

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, SEPTEMBER 19, 2022**

The Lincoln County Board of County Commissioners met on September 19, 2022, 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  
Bud Cesena  
Cathy Davis

Commissioners Absent:

Anita McCall

Others Present:

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. He asked everyone to remember Commissioner McCall and Davin Madden who are out with Covid.

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

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, September 19, 2022  
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 12, 2022~~
  - b. Surplus Property
  - c. Tax Releases \$100 or more – July 16 – August 15, 2022

3. Planning Board Recommendations – Jeremiah Combs/Andrew Bryant
4. Public Hearing – Industrial Incentive Grant for Existing Industry – John Dancoff
5. Public Hearing – Proposed Private Road Name – Ashley Nicole Ln – Susan Sain
  - a. Adoption of Ordinance Officially Naming an Existing Private Drive as Ashley Nicole Ln.
6. Adoption and approval of the Schedule of Values and the Present Use Value Rates for the January 1, 2023 Revaluation – Susan Sain
7. Update on Current Economic Development Activities – Cliff Brumfield
8. RFQ Exemption for Auditorium Change Area and Lighting – John Henry
9. Approval of the transfer of a Former Ambulance to Lincoln County School of Technology – John Henry
10. Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances – Megan Gilbert
11. Remote Participation Policy – Megan Gilbert
12. Approval of Update for Network Infrastructure at a cost of \$577,999.65 – Ben Cohen
13. Public Comments
14. County Manager’s Report
15. County Attorney’s Report
16. County Commissioners’ Report
17. Vacancies/Appointments
18. Other Business

Information only – no action needed

  - Register of Deeds Report
  - Property Tax Collection Report
19. Closed Session Pursuant to NCGS 143-318.11(a) (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

Adjourn

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

**Consent Agenda:** **UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the consent agenda removing the Approval of Minutes.

Consent Agenda

- a. ~~Approval of Minutes – September 12, 2022~~
- b. Surplus Property
- c. Tax Releases \$100 or more – July 16 – August 15, 2022

**Planning Board Recommendations:** Joshua Grant presented the following:

**ZMA #702 Scott Soorus, applicant** (Parcel ID# 104579) A request to rezone a 2.8-acre portion of a parcel from R-SF (Residential Single Family) to R-T (Transitional Residential). The property is located on the north side of Wingate Hill Road about 4,000 feet west of the intersection with Beth Haven Church Road in Catawba Springs Township.

Planning Board voted 8-1 to recommend approval. (James Dean opposed)

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

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve ZMA #702 Scott Soorus, applicant, as recommended by the Planning Board.

**Public Hearing – Proposed Economic Incentive Grant for Existing Industry** – John Dancoff presented an Incentive Grant for St. Engineering Leeboy, a company that has been in Lincoln County for 41 years.

Chairman Mitchem opened the public hearing concerning the proposed Incentive Grant with St. Engineering Leeboy.

Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to adopt the Resolution to Adopt Economic Incentive Grant Agreement with Leeboy.

**RESOLUTION TO ADOPT ECONOMIC  
INCENTIVE GRANT AGREEMENT WITH ST  
ENGINEERING LEEBOY.**

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, ST Engineering LeeBoy, have developed plans for expansion of their manufacturing equipment in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, ST Engineering LeeBoy.

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption. This 19<sup>th</sup> day of September 2022.

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Carrol Mitchem, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy Atkins, Clerk to the Board

### **LINCOLN COUNTY INCENTIVE GRANT AGREEMENT**

NORTH

CAROLINA

LINCOLN

COUNTY

THIS AGREEMENT is made and entered into as of the 19<sup>th</sup> day of September 2022 by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to

as “the County”), and ST Engineering LeeBoy, a Delaware corporation (hereinafter referred to as “ST Engineering LeeBoy”).

WITNESSETH

:

WHEREAS, ST Engineering LeeBoy has developed plans for the installation of manufacturing equipment in Lincoln County, North Carolina;

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County’s tax base and providing additional jobs for Lincoln County’s citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect ST Engineering LeeBoy to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before September 19, 2022, ST Engineering LeeBoy shall begin installation of a building and equipment and machinery expansion in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), ST Engineering LeeBoy shall make an investment upon such site in building/land and/or machinery and equipment of \$7,000,000 (the expected capital investment) of which \$5,440,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, ST Engineering LeeBoy shall provide at such site at least 30 new jobs paying average weekly wages of \$845 including benefits.
4. In consideration of the performance of the aforesaid obligations by ST Engineering LeeBoy, the County will provide cash grants to ST Engineering LeeBoy of

\$25,255.20 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to ST Engineering LeeBoy within 30 days after ST Engineering LeeBoy has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level II grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. ST Engineering LeeBoy shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by ST Engineering LeeBoy pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by ST Engineering LeeBoy pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. ST Engineering LeeBoy specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, ST Engineering LeeBoy shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

ST Engineering LeeBoy

By: \_\_\_\_\_  
President

LINCOLN COUNTY

By: \_\_\_\_\_  
Carrol Mitchem, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board of Commissioners

**Public Hearing – Proposed Private Road Name – Ashley Nicole Ln** – Susan Sain presented the following:

A private driveway needs to be named, due to the fact that 3 structures access the private driveway. The name requested by residents is Ashley Nicole Lane.

Chairman Mitchem opened the public hearing concerning the proposed private road name Ashley Nicole Ln.

Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Private Road Name Ashley Nicole Lane.

**ORDINANCE OFFICIALLY NAMING AN EXISTING PRIVATE DRIVE AS ASHLEY  
NICOLE LN**

**WHEREAS**, pursuant to N.C.G.S. §153A-239.1, the County may, by ordinance, name or rename roads within its territorial jurisdiction pursuant to a procedure established by County ordinance; and

**WHEREAS**, on April 16, 2001, the Lincoln County Commissioners enacted Chapter 93 of the Lincoln County Code of Ordinances, which established a process for naming streets and assigning addresses for properties located within Lincoln County; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.10(A), any existing road within the County may be officially name or renamed by the Board of Commissioners upon recommendation by the Ordinance Administrator (the Lincoln County Tax Administrator) and subsequent adoption by the Board of Commissioners; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.04(E), all roads, both private and public, shall be named and numbered if three or more addressable structures, including mobile homes, are located on and accessed by them; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.10(B), in the event of road naming or renaming, a proper and adequate public hearing shall be scheduled and advertised in accordance with N.C.G.S. §153A-239.1; and

**WHEREAS**, the Ordinance Administrator is recommending the naming of a private drive located off of King Wilkinson Road, near Loftin Lane, in the Ironton Township as it meets the requirements for an official road name; and

**WHEREAS**, at least 10 days prior to this date, notice of the time, place and subject matter of the public hearing was prominently posted at the Lincoln County Courthouse, in at least two public places in the area where the road is located, and notice of the same was published in a newspaper of general circulation in Lincoln County; and



**WHEREAS**, after due notice, a public hearing was held on this day, at the Lincoln County Administration Building at 353 N. Generals Blvd., Lincolnton, North Carolina.

**NOW, THEREFORE**, be it and it is hereby resolved that:

1. The Ordinance Administrator has recommended the naming of a private road located in the Ironton Township.
2. The Lincoln County Board of Commissioners held a public hearing pursuant to N.C.G.S. §153A-239.1, and the proper notice was provided as required therein.
3. The naming of the private road, located in the Ironton Township, shown on the attached maps as "Ashley Nicole Ln" is approved by the Lincoln County Board of Commissioners.
4. The Ordinance Administrator is hereby authorized to amend the Street Addressing Map and the GIS maps to include said newly named street.
5. This Ordinance shall be effective upon its adoption by this Board.

Approved and adopted this the 19th day September, 2022.

**ATTEST:**

\_\_\_\_\_  
Amy S. Atkins, Clerk to the Board

\_\_\_\_\_  
Carrol Mitchem  
Chairman of the Lincoln County Board of  
Commissioners

**Adoption and Approval of the Schedule of Values and the Present Use Value Rates for the January 1, 2023 Revaluation** – Susan Sain presented the following:

On August 15, 2022 the Present Schedule of Values and the Present Use Value rates were presented to the Board. On September 12, 2022, the Public Hearing was held and the Schedule of Values and Present Use Value rates were available in the Tax Department for public inspection.

Ms. Sain requested adoption and approval of the Schedule of Values and Present Use Value rates for the January 1, 2023 Revaluation.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to adoption and approval of the Schedule of Values and Present Use Value rates for the January 1, 2023 Revaluation.

**Update on Current Economic Development Activities** – Cliff Brumfield presented an update on current Economic Development activities in Lincoln County.

**RFQ Exemption for Auditorium Change Area and Lighting** – John Henry presented the following:

This agenda item is a request to approve exemption from the RFQ process for design of the Auditorium Change Area and Lighting per GS 143-64.32 (a)(1): Proposed project has an estimated professional fee in an amount less than fifty thousand dollars (\$50,000).

This would be to create a dressing area in the basement of the auditorium to allow performers a private place to change rather than using a hallway or balcony. It would also replace the antiquated stage lighting with a new LED system that will make the auditorium more marketable to performance groups.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to adopt the Resolution Exempting Auditorium Dressing Rooms and Lighting from G.S. 143-64.31.

RESOLUTION EXEMPTING AUDITORIUM DRESSING ROOMS AND LIGHTING

FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for design services for work on the Auditorium; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

LINCOLN COUNTY

\_\_\_\_\_ Chairman of the Board of Commissioners

ATTEST:

BY: \_\_\_\_\_ Clerk to the Board

\_\_\_\_\_ Printed Name/Title

(Affix Seal)

**Approval of the Transfer of a Former Ambulance to the Lincoln County School of Technology** –John Henry presented the following:

The School of Technology has requested we transfer this asset for use in the Lincoln County Schools EMT program. NCGS 160A-274 allows a government entity to convey property to another government entity without monetary consideration as long as the property is put to public use.

Mr. Henry asked the Board to approve the transfer of a former ambulance to the Lincoln County School of Technology. 2001 Ford F350 VIN:1FDWF36F91EB52672.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the transfer of a former ambulance to the Lincoln County School of Technology. 2001 Ford F350 VIN:1FDWF36F91EB52672.

**An Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances** –John Davis and Megan Gilbert presented the following:

Issues have arisen with the current time 30 business day time frame for filing an application for a mass gathering or special event. It has been determined by the mass gathering committee that this is not enough time to properly plan for the need for emergency response personnel and other required departments. It is requested that the Board amend this to 90 days.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Ordinance Amending Chapter 96 of the Lincoln County Code of Ordinances as presented.

**AN ORDINANCE AMENDING CHAPTER 96 OF THE  
LINCOLN COUNTY CODE OF ORDINANCES**

**WHEREAS**, N.C. General Statute §153A-49, a county may adopt and issue a code of its ordinances;

**WHEREAS**, Chapter 96 of the Lincoln County Code of Ordinances was created to establish a structured process for permitting the staging of special planned public events, mass gatherings, and/or television and film activities to ensure proper planning and adequate allocation of county resources for events and to protect the health and safety of the public attending such events; and

**WHEREAS**, Section 96.03 of the Lincoln County Code of Ordinances currently requires that any application for a covered event permit shall be submitted at least 30 business days prior to the date of the covered event; and

**WHEREAS**, Section 96.03 of the Lincoln County Code of Ordinance needs to be amended to increase the amount of time required to submit an application for a covered event so that all entities involved have sufficient time to review and plan for such events; and

**WHEREAS**, the amendment to the Lincoln County Code of Ordinances set forth in this ordinance is policy neutral.

**NOW, THEREFORE, BE IT ORDAINED** that:

**Section 1.** Section 96.03(C) of the Lincoln County Code of Ordinances shall be amended as follows:

**§ 96.03 PERMIT REQUIRED.**

...

(C) Applications for covered event permits shall be submitted at least ~~30 business days~~ 90 days prior to the date of the covered event. The County Manager or his/her designee shall have the authority to reduce this time period for good cause shown.

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**Section 2.** This ordinance shall become effective the 1st day of October, 2022.

Adopted this the 19<sup>th</sup> day of September, 2022.

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**Carrol Mitchem, Chairman**  
Lincoln County Board of Commissioners

(SEAL)

**ATTEST:**

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**Amy Atkins**  
Clerk to the Board of Commissioners

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**Remote Participation Policy**– Megan Gilbert presented the following:

Remote participation for elected officials was permitted during the State of Emergency that was effective during the pandemic. The State of Emergency ended in August 2022, and now remote participation of elected officials is not specifically provided for under the general statutes. The adoption of this policy will allow for remote participation in certain situations, as permitted by the Chairman of the Board.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the Resolution Adopting a Remote Participation Policy for Meetings of the Lincoln County Board of Commissioners and Boards Appointed by the Board of Commissioners.

**RESOLUTION ADOPTING A REMOTE PARTICIPATION POLICY  
FOR MEETINGS OF THE LINCOLN COUNTY BOARD OF COMMISSIONERS AND  
BOARDS APPOINTED BY THE BOARD OF COMMISSIONERS**

**WHEREAS**, the Lincoln County Board of Commissioners desires to allow for remote participation by County Commissioners in official meetings of the Board of Commissioners, including all closed session discussions, but not including any quasi-judicial hearing, subject to the provisions of the attached policy; and

**WHEREAS**, the Lincoln County Board of Commissioners further desires to allow for remote participation by board members of those Lincoln County boards appointed by the Board of Commissioners, subject to the provisions of the attached policy.

**NOW THEREFORE, BE IT RESOLVED** that the Lincoln County Board of Commissioners hereby adopts the attached Remote Participation Policy for Meetings of the Lincoln County Board of Commissioners and Boards Appointed by the Board of Commissioners, which authorizes remote participation by County Commissioners, and appointed board members, in meetings of the Board of Commissioners and appointed boards, subject to the limitations of said policy.

Adopted this 19<sup>th</sup> day of September, 2022.

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**Carrol Mitchem**, Chairman  
Lincoln County Board of Commissioners

**ATTEST:**

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Amy S. Atkins  
Clerk to the Board

**REMOTE PARTICIPATION POLICY FOR MEETINGS OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
AND BOARDS APPOINTED BY THE BOARD OF  
COMMISSIONERS**

**A.** Members of the Lincoln County Board of Commissioners (the “Board”) may remotely participate in briefings and official meetings of the Board and meeting of any committees thereof, subject to the following rules and procedures:

**1.** Remote participation may be used only in limited circumstances. A Commissioner desiring to participate in a meeting remotely must assert one or more of the following two (2) reasons for being physically unable to attend the meeting:

- a.** Personal illness or disability, or
- b.** Family or other emergency (including a state of emergency)

**2.** Unless there is a declared state of emergency applicable to Lincoln County, remote participation may be allowed only during open sessions when a quorum of the Board is *physically present* at the meeting and the Commissioner participating remotely is not necessary to establish a quorum.

**3.** Remote participation shall not be allowed, unless there is a declared state

of emergency, during the following:

**a. Quasi-judicial hearings**

**4.** A Commissioner desiring to participate in a meeting remotely must notify the Clerk to the Board of the need for remote participation, and must request approval by the Chairman of the Board (or acting Chairman) allowing the remote participation, at least 24 hours prior to the start of the meeting, unless advance notice is impractical. Remote participation may occur only if approved by the Chairman of the Board (or acting Chairman).

**5.** At the start of the official meeting and prior to participating in deliberations, the Chairman of the Board (or acting Chairman) shall announce which Commissioner is participating remotely. The Commissioner participating remotely shall identify themselves and must state the reason that they are participating remotely.

**6.** A Commissioner participating remotely shall be allowed to participate in all closed session Board discussions, committee meetings, and open session official Board meeting discussions with the exception of quasi-judicial hearings, when there is no state of emergency. A Commissioner participating remotely shall be able to vote on matters allowed under this policy. If a Commissioner is participating remotely during a closed session, then said Commissioner participating remotely shall ensure that any matter being discussed that is privileged or confidential shall not be done in the presence of any other person.

**7.** A Commissioner participating remotely shall be provided with all documentation to be considered during the official meeting. If any documentation shall be physically presented to the Board at that meeting, then said documentation shall also be provided to the Commissioner participating remotely by electronic means immediately, so that said Commissioner may review said documentation. If said documentation cannot be provided to the Commissioner participating remotely, then the Chairman (or acting Chairman) may determine that the decision shall be continued/postponed until the following meeting, allowing sufficient time for the Commissioner participating remotely to review the documentation.

**8.** A Commissioner participating remotely shall participate via simultaneous communication and must be fully heard and, if possible, seen by other members of the Board and any other individuals in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Chairman (or acting Chairman) shall disallow or discontinue the remote participation.

**9.** A Commissioner participating remotely shall provide a voice vote by stating their name and their vote, which can be heard and recorded.



**B.** Members of boards, committees, and commissions (collectively “County-Appointed Boards”) appointed by the Lincoln County Board of Commissioners may remotely participate in meetings, subject to the following rules and procedures:

1. Each year, in its first board meeting following July 1, each County-Appointed Board must vote to determine whether it will meet in-person, in a hybrid fashion, or remotely for the fiscal year ending the following June 30. If a County-Appointed Board votes to meet remotely, all board members and County staff may participate by simultaneous communication for the fiscal year. If the County-Appointed Board votes to meet in a hybrid fashion, the meetings will be in-person, with members allowed to participate remotely.

2. Regardless of whether its meetings are remote, hybrid, or in person, each County-Appointed Board must comply with statutory open meeting, public hearing, and notice requirements, and, if public attendance is required to be offered by law, allow the public to attend in-person meetings or view remote meetings simultaneously.

3. For quasi-judicial hearings and public hearings, the County-Appointed Board must meet in person, unless all parties who have standing regarding the hearing have been provided notice of the hearing and agree to remote participation, and, for public hearings held remotely, the public is allowed to offer comments simultaneously or by prior, written comments.

4. Unless the entire meeting is remote, at the start of the official meeting and prior to participating in deliberations, the Chairman of the County-Appointed Board shall announce which board members are participating remotely. All board members participating remotely shall identify themselves.

5. A board member participating remotely shall be allowed to participate in all meeting discussions with the exception of quasi-judicial hearings when there is no state of emergency, subject to Section (B)(3).

6. A board member participating remotely shall be provided with all documents to be considered during the official meeting.

7. A board member participating remotely shall participate via simultaneous communication and must be fully heard and, if possible, seen by other members of the Board and any other individuals in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Chairman may elect to disallow or discontinue the remote participation.

8. A board member participating remotely shall provide a voice vote which can be heard.

9. Notwithstanding anything to the contrary herein, unless there is a declared state of emergency applicable to Lincoln County, the Lincoln County Zoning Board of Adjustment shall meet in person.

10. Notwithstanding anything to the contrary herein, all County Board meetings and County- Appointed Board meetings shall be subject to all applicable North Carolina statutes, including N.C.G.S. § 166A-19.24, which applies during statewide declarations of emergency.

Adopted this 19<sup>th</sup> day of September, 2022.

**Approval of Update for Network Infrastructure at a cost of \$577,999.65** – Ben Cohen presented the following:

The devices that currently make up our network are aging and starting to fail. We have been able to mitigate this with a few spares we've had and by purchasing new switches for new projects and moving some around. However we have used up our spare supply and replacement parts are becoming harder to get on the older equipment. Currently 35% of all the network switches have reached End-of-Life, meaning no support or parts available if it goes down. The other 65 % are currently not available for sale, we can still get parts on limited basis. This puts us in a position if one of our core switches fail of not being able to replace it quickly causing significant downtime for the county. This project was approved for the FY21 budget, but we were not in a position to implement this change at this time. This cost also includes installation.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the update for Network Infrastructure with Step CG, LLC at a cost of \$577,999.65.

**Public Comments:** Chairman Mitchem opened Public Comments.

Being no speakers, Chairman Mitchem closed Public Comments

**County Attorney's Report:** Megan Gilbert said she has been working with Soil and Water Conservation to bring their Ordinance up to date.

**County Commissioners Report:** Commissioner Davis said it was nice to have the Nutcracker auditions at the Citizens Center. She said the lead roles were awarded and this will be the 16<sup>th</sup> annual performance.

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

- **Region F Aging Advisory Committee**
  - **Appoint Richard Sides**

- **Appoint Sue Jane Sides**

**Closed Session:** UPON MOTION by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 143-318.11(a)

(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

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

**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