

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 23, 2023

The Lincoln County Board of County Commissioners met on January 23, 2023 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
Bud Cesena, Vice-Chairman
Anita McCall
Cathy Davis
Jamie Lineberger

Others Present:

Davin Madden, County Manager
Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Chairman Mitchem 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. **UPON MOTION** by Commissioner Davis, the Board voted unanimously to adopt the agenda removing Item 11.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 23, 2023
6:30 PM

Lincoln County Admin 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
 - a. Approval of Minutes - January 9, 2023
 - b. Surplus Property
 - c. BOA #7
 - d. Sponsored Group Fees - Lincoln County Concert Association
 - e. Tax Requests for Refunds – Annuals over \$100 12/1 – 12/18/22
 - f. Tax Requests for Releases over \$100 – 11/16 – 12/15/22
 - g. Award of Service Weapon (Serial # LEM809 to Perry Allen Manns
3. Planning Board Recommendations – Jeremiah Combs
4. 2023 Year of the Trail Proclamation – John Davis
5. Lincoln County Schools - Request for Additional Funds – Dr. Aaron Allen
6. Presentation of Keep Lincoln County Beautiful Annual Report – Jenna Harmon
7. Records Retention Schedule Adoption – Megan Gilbert
 - a. Sheriff's Office
 - b. Register of Deeds
 - c. Tax Administration
 - d. Veterans Services
 - e. Public Transportation
8. Purchasing Policy Update – John Henry
9. Award Contract for the County's portion of the Airport Hangar Site Prep Project to Eaglewood, Inc. in the amount of \$2,109,021.00 – John Henry
10. Approval of Lincoln County Wastewater Allocation Policy – Andrew Bryant
- ~~11. Conflict of Interest Policy – Andrew Bryant~~
12. Public Comments
13. County Manager's Report
14. County Attorney's Report
15. County Commissioners' Report
16. Vacancies/Appointments

17. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

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

- a. Approval of Minutes - January 9, 2023
- b. Surplus Property
- c. BOA #7
- d. Sponsored Group Fees - Lincoln County Concert Association
- e. Tax Requests for Refunds – Annuals over \$100 12/1 – 12/18/22
- f. Tax Requests for Releases over \$100 – 11/16 – 12/15/22
- g. Award of Service Weapon (Serial # LEM809 to Perry Allen Manns)

Planning Board Recommendations: Jeremiah Combs presented the following:

PD #2022-4 Pace Development Group, applicant (Parcel ID# 51877, 02664, and 02482) A request to rezone 113.27 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 199 single-family detached homes. The property is located on the west side of N. Little Egypt Road at the intersection with Optimist Club Road in Catawba Springs Township.

This case was previously tabled in November and directed back to the Planning Board for further consideration. After consideration of a revised site plan to relocate one of the site access points into the development, the Planning Board voted 9-0 to approve the request.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to reconsider the motion to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Davis, the Board voted to adopt the following Statement of Consistency:

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

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 1.77 units per acre.

UPON MOTION by Commissioner Davis, the Board voted 4 – 1 (Mitchem against) to adopt the following Statement of Reasonableness:

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

The proposed development will generate additional homes and vehicular trips that will overburden the North Little Egypt Road corridor.

UPON MOTION by Commissioner Lineberger, the Board voted unanimously to disapprove PD #2022-4 Pace Development Group, applicant.

PD #2021-4 Villages of Denver, LLC, applicant (Parcel ID# 91568, 30147, 52404 and 100646) A request to rezone a 126-acre tract from PD-R CU (Conditional Use Planned Residential), R-T (Transitional Residential), R-SF (Residential Single-Family), and I-G (General Industrial) to PD-R (Planned Development-Residential) to permit a subdivision with up to 267 single-family detached homes. The property is located immediately north of the end of Kenyon Drive and south of Hagers Hollow Drive in Catawba Springs Township.

The Board of Commissioners tabled this case until the joint hearing with the Planning Board on February 6th. The Planning Board also tabled the associated Subdivision Waiver case (SR #84) until February 6th.

CZ #2020-1A Scott and Carmen O’Neil, applicant (Parcel ID# 33822 and 34692) A request to rezone a 0.71-acre parcel from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to amend a conditional zoning district for the expansion of a self-storage facility. The property is located at 4360 N. N.C. 16 Business Hwy. on the east side of N.C. 16 Business south of Balsom Ridge Road in Catawba Springs Township.

The Planning Board voted 9-0 to approve the request.

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve CZ #2020-1A Scott and Carmen O’Neil, applicant.

CZ #2023-2 Southern Legacy Properties, LLC, applicant (Parcel ID# 23692, 51293, and 51294) A request to rezone 4.89 acres from B-N (Neighborhood Business) and R-S (Residential Suburban) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility. The subject property is located at 5106 E. N.C. 150 Hwy. about 500 feet southwest of the intersection with Ivey Church Road in Ironton Township.

The Planning Board voted 9-0 to approve the request.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CZ #2023-2 – Southern Legacy Properties, LLC, applicant.

ZMA #708 Michelle O’Shields, applicant (Parcel ID# 59870) A request to rezone 1.99 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The subject property is located at 1767 Sherrod Ln in Ironton Township.

The Planning Board voted 9-0 to approve the request.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner Davis, the Board voted unanimously to approve ZMA #708 – Michelle O’Shields, applicant.

2023 Year of the Trail Proclamation: John Davis read the following Proclamation.

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the Proclamation.

2023 Year of the Trail Proclamation

WHEREAS, Lincoln County's natural beauty is critical to its residents' quality of life, health, and economic wellbeing; and

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation possibilities of our area and promote an enjoyment of scenic beauty by our residents and our visitors; and

WHEREAS, the parks, greenways, trails and natural areas in our community are welcoming to all and provide a common ground for people of all ages, abilities and backgrounds to access our rich and diverse natural, cultural, and historic resources; and

WHEREAS, Lincoln County's natural assets and resources are integral to disaster recovery and resiliency to climate change for future generations; and

WHEREAS, Lincoln County's nature trails vary from paved walking trails at our various community parks, to rustic hiking/biking trails, to the blueways established on Lake Norman and the South Fork River; and

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, Lincoln County seeks to continue growing and offering trail opportunities in partnership with the Carolina Thread Trail both in county parks and in our community; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the state's extensive network of trails that showcase our state's beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the "Great Trails State;" and

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS that we hereby proclaim 2023 as "THE YEAR OF THE TRAIL" in Lincoln County and commend its observance to all people.



Lincoln County Schools – Request for Additional Funds: Dr. Aaron Allen presented the following:

Last year, Lincoln County Schools came before the Board with a request when the State changed the pay rate for classified employees to a minimum of \$13 per hour or a 2.5% increase, whichever was greater. There was a 2 year roll out with a jump to \$15 per hour or a 2.5% increase whichever was greater. Today, they are asking the Board to consider increasing local funds to help support the change in \$15 as the new minimum pay for classified employees. When the State budget passed, the classified employees went to \$15 per hour or a 4% increase, whichever is greater and for certified teachers an average 7.5% increase. The total request for this item is \$1,456,869.

Based on the salary study recently conducted, there is a request for \$831,685.04 to increase salaries for financial, bookkeeper, technology, maintenance, and data manager positions.

Commissioner Cesena asked about ESSER funds being used and Ms. McCraw explained that there are restrictions on how these funds can be used now and very few can be expended on the increases.

SUMMARY OF SALARY INCREASE NOT INCLUDED IN PRESENT FUNDING SOURCES

Each PRC below contains the local funding added in the 21-22 year and the current state allotments for the 22-23 budget

001 Teacher Positions TOTAL 10 positions short with state allotment will move 5 to ESSER and 5 to local Need funding increase for the 5 to local AA-0 increase is \$1322 x 5 += 6,610	024 Teachers/Teacher Assistant TOTAL Position Costs 906,651 Allotted State -476,284 Allotted Local -260,150 Total Needed for increase 170,217	056 Transportation TOTAL Position Costs 2,377,858 We have state -2,102,153 local -148,976 Total needed for increase 126,729
002 Central Office Administrators State costs \$1,026,251 Local Costs <u>734,937</u> Total 1,761,188 Allotted State -867,319 Local -828,649 Total needed for increase 65,220	027 Teacher Assistants Position Costs 3,821,989 Allotted State -3,353,545 Allotted Local -255,261 Total needed for increase 213,183	801 Supplements Total Cost 5,131,651 Local Allotted -4,976,970 Total needed for increase 154,681
003 Clerical, Custodians, and Substitutes State costs 5,992,297 Local costs <u>535,359</u> Total 6,527,656 Allotted State -3,480,286 Local -2,942,640 Total needed for increase 104,730	029 Teacher/Teacher Assistant Position cost 158,940 We have state -148,875 Total needed for increase 10,065	802 Maintenance Position Costs 1,007,376 Local Allotted -886,364 Total needed for Increase 121,012
007 Guidance/Social Workers We have 54 positions State allots 51 we have 3 in local Local Costs 195,043 Allotted Local -182,910 Total needed for increase 12,133	036 Charter Schools Inc. in Appropriations 22-23 151,625 Inc. in Appropriations 21-22 238,436	901 Technology Position Costs 921,568 Local Allotted -724,780 Total needed for increase 196,788
	054 Teachers /Teacher Assistant Local Position Costs 152,230 We have local -146,275 Total needed for increase 5,955	203 Bonus (Deducted) Money we received from State after our request was granted -120,515

Our total request is \$1,456,869

2022 LITTER CLEANUP TOTALS

Roadside	837 hours	1,411 bags
South Fork River Cleanup	3 hours	15 bags
Curbs/Medians	84 hours	238 bags
Rail Trail	153 hours	29 bags
TOTAL ALL CLEANUPS	1,113 hours	1,693 bags

Homeless Camp Cleanups 84 hours 24.25 tons

2 different camps were cleaned with assistance from Lincoln County Sheriff's Office, Lincoln County Grounds Department, and City of Lincoln Police Department

ROADSIDE LITTER TOTALS SINCE INCEPTION OF KLCB

2019

661 VOLUNTEER HOURS
1,183 BAGS COLLECTED

2020

683 VOLUNTEER HOURS
1,301 BAGS COLLECTED

2021

865 VOLUNTEER HOURS
1,566 BAGS COLLECTED

2022

837 VOLUNTEER HOURS
1,411 BAGS COLLECTED

TOTAL

3,046VOLUNTEER HOURS
5,461BAGS COLLECTED

Does not include bulk items such as tires, buckets, etc.

She thanked the most active volunteers, Patty Korn and George Fischer, for their hard work cleaning up the litter.

Records Retention Schedule Adoption:

Megan Gilbert presented the following:

Sheriff's Office

The Records Retention Schedule for the Sheriff's Office was adopted February 18, 2013. The State amended that Retention Schedule on November 15, 2015 and amended it on October 1, 2016. Neither have been previously adopted by the Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the Records Retention and Disposition for the County Sheriff's Office dated November 15, 2015 and amended October 1, 2016.

Register of Deeds

The Records Retention Schedule for the Register of Deeds was originally adopted February 4, 2013. The State amended that Retention Schedule on November 7, 2014 and that amendment was not adopted by the Board of Commissioners.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Records Retention and Disposition for the Register of Deeds amendment dated November 7, 2014.

Tax Administration

The Records Retention Schedule for the County Tax Administration was originally adopted May 5, 2014. The State amended that Retention Schedule on November 7, 2014 and that amendment was not adopted by the Board of Commissioners.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Tax Administration Records Retention Schedule Amendment dated November 7, 2014.

Veterans Service

The Records Retention Schedule for the County Veterans Services was originally adopted November 1, 2004 and has not been adopted by the Board of Commissioners.

UPON MOTION by Commissioner Davis, the Board voted unanimously to adopt the Records Retention and Disposition Schedule for County Veterans Services dated November 1, 2004.

Public Transportation

The Records Retention Schedule for Public Transportation Systems and Authorities dated April 1, 2006 has not been adopted by the Board of Commissioners.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Records Retention and Disposition Schedule for Public Transportation Systems and Authorities dated April 1, 2006.

Purchasing Policy Update: John Henry presented the following:

The County's Purchasing Policy has not been updated since 2018. General Statutes have changed and been added and this update reflects those changes and additional Federal requirements for TLC.

Megan Gilbert recommended approval minus the change removing the Sheriff's Office Exemption and adding an additional change to the firearm requirement for sidearms, adding an updated Resolution.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the amended Purchasing Policy less the change to Section 1b and including an additional change to section 4l.

Award Contract for the County's Portion of the Airport Hangar Site Prep Project to Eaglewood Inc. in the amount of \$2,109,021.00: John Henry presented the following:

Lincoln County Purchasing issued a joint RFB with the Lincoln County Airport Authority on October 21, 2022 for the hangar site preparation project. Six (6) sealed bids were received and publicly opened on December 1, 2022. The low bidder for the County's portion is Eaglewood, Inc.

UPON MOTION by Commissioner McCall, the Board voted unanimously to award the contract to Eaglewood, Inc. for the County's portion of the project in the amount of \$2,109,021.00.

Approval of Lincoln County Wastewater Allocation Policy: Andrew Bryant presented the Lincoln County Wastewater Allocation Policy, which is a policy recommendation that limits the annual wastewater allocation provided to new development to 200,000 gallons per day. The policy sets a path forward for the allocation of wastewater treatment. Allocation of treatment capacity sets up the collection of system development fees for the water and sewer enterprise fund.

Lincoln County Wastewater Allocation Policy

1) Purpose

Lincoln County (the "County") has made a significant public investment in improvements and increased capacity to the County's wastewater treatment, disposal facilities, sewage collection, and transmission system in order to avoid the environmental damage and danger to public health caused by limited or inadequate collection and treatment of wastewater. In recognition that the capacity of the County's treatment and disposal facilities is finite and further that adding additional capacity is a large expenditure for the County, this Wastewater Allocation Policy (the "Policy") has been established to create a plan for tracking the distribution of, and the limitation of, the wastewater treatment capacity. Accordingly, the purpose of this Policy is to effectively allocate available wastewater capacity to new development within Lincoln County.

The goal of this Policy is to extend the time frame that it takes to allocate the full capacity of the Killian Creek Wastewater Treatment Plant, which is the County's only wastewater treatment facility at this time. This Policy intends to set the County's total max yearly allocation at 200,000 gallons per day, subject to the procedures set forth below. The maximum yearly allocation shall be effective upon adoption and any allocations issued within the current calendar year shall be applied retroactively to that maximum.

2) Applicability

This Policy shall apply to all parties seeking new or additional allocation of wastewater treatment capacity from the County.

3) Definitions

(a) Allocation: Wastewater treatment plant capacity in gallons per day ("gpd") which are reserved for development. Only applies to allocation granted for Lincoln County wastewater treatment facilities. Allocation does not commit any capacity in the collection system. Also, the developer shall remain responsible for any necessary improvements in the collection system to carry proposed flow to the wastewater treatment facility.

(b) Economic Development Projects: Any projects meeting the eligibility criteria of the Lincoln County Economic Development Incentive Policy.

(c) Residential Allocation: Any requested allocation that contains a residential component including all one and two family dwellings, commercial with upper-story residential and multi-family apartment complexes.

(d) Non-Residential Allocation: Any allocation request not meeting the definition of Residential Allocation.

4) Policy

(a) The yearly maximum allocation of wastewater shall be limited to 200,000 gpd throughout the County. Those maximum yearly allocations will not be distinguished between residential and non-residential allocation, unless and except if the standards established in Section 4(e) of this Policy are triggered.

(b) The total yearly maximum allocation amount shall be reset on January 1st of each year, and shall be calculated on a calendar year.

(c) Phasing of Developments

i. Any construction project's phasing plan shall be complete prior to the submittal of a request for allocation to the County's Public Utilities office. Upon the granting of allocation to a specific project, no additional sub phasing shall be allowed.

ii. Each phase of a project must have a separate Design Manual submittal, as required by the County.

iii. Each project's phase submittal will not be reviewed by the County until the prior phase has received approval of its construction plan from Public Utilities office.

iv. The County shall not allow partial certification/activation of water and sewer infrastructure.

(d) Allocation shall be granted on a first come, first serve basis if, and only if, there is allocation remaining in the yearly maximum at the time of construction plan approval.

(e) Allocations shall proceed under the process and procedures described herein until such a time that the County's allocated wastewater treatment capacity reaches the

thresholds contained under this section and in 15A NCAC 02T .0118 otherwise known as the “80/90” rule. At such time that the thresholds are met the following standards will apply: i. At such time that the wastewater treatment facility reaches allocation of seventy percent (70.00%) of its capacity, then the County shall proceed with an engineering evaluation of any future wastewater treatment, utilization, and disposal needs. Also, at that time the maximum yearly allocation of 200,000 gpd shall be decreased to 100,000 gpd on January 1st of the following year, and shall continue for the following years. ii. At such time that the wastewater treatment facility reaches allocation of eighty percent (80.00%) of its capacity and the County is actively designing facilities for the expansion of its wastewater treatment capacity, the max yearly allocation shall be maintained at 100,000 gpd but the County will only allow allocation to be provided to non-residential projects until construction commences on an expansion of the wastewater treatment capacity. iii. At such time that the waste water treatment facility reaches allocation of ninety percent (90.00%) of its capacity maximum then all yearly allocations shall be halted and no additional allocation will be issued until construction commences on a proposed expansion of the wastewater treatment capacity. Once construction commences then the maximum yearly allocation of 100,000 shall be reinstated but will only be provided to non-residential projects.

5) Economic Development

- a. There shall be establish an allocation reserve of 400,000 gpd for Economic Development Projects, as defined herein.
 - i. This specific reserve shall be used to supplement the maximum yearly allocation for Economic Development Projects, if a need shall arise for additional allocation in a single year for any Economic Development Project.
 - ii. All maximum yearly allocation established under this Policy shall be used before this specific reserve allocation is applied to the remaining requested allocation by an Economic Development Project.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Lincoln County Wastewater Allocation Policy as presented.

Public Comments: Chairman Mitchem opened Public Comments.

Steven Hoyle, 2335 Killian Drive, thanked the Board for the money allocated to schools. He said he is so very thankful for what the Board did for his staff tonight.

Being no additional speakers, Chairman Mitchem closed Public Comments

County Manager’s Report: Mr. Madden said the next budget retreat will be on February 10, 2023 at 10:00 AM.

County Attorney’s Report: Megan Gilbert said the County is working out some issues with the restrictive covenants on the building, 357 N. Generals Blvd. She informed the Board she would be attending the Attorney’s Conference later this week.

County Commissioners Report: Commissioner Davis reported on her first Council on Aging meeting, where it was announced that Atrium Health will be deploying a medical unit to select underserved areas in the community and fees will be on a sliding scale.

Commissioner Cesena said he met with NCDOT this afternoon and it was a very productive meeting.

Vacancies/Appointments: UPON MOTION by Commissioner Cesena, the Board voted unanimously to appoint Amanda Woodliff to the Transportation Advisory Board.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners