

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 16, 2019**

The Lincoln County Board of County Commissioners met on December 16, 2019, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 4:00 PM.

Commissioners Present:

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

Others Present:

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

Call to Order: Chairman Mitchem called the December 16, 2019 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA

**Lincoln County Board of Commissioners Work
Session Concerning Beach Access on Unity Church
Road with Representatives of Duke Energy and the
Recreation Commission**

**Monday, December 16, 2019
4:00 PM**

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

Call to Order - Chairman Carrol Mitchem

1. Adoption of Agenda
2. Introductions – John Davis
3. Discussion on Beach Access on Unity Church Road with representatives from Duke Energy and the Lincoln County Recreation Commission

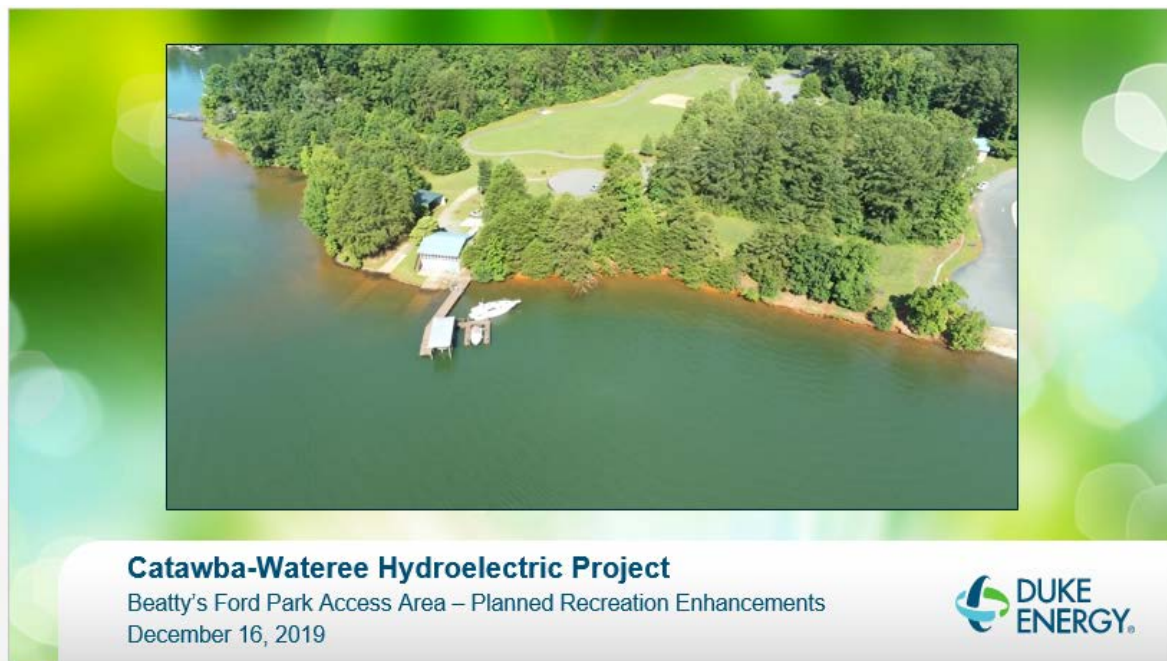
Adjourn

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

Chairman Mitchem turned the meeting over to Mr. John Davis, who introduced Recreation Commission members present: Yvonne Canipe, Rebecca Powell, Edward McFadden, and Karen Duncan. He also introduced representatives from Duke Energy: John Crutchfield, Ryan Snitker and Robin Nicholson.

Discussion on Beach Access on Unity Church Road with representatives from Duke Energy and the Lincoln County Recreation Commission: John Crutchfield said a traffic impact analysis has not been completed yet, but will be done before construction.

Mr. Crutchfield and Ryan Snitker presented the following Powerpoint Presentation:



Catawba-Wateree Hydro Project – Comprehensive Relicensing Agreement Overview

- Duke Energy submitted the license application to FERC in 2006 which included the Stakeholder Comprehensive Relicensing Agreement (CRA) conditions.
- There are 70 CRA signatories including Duke Energy and Lincoln County.
- Lincoln County agreed to the Beatty's Ford swimming area in the CRA, and Duke Energy is required by its FERC license to construct it.
- The CRA is a contractual, legally-binding document that was negotiated in good faith by the stakeholders in the Catawba-Wateree River Basin.
 - It is essential that the CRA signatories honor the agreements they made.
 - Petitioning FERC to remove the requirement for a swimming area would breach the agreement (See CRA Section 25.0).



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Catawba-Wateree Hydro Project – Recreation Management Plan Overview

- FERC issued the 40-year license in November 2015 which required Duke Energy to file a Recreation Management Plan (RMP) within one year.
- Duke Energy submitted the RMP in November 2016 and it was subsequently approved by the FERC in December 2017.
 - There are 89 recreation commitments over a 20-year period with majority planned in the first 10 years.
 - Includes enhancements at 32 existing recreation sites and adding 26 new sites (i.e., a total of 58 sites) with a total investment of approximately \$45M in first 10 years.
 - Disburse more than \$4M in funding to partners to develop additional public recreation projects.

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Recreation Access Area Enhancement Schedule and Communications

- Enhancements at existing recreation sites and development of new sites will occur over a 20-year period (i.e., 2018-2037).
 - 31 projects in the first 5 years (Beatty's Ford enhancements in this period)
 - 16 projects in the second 5 years (Little Creek enhancements in this period)
 - 8 projects in the third 5 years
 - 3 projects in the fourth 5 years
- Duke Energy has been actively planning for recreation construction projects over the past 5 years.
 - Securing adequate property for site development
 - Preparing detailed engineering design plans
 - Preliminary permitting review
- Ten recreation projects have been completed since 2017.
- Regular communication with the public, government officials, and other stakeholders is a key component of Duke Energy's efforts.



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Duke Energy and Lincoln County Partnership – Recreation Access Areas Leases

- Duke Energy offers no-cost leases to local government partners through its Access Area Improvement Initiative (AAIL) lease program (lease duration tied to the FERC hydro license term).
- Lincoln County has, for some time, leased the Beatty's Ford Park access area with the current lease expiring in 2034.
- Beatty's Ford Boating Access Area is maintained by the NC Wildlife Resources Commission through an existing Maintenance Agreement with Duke Energy.
- Lincoln County has the option to enter a new (no cost) lease with Duke Energy for the term of the new FERC hydro license (i.e., through October 2055 and including annual renewals if the next FERC license is not issued by that date).
 - Duke Energy would add enhancements to the leased area, i.e., additional parking, fishing pier, swim beach and shade trees.
 - Lincoln County would continue to manage the site and have the option to add new recreation enhancements, i.e., bath house, concessions, picnic shelters and tables.
 - Duke Energy will continue to maintain the boat docks/ramps and associated parking, Sheriff's Dept./EMS maintains its facilities, and the County would maintain all other park amenities.

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Beatty's Ford Park Access Area – Construction Schedule Timeline

- Duke Energy met with County staff on September 11, 2019, to review engineering plans, discuss traffic flow and management, and schedule for construction.
- Duke Energy met with County staff and a Norman Estates HOA member on September 24, to discuss the items noted above and agreed to periodically meet with HOA representatives as we proceed through construction and management of the new recreation amenities.
- Currently, we are finalizing engineering design work and will begin permitting efforts in the first quarter of 2020.
- Construction may begin as soon as September 2020 and should be completed by June 2021.
- Duke Energy and Lincoln County will need to consider coordination of construction activities to realize synergies and cost savings in contractor mobilization and closure downtime of access area.

Catawba-Wateree Recreation Management Plan

For further information on planned Catawba-Wateree recreation projects:

<https://www.duke-energy.com/community/lakes/recreation-information/cw-recreation-enhancements>

The Board expressed concerns with the safety issue that already exists at Unity Church Road and the fact that a traffic study has not been done.

Representatives from Duke said it would be possible to delay the project start date until 2021 and finish by the deadline of 2022. They said they would be willing to sponsor a traffic impact analysis in coordination with Lincoln County and NCDOT. Commissioner Cesena asked for the traffic impact study to be done in the summer, not when kids are in school. He said Jackie McSwain has said that the big construction project for the Unity

Church Road intersection will begin on June 22, 2021, breaking ground August 1, 20201 and complete in one year.

The Commissioners agreed to push this project out one year to make sure all the information is available so the safety of the people living in the area and visiting the beach would be the priority.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to ask Duke Energy to postpone this portion of the project until 2021 and direct County Manager and Recreation Director to look at alternatives with Duke Energy and NCDOT to this plan and that nothing is done until at least such time as Unity Church Road is fixed, with a traffic study being completed before construction.

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