

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 4, 2020

The Lincoln County Board of County Commissioners met on May 4, 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
Anita McCall
Milton Sigmon
Bud Cesena

Others Present:

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

Call to Order: Chairman Mitchem called the May 4, 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.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to adopt the agenda adding Item 3a – Approval of Installment Financing Resolution.

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

The following links can be clicked on to view the supporting documents

1. Approval of Minutes – [March 16, 2020](#)
2. [Resolution Approving Articles of Association and Agreement for the Centralina Workforce Development Consortium:](#)
3. [National Telecommunicators Week Proclamation](#)

4. [Subdivision Performance Guarantee Application for Old Village](#)
5. [Release of Performance Guarantee - Old Village Subdivision](#)
6. [Sheriff Request for Change in Position Control Classification](#)
7. [Sole Source approval for the purchase of Lego EV3 Mindstorm kits at \\$1540.16](#)
8. [Sole Source approval for the purchase of a Sphero Bolt Power Pack USA with a 3 year warranty for a total of \\$2,750](#)
9. [Essential Operations/Employees per Executive Order #121](#)
10. [GPO # 4](#)
11. [GPOA #1](#)
12. [CPOA #2](#)
13. [CPOA #3](#)
14. [BOA #4](#)
15. [VTS Refunds](#)
16. [Sole Source approval for the purchase of 20 Lego Education SPIKE Prime Sets and 20 Lego Education sole Source SPIKE Prime expansion sets for the total of \\$9,199.86](#)

Commissioner Sigmon pointed out that there are more items on the consent agenda than have been in the past, and there are some important items.

Public Hearing - Debt Financing of the new Lincoln County Courthouse:

Deanna Rios presented the following:

The Board will hold a public hearing tonight concerning the debt financing of the Lincoln County Courthouse. When this resolution was first prepared by the bond attorneys, we had planned to go forward with a public sale and also refund 4 or 5 pieces of current debt. The \$88 million amount includes \$50 million for the courthouse (bids had not been received yet), and another \$30 million for refunding current debt. We are not going with a public sale, we got bids from four or five banks for installment purchase rates. Regions came back with a rate of 2.7%. We received bids for the courthouse and will probably be financing between \$36 and \$40 million.

Commissioner Sigmon said he understands the bid came in at \$36.5 million. Mr. Atkins said that is correct and there are some items the Board will eventually have to consider, such as a Reimbursement Resolution that the County fronted for the engineering piece of this.

Deanna Rios said she has it set up that the county will only reimburse if the bids come in under budget. Mrs. Rios said the figure will not be over \$40 million.

PUBLIC HEARING

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the “Board”) should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$88,500,000 for the purpose of accomplishing the financing described in the Notice of Public Hearing and under which the County would secure the repayment by it of moneys advanced pursuant to such contract by granting a lien on a portion of property relating to the financing.

The Chairman announced that the notice of the public hearing was published in the Lincoln Times-News at least ten days before May 4, 2020.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract, pursuant to or who responded in writing to the notice of public hearing, are as follows:

After the Board had heard all persons who had requested to be heard, Commissioner Bud Cesena moved that the public hearing be closed. The motion was seconded by Commissioner Anita McCall and was unanimously adopted.

* * *

Commissioner Bud Cesena introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION (1) AUTHORIZING PURSUING AN INSTALLMENT FINANCING AND (2) MAKING CERTAIN FINDINGS AND APPOINTMENTS AND REQUESTING APPROVAL OF THE LOCAL GOVERNMENT COMMISSION

WHEREAS, Davenport & Company LLC (“Davenport”), on behalf of the County, has distributed a Request for Proposals to secure a bank commitment for the installment financing of

the construction and equipping of; a new courthouse for the County, and the County wants to accept the proposal of Capital One Public Funding, LLC and

WHEREAS, in order to secure required approval of the financing by the Local Government Commission of North Carolina, the County must make certain findings and must hold a public hearing;

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

1. The Board hereby finds and determines in connection with the proposed installment financing contract that (a) such proposed contract is necessary or expedient to the County, (b) such proposed contract, under current circumstances, is preferable to a general obligation bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed contract are adequate and not excessive for their proposed purpose, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) no increase in taxes will be necessary due to the proposed contract and (f) the County is not in default regarding any of its debt service obligations.
2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed contract under Article 8 of Chapter 159 of the General Statutes of North Carolina. The Board appoints Davenport as financial advisor, Robinson Bradshaw & Hinson P.A. as special counsel for the transaction.
3. The Board hereby accepts the proposal of Capital One Public Funding, LLC and authorizes County staff to work and negotiate with that organization regarding that proposed contract.
4. This Resolution shall become effective immediately upon its adoption.

Commissioner Miton Sigmon seconded the motion and the motion was adopted by the following vote:

AYES: Mitchem, McCall, Cesena, Sigmon

NAYS: None

Approval of Resolution approving amendments to installment financing contracts and authorizing the execution and delivery of documents in connection therewith: Deanna Rios said both Peoples Bank and First Citizens came back to task the county not to refund the debt, that they would lower the interest rates on the current debt. She said when these pieces of debt close, we will pay accrued interest up to that date at the current rate, then going forward with principle amount staying the same. The first is People's Bank, who lowered their interest rate from 3.02% to 2.65% and First Citizens has lowered their rate from 2.52% to 1.64% on the 2003 Certificates and 2.23 with the 2006 Certificates.

**RESOLUTION APPROVING AMENDMENTS TO INSTALLMENT FINANCING
CONTRACTS AND AUTHORIZING THE EXECUTION AND DELIVERY OF
DOCUMENTS IN CONNECTION THEREWITH**

Commissioner Bud Cesena moved adoption the following resolution, that motion was seconded by Commissioner Anita McCall and the resolution was read by the above title.

WHEREAS, the County and the respective lenders for the County's Installment Financing Contracts dated November 14, 2013 and June 27, 2014 (the "Contracts") want to lower the interest rates on the Contracts; and

WHEREAS, there have been available at this meeting drafts of the forms of Amendment to Installment Financing Contract relating to the Contracts (the "Amendments");

WHEREAS, the Board of Commissioners of the County wants to approve the Amendments and to authorize other actions in connection therewith; and

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

5. Each of the Amendments, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Finance Director, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
6. The Chairman of the Board, the County Manager, the Finance Director, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and the Amendments.
7. This Resolution shall become effective immediately upon its adoption.

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

AYES: Mitchem, McCall, Cesena, Sigmon

NAYS: None

Public Comments: Chairman Mitchem opened Public Comments. Being no speakers, Chairman Mitchem closed Public Comments

FTA Bus and Bus Facility Grant - TLC Regional Transit Hub Facility: Ron Rombs presented the following:

North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to public transportation and transit.

This year FTA released a Bus and Bus Facility Grant that is a consolidated competitive grant that is submitted by NCDOT.

Lincoln County has applied for a transit funding for a facility since 2010 and even budgeted our match portion in 2012. In 2012, facilities took a backseat to roadways and were moved to the bottom of the funding priority list.

This year FTA opened applications for Buses and Transit Facilities (5339 Funds) which is a different funding source for facilities. We are optimistic this year because these funds are not mixed with roadway projects which have taken priority for years.

Total FTA Budget Lincoln County Match

FTA Funding \$2,800,000 20% Match \$700,000

Total Grant Amount \$3,500,000

Lincoln County will exceed the 20% match requirement with in kind funding by providing land which is valued at \$721,012.

Mr. Rombs recommended that the facility be constructed on the old Health Department lots at Wilma Sigmon and Generals Blvd. He said there are other lots that could also be used if the value matches this site.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the request as presented, saying it would not tie down the Wilma Sigmon site and could be other locations used for this purpose.

Discussion concerning upcoming meetings: Mr. Atkins informed the Board that due to COVID-19 restrictions, he recommends only holding one Commissioners meeting per month, as is mandated by NCGS. He said all zoning cases have been cancelled until at least June. There will only be one meeting in May and it will be reevaluated for June.

UPON MOTION by Commissioner McCall, the Board voted unanimously to cancel the April 20 and May 18 meetings, reevaluating the situation in May for the June meetings.

Other Business: Commissioner Cesena commended the Fire Departments and Fire Chiefs for the work they are doing. He also praised the Lincoln County Board of Education, Administration, teachers and staff for what they are doing feeding the children and working with the children. He said we are incredibly fortunate to be here in Lincoln County.

Commissioner Cesena and Commissioner Sigmon thanked the public for following the shelter in place and doing a good job keeping the number of cases down in Lincoln County.

Commissioner McCall commended the entire Board of Commissioners for doing a good job with all the information that has been presented recently. She said it is phenomenal that the people of Lincoln County are doing as well as they are. She encouraged everyone to stay positive, saying we would all make it through this together.

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