

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 16, 2020**

The Lincoln County Board of County Commissioners met on March 16, 2020, 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  
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 March 16, 2020 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, March 16, 2020**  
**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

2. Approval of Minutes
3. Agreement with Shea Homes
3. Planning Board Recommendations - Randy Hawkins
4. Public Hearing concerning an ordinance approving an agreement granting a nonexclusive construction and demolition debris landfill franchise to Lake Norman Landfill, LCC - Don Chamblee
- 4a. Healthcare Renewal for 2020-21 - Candy Burgin
5. Coronavirus Update from Health Department - Davin Madden, Director
6. Release of Performance Guarantees - Jeremiah Combs
  - Villages of Denver, Phase 3A
  - Trilogy at Lake Norman, Parcel F
7. Moved to 4a
8. Taxpayer Appeal - Rollback Tax Bill - John Greer, Susan Sain and Chris Nelson
9. Public comments
10. Resolution Calling for Public Hearing - Deanna Rios
11. Resolution Concerning the State Budget
12. Finance Officers Report
13. County Manager's Report
14. County Commissioners' Report
15. County Attorney's Report
16. Vacancies/Appointments
17. Calendar
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. Closed Sessions (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken on or behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Adjourn

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the agenda, moving Item 7 to 4a.

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

Consent Agenda

1. Tax Requests for Releases - More than \$100
2. Approval of Minutes
3. Agreement with Shea Homes

**Planning Board Recommendations:** Randy Hawkins presented the following:

**CUP #410 – Wizards Powersports, LLC, applicant** (Parcel ID# 53982) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 5.0-acre parcel is located at 6161 Industrial Park Road, on the northwest corner of Denver Industrial Park Road and Sinclair Street, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

Commissioner Sigmon asked if there will be any upgrades to the existing building. Mr. Hawkins responded that there will not be any upgrades required since there is an existing office in one of the buildings.

Commissioner Cesena asked if there has been any opposition to this request. Mr. Hawkins said he has not received any contacts or phone calls regarding this case.

**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 #410 – Wizards Powersports, LLC, applicant based on the findings of fact approved by the Planning Board.

**ZMA #672 – Scott Roach, applicant** (Parcel ID# 101215 and 101216) A request to rezone 4.5 acres from BG (General Business) to R-S (Residential Suburban). The property is located on the west side of Windy Hill Road and east side of U.S. 321 bypass at the Lincoln-Gaston county line about 1,200 feet south of Gastonia Highway in Ironton Township.

The Planning Board voted 8-0 to recommend approval.

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

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve ZMA #672 – Scott Roach, applicant, based on the recommendation of the Planning Board and the statement of consistency and reasonableness.

**Public Hearing concerning an Ordinance approving an agreement granting a nonexclusive construction and demolition debris landfill franchise to Lake Norman Landfill, LLC:** Don Chamblee presented the following:

This is the first reading of Amendment to Ordinance #2010-4: An Ordinance approving an agreement granting a nonexclusive construction and demolition debris landfill franchise to Lake Norman Landfill, LCC. A C&D Landfill was permitted back in 1998 on Parcel 74884. Subsequently, the County has entered into a franchise agreement for the facility. The agreement was most recently updated in October 2010. Staff has reviewed and recommends extending the agreement for 5 years.

Chairman Mitchem opened the public hearing on the Ordinance approving an agreement granting a nonexclusive construction and demolition debris landfill franchise to Lake Norman Landfill, LLC. Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Sigmon, the Board voted 4 – 1 (Cesena against) to approve the first reading of an Ordinance approving an agreement granting a nonexclusive construction and demolition debris landfill franchise to Lake Norman Landfill, LLC.

**Healthcare Renewal for 2020-21:** Candy Burgin introduced Mark Browder, who presented the following:

To give an overview of the Medical Plan Update, from 2014 -15 through 2017-18, there was no claims increase. This 4 year run of no claims increases allowed the County to use resources elsewhere. After the 2019-2020 Medical Plan renewal was completed, a significant claims spike occurred, driven by high claimants. For the 2018-2019 Plan Year, claims increased 22% and the Plan was in a negative position, managed by reserves. The 2020 -2021 Medical Plan renewal, based on claims, requires a substantial increase in funding.

In response to the needed funding increase, we requested quotes to ensure the best overall cost structure was available: Aetna, BCBSNC, CIGNA, United Healthcare. Aetna, BCBSNC, and CIGNA responded to the request. CIGNA was competitive and improved the financials by over \$200,000. In response to the strong CIGNA offer, BCBSNC got competitive, improving its fixed cost and pharmacy offer. At this point, based on the offers, there isn't a compelling reason to make a change.

Changes that are required for the renewal include:

Taking Option 2, which incorporates:

- Pharmacy improvements – NetResults
- Case Management Incentive
- Smart Shopper

Funding increase of \$1,000,000 by the County and \$150,000 by Employees  
Dental Preventative Services will no longer apply to the Annual Maximum.

Option 2 rates of a 20% increase in PPO rates and 9% HSA is based on Plan Performance.

Commissioner Cesena asked if the pay increase employees are proposed to receive will cover this increase. Mr. Atkins said for the last six years, employees have had no increase in health insurance costs, this is the first time in six years there has been cost sharing. He said their pay increases over the last six years are substantially more than this amount.

Mr. Browder said employees do have options, they can switch from the PPO to the HSA plan, where the increase is not as dramatic.

Mr. Atkins said benefits were left whole, they did not strip benefits, and this plan is extremely fair for employees.

Mr. Browder outlined the HSA and PPO plans, pointing out the differences in the plans.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve Option 2 for the 2020-21 benefit plan year as presented.

**Coronavirus Update:** Davin Madden, Health Director, gave an update on the Coronavirus. He encouraged everyone to practice good hygiene measures social distancing. He said it is a rapidly changing situation

**Release of Performance Guarantees:** Jeremiah Combs presented the following:

**Release of Performance Guarantee - Villages of Denver Phase 3A:** The applicant is requesting the release of the cash surety that was provided as a performance guarantee for temporary turnarounds in Phase 3A of Villages of Denver. The roads have now been extended, and the turnarounds are no longer needed.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Release of Performance Guarantee for Villages of Denver Phase 3A as presented.

**Release of Performance Guarantee - Trilogy at Lake Norman Parcel F:**

The applicant is requesting the release of the bond that was provided as a performance guarantee for infrastructure associated with Parcel F of Trilogy at Lake Norman. These improvements have now been satisfactorily completed.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Release of Performance Guarantee for Villages of Denver Phase 3A as presented.

**Taxpayer Appeal – Rollback Tax Bill:** Susan Sain presented a request from a taxpayer, John Geer. The taxpayer did not respond to the Present Use Value compliance review audit during the required time period. She presented the timeline of events in the case.

John Geer said he owns a farm at 6382 Beam Lumber Road, which is also known in the Tax GIS as 6353 Beam Lumber Road. He said he has been working on this historic house for the past 15 years and the property is farmed by Mr. Leatherman. He said he does not live at this address, he lives in Charlotte, and only comes on Wednesdays and on the weekends. He said he was sent mail, which he did not receive. He said he gets the mail from the mailbox every 2 weeks. He said he did receive a letter saying that he had been removed from the farm program and owed \$8355. He said he met with staff and discovered that he was too late to appeal to the Board of Equalization. He said his last resort is to come before the Commissioners to appeal his case.

Commissioner Sigmon asked if he gets any other mail at this address. Mr. Geer said he got his tax bill, he said he gets the mail every 2 weeks and goes through it.

## **A MOTION** by Commissioner Cesena to deny the appeal.

**VOTE: 3 – 2**      **AYES:** Cesena, McCall, Permenter  
**NOES:** Mitchem, Sigmon

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

Mary Kunz, 4705 Sagitarrius Circle, Denver spoke concerning the out of county water rates and asked the Board to reconsider these fees.

Beth Nix asked the Board to reconsider the increased out of county water rates.

Nancy Manley, 6211 Neptune Drive, asked the Board to reconsider the increase in out of county water rates.

Jay Pridgen, 4841 Sagittarius Circle, Denver spoke concerning the out of county water rate increases and asked the Board to reconsider the increases.

Amanda Magee, 6168 Neptune Drive, spoke concerning the out of county water rates and asked the Board to reconsider.

Being no additional speakers, Chairman Mitchem closed Public Comments.

**Resolution Calling for Public Hearing: UPON MOTION** by Commissioner Cesena, the Board voted unanimously to adopt the Resolution as presented.

**RESOLUTION CALLING PUBLIC HEARING**

\_\_\_\_\_ moved adoption the following resolution, that motion was seconded by \_\_\_\_\_, and the resolution was read by the above title.

WHEREAS, the Board of Commissioners (the “Board”) for the County of Lincoln, North Carolina (the “County”), is required by NCGS 160A-20 to hold a public hearing in connection with the installment financing and refinancing of various capital projects, and the Board wants to call that public hearing;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. The Board hereby calls a public hearing relating to the installment financing described above, to be held during the Board’s regularly scheduled meeting on April 6, 2020.

Section 2. This resolution shall take effect immediately upon its passage.

The motion to adopt the resolution was adopted by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

**Resolution Supporting the State of North Carolina’s Proposed FY 2019-2021 Biennium Budget: UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Supporting the State of North Carolina’s Proposed FY 2019-2021 Biennium Budget.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**TO APPROVE A RESOLUTION SUPPORTING THE STATE OF NORTH CAROLINA'S**  
**PROPOSED FY 2019-2021 BIENNIAL BUDGET**

**WHEREAS**, Lincoln County recognizes that strong partnerships in the community create lasting, positive impact for the residents of Lincoln County and surrounding areas; and,

**WHEREAS**, the current proposed state budget for the FY 2019-2021 biennium, H966 Appropriations Act, includes \$35.3 million in critical funding for educational, community safety, and economic development initiatives for several Lincoln County organizations and municipalities including:

- **\$13 million** to Lincoln County Schools for school construction and renovations and repairs
- **\$1.5 million** to Mountain Island Improvements
- **\$75 thousand** to Lincoln County for veterans training and conference room
- **\$150 thousand** to Lincoln County for a Sheriff's boat for Lake Norman
- **\$94 thousand** to Lincoln County for an emergency management vehicle and trailer
- **\$375 thousand** to Lincoln County EMS for a substation
- **\$25 thousand** to Crisis Pregnancy Center of Lincoln County to support the Hand-up Parenting Program, life skills training, curriculum upgrades, and computer upgrades
- **\$25 thousand** for heartbeats a pregnancy care center
- **\$4.5 million** to Lincoln County to assist with the renovation and repair of the courthouse
- **\$150 thousand** to the Lincoln County Sheriff
- **\$45 thousand** to Lincoln County for a literacy vehicle for the library.

**TOTAL FUNDING: \$19.9 million**

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners strongly encourages all members of the General Assembly to act in accordance with the needs of the State and support Gaston County by taking measures to ensure these important programs, included in the proposed state budget, are funded for the communities that they will so clearly benefit.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Carrol Mitchem, Chairman

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

**County Manager's Report**: The Board discussed postponing the next budget work session.

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

- Planning Board
  1. Appoint Amanda Carswell Owen to the unexpired term of Matt Fortune
- LEDA
  1. Appoint Brent Reynolds to the unexpired term of Martin Oakes

**Other Business:** **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to sell Charlie Greene's wife his service weapon, shield, lapel insignia, and handcuffs for \$1.

**Closed Session:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter closed session pursuant to NCGS 143-318.11. Closed Sessions (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken on or behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Chairman Mitchem announced no action was taken in Closed Session.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Closed Session minutes as presented.

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