-05

**RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY
WITH RESPECT TO THE SEVERE WEATHER AND EMERGENCY CONDITIONS**

WHEREAS, the Lincoln County Personnel Policy adopted by Resolution of the Board of Commissioners in 2005 and made effective September 1, 2005, contains provisions regulating the Severe Weather and Emergency Conditions Section, and

WHEREAS, the Board believes that it is necessary and desirable to amend the existing provisions in the Personnel Policy Article VI Section 20 Severe Weather and Emergency Conditions to add Severe Weather and Emergency Conditions Section,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

The primary revisions are listed below:

1. Addition of Article VI, Section 20 titled "Severe Weather and Emergency Conditions".

Lincoln County is proposing the adoption of a "Severe Weather and Emergency Conditions" in all policy revisions.

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2021.

LINCOLN COUNTY

By: _____
Carrol Mitchem, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board of Commissioners

**LINCOLN COUNTY
PERSONNEL POLICY MANUAL**

ARTICLE VI. HOLIDAYS AND LEAVE

Section 20. Severe Weather and Emergency Conditions D. Compensation

Employees are categorized as exempt or non-exempt in the Lincoln County Classification Plan.

1. Essential Non-Exempt Employees: An essential non-exempt employee who is required to report to work during a period of severe weather or emergency conditions will receive their base rate of pay/normal compensation for work performed. FLSA overtime rules apply. Overtime is to be compensated as direct pay and requires the approval of the employee's department director prior to overtime being worked.
2. Essential Exempt Employees: The County Manager may authorize the award of administrative leave for an essential exempt employee who responds to a severe weather or other emergency event, and works beyond the expected hours for the position. The awarding of administrative leave in such case is intended to be compensation for working extended periods beyond the regular schedule, and not for trivial amounts of time (i.e. less than three or four hours in a week). Such administrative leave must be used within six months or it is forfeited. In the event of a Disaster Declaration that authorizes FEMA reimbursement, the County Manager may authorize overtime compensation for essential exempt employees, provided such overtime is eligible for reimbursement.
3. Non-Essential Employees will not forfeit pay for regularly-scheduled work hours missed due to official closing, delay, or cancellation, nor will they be required to make up the work time or report such time as accrued leave. When Non-Essential Employees report for work to support the necessary operations of County Government during a period of severe weather or emergency conditions, they will receive their base rate of pay. FLSA overtime rules will apply. Overtime will be compensated as direct pay and requires the approval of the employee's department director prior to being worked.
4. **EXTENDED DUTY PAY FOR EXEMPT EMPLOYEES-**

When the County Manager determines that external circumstances create an extraordinary situation or event that threatens the operations of the County, require increased health or safety related services, or places the residents of Lincoln County at risk, the County Manager may authorize a department to offer exempt employees additional pay on a straight-time basis for work that requires additional hours beyond the regular work schedule. The additional work must be pre-scheduled and pre-authorized by the department. The number of extended duty hours will be limited to no more than 20 hours per week unless authorized by County Manager. What constitutes external circumstances that create an extraordinary situation or event is in the sole discretion of the County Manager. Examples of extraordinary situations or events include, but are not limited to, natural disasters, disease or infection outbreaks, and external attacks on County facilities or equipment. Exempt employees performing Extended Duty must perform their normal duties or other duties qualifying as exempt under the FLSA. Exempt employees performing Extended Duty shall not perform solely non- exempt duties as part of their primary duties except as allowed by law. The County Manager may also authorize Extended Duty Pay when the Board of County Commissioners declares a state of emergency in Lincoln County.

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

Chairman Mitchem welcomed former County Commissioner Terry Brotherton and thanked him for attending.

Commissioner Sigmon expressed his condolences in the passing of Carrol Mitchem's mom saying his prayers are with him and his family.

Other Business: Commissioner Cesena said it was a privilege to attend a Boy Scout meeting at Denver United Methodist Church, which he really enjoyed. He said they will have some Eagle Scouts coming before the Board soon.

Closed Session UPON MOTION by Commissioner McCall, the Board voted unanimously to enter Closed Session pursuant to § 143-318.11(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. (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Chairman Mitchem announced that no action was taken in Closed Session.

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