

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 20, 2023

The Lincoln County Board of County Commissioners met on February 20, 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
Jamie Lineberger

Commissioner Absent:

Cathy Davis

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 McCall, the Board voted unanimously to adopt the agenda as presented.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 20, 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 - February 6, 2023
 - b. GPOA #2
 - c. GPO #11
 - d. Performance Guarantee (IG #125) - Sylvan Creek Phase 2
 - e. Tax Requests for Releases over \$100 – 12/16/22 – 1/15/23
 - f. Award of Service Weapon (Serial # LEM784) – Daniel Stuart Snellings
3. Planning Board Recommendations – Jeremiah Combs
4. 2023-2024 Healthcare Renewal Estimate (Medical Plan Update/Approval Consideration)
– Candy Stevens
5. 2022 Annual Report from the Lincoln County Community Child Protection/Fatality Prevention Team – Sherry Reinhardt
6. Public Comments
7. County Manager’s Report
8. County Attorney’s Report
9. County Commissioners’ Report
10. Vacancies/Appointments
11. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

12. 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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public

officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

Adjourn

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

- a. Approval of Minutes - February 6, 2023
- b. GPOA #2
- c. GPO #11
- d. Performance Guarantee (IG #125) - Sylvan Creek Phase 2
- e. Tax Requests for Releases over \$100 – 12/16/22 – 1/15/23
- f. Award of Service Weapon (Serial # LEM784) – Daniel Stuart Snellings

Planning Board Recommendations: Andrew Bryant presented the following:

CZ #2023-1 Denver Construction Company, applicant (Parcel ID# 52748, 79969, and 79972)

A request to rezone 3.6 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a 40,000-square-foot fitness center. The subject property is located on the east side of N.C. 16 Business and the west side of N. Pilot Knob Road about 1,100 feet south of their intersection in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

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 #2023-1 Denver Construction Company.

ZMA #709 Jay and Vicki Casey, applicant (Parcel ID# 53101) A request to rezone 1.75 acres from B-N (Neighborhood Business) to B-G (General Business). The property is located at 1592 S. N.C. 16 Business Hwy. on the west side of N.C. 16 Business about 800 feet south of the intersection with McIntosh Road in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

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

UPON MOTION by Commissioner Lineberger, the Board voted unanimously to approve ZMA #709 Jay and Vicki Casey, applicant.

2023-2024 Healthcare Renewal Estimate: Candy Stevens introduced Jason Bradshaw, with USI, who presented the Healthcare Renewal.

Mr. Bradshaw presented the following:

The average employees increased from 827 to 840, which is 1.6% more employees. The net claims has only raised 1.7%. The number of large claimants has decreased from 17 in 21/22 to 6 for 22/23. He presented Option 3, which is recommended for approval.

- The Plan recommendation for 2023-2024, which is an 10% increase in PPO employee rates and 0% increase for the HSA plan.
- There are no changes in the benefits for the HSA plan and a change in the PPO deductible from \$2,500/\$5,000 to \$3,500/7,000 with out-of-pocket limit changing from \$4,500/\$9,000 to \$7,000/\$14,000.
- The budget impact is \$545,982.00, a 5.8% increase from last year.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Option 3 at a 5.8% increase from last year, as presented.

2022 Annual Report from the Lincoln County Community Child Protection/Fatality Prevention Team: Rhonda Saunders presented the Annual Report from the Lincoln County Community Child Protection/Fatality Prevention Team.

Davin Madden said Rhonda Saunders will be retiring soon and thanked her for her service to Lincoln County.

Public Comments: Chairman Mitchem opened Public Comments.

Chairman Mitchem announced that no-kill is not on the table at this time and the rumors are just that.

Heather Rhyne thanked the Board on behalf of Lincoln County Schools for their approval of the funding request mid-year for their salary study. She shared comments received from employees after the funding increase was approved.

Kim Phillips, former President of HATS, outlined the steps of the no kill equation and thanked the Board for their support.

Commissioner McCall thanked everyone for the hard work in achieving and maintain no kill.

Claudia Perkins with Heart of the Carolinas Universalist Animal Ministry, said they build fences to unchain dogs. She said they fully support the shelter and all the groups making no kill possible.

Being no additional speakers, Chairman Mitchem closed Public Comments

County Manager's Report: Mr. Madden reminded the Board of the March 16 meeting with the Board of Education at the School Admin Office at 6:30 PM. March 24 is the next BOC budget retreat.

County Attorney's Report: Megan Gilbert said the County is working on closing on the building next door at 357 N. Generals Blvd.

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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant.

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

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve an employment contract with Megan Gilbert, County Attorney.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Resolution by Lincoln County Authorizing Execution of Opioid Settlements as presented.

**RESOLUTION BY THE LINCOLN COUNTY
AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE
SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE
OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING
TO THE SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, Lincoln County has been negatively affected by the influx of opioids into our community with a rise in overdose calls to our emergency medical services, a rise in opioid related deaths, and a rise in opioid related criminal charges; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Lincoln County and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this County to help abate the harm; and

WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Commissioners hereby authorizes the County Manager to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the ____ day of February, 2023.

Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

ATTEST: (SEAL)

Amy S. Atkins, Clerk to the Board

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners