

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 19, 2019

The Lincoln County Board of County Commissioners met on August 19, 2019, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair
Richard Permenter, Vice Chair
Milton Sigmon
Bud Cesena

Commissioners Absent:

Anita McCall

Others Present:

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

Call to Order: Chairman Mitchem called the August 19, 2019 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, August 19, 2019
6:30 PM

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

Call to Order - Chairman Carrol Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

1. Tax Requests for Releases - More than \$100 - June 16 - July 19, 2019
2. Surplus Property
3. Denver Christmas Parade as County Sponsored Event
4. Waived Fees - United Way Annual Meeting
5. Approval of Minutes - August 5, 2019
6. American Legion Proclamation
7. Proclamation – Childhood Cancer Awareness Month
3. Planning Board Recommendations - Jeremiah Combs
4. Performance Guarantees - Jeremiah Combs
 - Performance Guarantee Extension for Trilogy Parcel D, Phase 2
 - Performance Guarantee for Melwood
 - Performance Guarantee for Kinsley Phase 1
5. Recognition of Lincoln County Schools State Champions
 - West Lincoln High Wrestling Team
 - North Lincoln High Baseball Team
 - North Lincoln High Cross Country Track Men
 - North Lincoln High Outdoor Track
6. Presentation - Proclamation - Childhood Cancer Awareness Month - September 2019
Presentation – American Legion Proclamation
7. Road Name Public Hearing - Morning Glory Lane - Netta Anderson
8. Road Name Public Hearing - Belleau Wood Trail - Netta Anderson
9. FY 2020 Home and Community Care Block Grant (HCCBG) for Older Adults - Kathryn Saine
10. Public Comments
11. Approval of HGAC Coop Contract Purchase of 3 Ambulance Remounts from Northwestern Emergency Vehicle in the amount of \$287,622 (\$95,874 each) and allow for trade in of old ambulance chassis - Ron Rombs
12. Approval of Sole Source Purchase of five Lucas Chest Compression Systems in the amount of \$317,129.90 - Ron Rombs
13. FY 2021 Community Transportation Program Grant and Consolidated Capital Application - Ron Rombs
14. Approval of TAB (Transportation Advisory Board) Membership - Ron Rombs
15. Approval of TLC Safety and Security Plan - Ron Rombs
16. State Transportation Improvement Prioritization and Programming Process - Dean Ledbetter, PE, NCDOT
17. Discussion of Additional Grading to Correct Issues of Rescue Squad Park in the Location of the Proposed Dog Park - John Henry
18. Approval of Surplus and Sale of Timber of Approximately 12 acres located on John

Howell Memorial Drive - John Henry

19. Finance Officer's Report - Deanna Rios
20. County Manager's Report
21. County Commissioners' Report
22. County Attorney's Report
23. Vacancies/Appointments
24. Calendar
25. Other Business

Information Only - No Action Needed
- Register of Deeds Report
- Property Tax Collection Report

- 25a Closed Session pursuant to NCGS § **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.

Adjourn

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the agenda as amended, adding Item 25a – Closed Session.

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

1. Tax Requests for Releases - More than \$100 - June 16 - July 19, 2019
2. Surplus Property
3. Denver Christmas Parade as County Sponsored Event
4. Waived Fees - United Way Annual Meeting
5. Approval of Minutes - August 5, 2019
6. American Legion Proclamation
7. Proclamation – Childhood Cancer Awareness Month

Planning Board recommendations: Jeremiah Combs presented the following:

CUP #407 D Block Metals, LLC, applicant (Parcel ID# 00464) A request for a conditional use permit to process metals in the I-G (General Industrial) district. The 11-acre parcel is

located at 1808 Indian Creek Road, on the northwest corner of Indian Creek Road and Kawai Road about 500 feet west of Riverview Road, in Lincolnton Township. The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve CUP #407 D Block Metals, LLC., applicant based on the findings of fact approved by the Planning Board.

CUP #408 Darin Henley, applicant (Parcel ID# 59082, 78670 and 81545) A request for a conditional use permit to host weddings and other events in the R-T (Transitional Residential) district. An existing barn would be used to host events, with a parking area on an adjoining tract. The request involves a 7.1-acre site located at 4405-4461 Henry Dellinger Road, on the west side of Henry Dellinger Road about 250-850 feet south of N.C. 150, in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #408 – Darin Henley, applicant based on the findings of fact approved by the Planning Board.

CUP #409 Lake Vision Development, LLC (Parcel ID# 33039) A request for a conditional use permit to develop a self-storage facility in the Eastern Lincoln Development District (ELDD) in the I-G (General Industrial) district. The proposed 2.6-acre site is located on the west side of N.C. 16 Business about 300 feet north of Commerce Drive in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #409 – Lake Vision Development, LLC, applicant based on the findings of fact approved by the Planning Board.

CUP #238-A2 James Pirog, applicant (Parcel ID# 33038) A request to amend a conditional use permit for a kennel to allow the addition of a 2,400-square-foot building.

The 1.3-acre parcel is located at 1587 N. NC 16 Business Hwy., on the west side of N.C. 16 Business about 450 feet north of Commerce Drive.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CUP #238-A2 – James Pirog, applicant based on the findings of fact approved by the Planning Board.

CZ #2019-6 David Turner, applicant (Parcel ID# 52767) A request to rezone a 1.6-acre parcel from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales and vehicle service. The property is located at 661 N. NC 18 Hwy., on the west side of N.C. 18 about 250 feet north of the southern intersection of N.C. 18 and N.C. 10, in North Brook Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the statement of consistency and reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CZ #2019-6 – David Turner, applicant based on the statement of consistency and reasonableness approved by the Planning Board

Performance Guarantees: Jeremiah Combs presented the following:

Performance Guarantee Extension for Trilogy Parcel D, Phase 2

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Performance Guarantee Extension for Trilogy Parcel D, Phase 2 as presented.

Performance Guarantee for Melwood

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve Performance Guarantee for Melwood as presented.

Performance Guarantee for Kinsley Phase 1

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Performance Guarantee for Kinsley Phase 1 as presented.

Recognition of Lincoln County Schools State Champions: The Board recognized the West Lincoln High School Wrestling Team, the North Lincoln High Baseball Team, the North Lincoln High Cross Country Track Men, and the North Lincoln High Outdoor Track as 2018-2019 2A State Champions.

Presentation of Proclamations:

Chairman Mitchem presented a Proclamation to Michelle Love for Childhood Cancer Awareness Month. A Proclamation was also presented to the American Legion for Centennial Community Month.

Road Name Public Hearing – Morning Glory Lane: Netta Anderson presented information concerning the road name Morning Glory Lane.

Chairman Mitchem opened the public hearing concerning the road name Morning Glory Lane. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the road name Morning Glory Lane.

Road Name Public Hearing - Belleau Wood Trail: - Netta Anderson presented information concerning Belleau Wood Trail.

Chairman Mitchem opened the public hearing concerning the road name Belleau Wood Trail. Being no speakers, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the road name Belleau Wood Trail.

FY 2020 Home and Community Care Block Grant (HCCBG) for Older Adults – Kathryn Saine presented the following:

Lincoln County Senior Services is requesting approval of the HCCBG FY 20 Funding Plan, which includes a 10% match of \$59,781.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the FY 2020 Home and Community Care Block Grant (HCCBG) for Older Adults.

Public Comments: Chairman Mitchem opened Public Comments.

Dianne Leatherman spoke representing the Lincoln County Humane Society. She thanked the Board for their funding and said over 14,600 animals have been spayed and neutered

since 2000. Due to the funding provided by the County, they have held 15 clinics this fiscal year. Costs have been reduced to \$30 for dogs and \$20 for cats for Lincoln County residents.

David Maddox, 3193 Fair Oaks Drive, thanked Mr. Atkins and county staff working with him on his road.

Robin Konieczny asked for additional information about the Charter School before the public hearing on September 9.

Being no additional speakers, Chairman Mitchem closed Public Comments.

Approval of HGAC Coop Contract Purchase of 3 Ambulance Remounts from Northwestern Emergency Vehicle in the amount of \$287,622 (\$95,874 each) and allow for trade in of old ambulance chassis – Ron Rombs presented the following:

The Lincoln County Board of Commissioners has 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 an upgrade for new stretcher mounting system. The old chassis will be traded in.

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.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the HGAC Coop Contract purchase of three ambulance remounts from Northwestern Emergency Vehicle in the amount of \$287,622 (\$95,874 each) and allow for the trade in of old ambulance chassis.

Approval of Sole Source Purchase of Lucas Chest Compression Systems in the amount of \$317,129.90: Ron Rombs presented the following:

The Board has approved money in the capital improvement account for the purchase of 15 LUCUS Chest Compression Systems. This purchase shall be a sole source based upon availability only from one manufacturer. Notice was published in the Lincoln Times News.

Lincoln County EMS utilizes the Physio-Control LP 15 defibrillators on all ALS apparatus. The LUCUS Chest Compression System works in unison with the LP 15's and shall enhance cardiac arrest survival and improve employee safety during transports of cardiac arrest patients. These devices will be placed on all emergency response ambulances.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Sole Source Purchase of fifteen LUCUS Chest Compression Systems from Physio Control in the amount of \$317,129.90.

FY 2021 Community Transportation Program Grant and Consolidated Capital Application: Ron Rombes presented the following:

The North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to providing public transportation.

Lincoln County is required to provide matching funds to support the Community Transportation Manager, Transportation Supervisor, Administrative Secretary and 50% of the DSS Medicaid Transportation Coordinator positions of TLC and most normal day to day administrative costs such as office supplies, rent and utilities.

The Consolidated Capital will cover the cost of four (4) replacement LTV's, and replacement radios and equipment.

Chairman Mitchem opened the public hearing concerning the FY 2021 CTP Grant and Consolidated Capital Application. Being no speakers, Chairman Mitchem closed the public hearing.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 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 Commissioner Sigmon and seconded by NA 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 budget Section 5310 program.

WHEREAS, Lincoln County- Transportation 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 Amy S. Atkins, 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 19th day of August, 2019.

Signature of Certifying Official

**Note that the authorized official, certifying official, and notary public should be three separate individuals.*

Approval of TAB (Transportation Advisory Board) Membership: Ron Rombs requested the adoption of the Transportation Advisory Board members as required by NCDOT annually.

The members are as follows:

Ron Rombs, EMS/TLC

Kristal Ford, TLC

Crystal Watson, Finance

Bre Giffin, Partners

Alex Patton

Christina Vandiver

Lena Jones

Kathryn Saine

Debary Morrison

Jo-Ellen Carsley

Andrew Bryant, TAB chair

Kara Brown

Tim Ellor

Darlene Hollar.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the TAB (Transportation Advisory Board) as presented.

Approval of TLC Safety and Security Plan: Ron Rombs presented the following information:

NCDOT requires the Safety and Security Plan (SSP) to be adopted and approved by the Board of Commissioners annually. There are no changes to the document adopted April 1, 2019.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the TLC Safety and Security Plan as presented.

State Transportation Improvement Prioritization and Programming Process: Dean Ledbetter, PE, NCDOT, gave a presentation on State Transportation Improvement Prioritization and Programming Process.

Discussion of Additional Grading to Correct Issues of Rescue Squad Park in the Location of the Proposed Dog Park: John Henry presented the following information:

The Board of Commissioners approved the addition of a dog park to Rescue Park. Upon evaluation by County staff it was determined that grading was not properly completed

during construction. Improper grading results are inadequate and improper drainage in and around area. He asked for the Board to approve additional funds for grading and drainage not to exceed \$65,000.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve additional funds for grading and drainage not to exceed \$65,000.

Approval of Surplus and Sale of Timber of Approximately 12 acres located on John Howell Memorial Drive: John Henry presented the following:

The Board of Commissioners approved the design and construction of a new Emergency Services Facility in FY20. Land will need to be cleared for testing prior to starting design.

Mr. Henry asked the Board to approve the surplus and sale of timber of approximately 12 acres located on John Howell Memorial Drive. The funds will go back in the General Fund.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the surplus and sale of timber of approximately 12 acres located on John Howell Memorial Dr.

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

County Manager's Report: Kelly Atkins informed the East Lincoln Community Center will now be open 8 to 5. Staff has been adjusted to allow the facility to be open for the citizen's enjoyment the entire day.

County Commissioners' Report: Commissioner Permenter said he attended the Centralina Council of Government Delegates meeting and will provide the Board with the information provided.

Closed Session: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 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

The Board returned to Open Session and Chairman Mitchem announced that no action was taken in Closed Session.

Wesley Deaton announced that in regards to the Dellinger Solar Farm Case, tomorrow marks the deadline to file a petition for discretionary review in the Court of Appeals recent decision. The Board has been requested by the Attorney for the Interveners, called the Sailview Group, to participate with them in their petition for discretionary review. Mr. Deaton said he needs direction from the Board on whether or not to participate.

UPON MOTION by Commissioner Cesena, the Board voted 3 – 1 (Permenter against) to take no further action on the Dellinger case, which includes any financial commitment on the part of the Commissioners.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners