

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 1, 2020

The Lincoln County Board of County Commissioners met on June 1, 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
Deanna Rios, Finance Director
Crystal Watson, Controller

Call to Order: Chairman Mitchem called the June 1, 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, June 1, 2020
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 Agenda
2. Consent Agenda
 1. Approval of Minutes
 2. CPOA #5
 3. BOA #6
4. Performance Guarantee Extension - Carolina Ridge Trilogy at Lake Norman (Parcel A, Map 1)
5. Performance Gurarantee Extension for Sifford Subdivision
6. Performance Guarantee Extension - Killian Creek Subdivision
7. Subdivision Performance Guarantee Application for The Farm at Ingleside Phase 3
8. Designation of Anita McCall as voting delegate for NACo Business Meeting (July 20)
3. Public Hearing - Budget
4. Public Comments
5. Second 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, Inc. - Don Chamblee
6. Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for Pump Station 15 - Don Chamblee
7. Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for a waterline along Saint James from Business Highway 16 to west crossing new Highway 16 - Don Chamblee
8. Killian Creek Waste Water Treatment Plant Construction and Engineering Contracts - Don Chamblee
9. Public Works Utility Hydraulic Model Update - Don Chamblee
10. Waterline Design from Airlie to Highway 73 - Don Chamblee
11. Appointments
12. Other Business
 - Ida Duckworth Appeal
13. Closed Session Pursuant to **§ 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 by or on 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 Cesena, the Board voted unanimously to adopt the agenda as presented.

Consent Agenda: UPON MOTION by Commissioner Sigmon, 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 – May 18, 2020
2. [CPOA #5](#)
3. [BOA #6](#)
4. [Performance Guarantee Extension-Carolina Ridge Trilogy at Lake Norman Parcel A, Map 1](#)
5. [Performance Gurarantee Extension for Sifford Subdivision](#)
6. [Performance Guarantee Extension - Killian Creek Subdivision](#)
7. [Subdivision Performance Guarantee Application for The Farm at Ingleside Phase 3](#)
8. Designation of Anita McCall as voting delegate for NACo Business Meeting (July 20)

Budget Public Hearing: Chairman Mitchem opened the Public Hearing concerning the tentative budget for the fiscal year beginning July 1, 2020.

Dr. Lory Morrow, Superintendent of Lincoln County Schools, urged the Board to reconsider the drastic budget cuts to the Lincoln County Schools.

Amanda Moore, 2535 Crystal Court, Executive Director of Communities in Schools asked the Board to reconsider funding to CIS and explained the importance of Communities in Schools.

Chris Rhyne, 696 Springside Drive, spoke asking the Board to reconsider the budget to fund the schools.

Heather Rhyne, 696 Springside Drive, asked the Board to reconsider the budget for Lincoln County Schools and reinstate funding.

Nancy Arndt, 2620 Artnt Wright Lane, Maiden, urged the Board to reconsider and not cut funding to the Lincoln County Schools.

Tasha Stoddard 383 Beth Haven Church Road, Denver urged the Board to reconsider the budget for the Lincoln County Schools and make education a priority.

Renee Lamont, 7954 Bradford Lane, thanked the Board for the 2% supplement increase and asked the Board to reconsider the 5% decrease. She spoke concerning the need for chromebooks for online learning if necessary and the uncertainty of returning to school in the fall with social distancing with reduced funding.

Liz Chroback 4002 Burton Lane, Denver, thanked the Board for the 2% increase but said she wished it could be extended to others that are equally important. She asked the Board to reconsider the budget cut and reinstate funding.

Stephanie Mullen, 7637 Cottonwood Drive, Denver asked the Board to not cut funding for Lincoln County Schools.

John Hall 2980 Gastonia Highway, Executive Director of Hesed House of Hope, thanked the Board for the support for the last 3 years. He spoke of his disappointment in learning of the funding cut and asked for the Board's support and funding.

Anna Mullen 1754 Old Mill Road, thanked the Board for their service. She urged the Board to invest in the future of this county to reconsider the budget and reinstate the school funding.

Stephanie O'Hagan, 7953 Rebecca Road, Denver asked the Board to do the right thing for the students of Lincoln County.

Kelly Land, 1659 Royalton Court, Denver, echoed what the other speakers said and asked the Board to reconsider the schools budget.

Cathy Davis, 5461 Reepsville Road, Vale spoke concerning Covid and asked the Board to reconsider funding for the Lincoln County Schools.

Elaine Jenkins appealed to the Board concerning the School's budget and asked them to restore funding.

Deanna Rios expalined how Article 46 money is used for school funding. It can only be used for the schools, which must be used for capital, technology, school safety and supplies. It cannot be used for salaries.

Kelly Atkins said the Lincoln County Schools have received a 23.8% increase over the past 5 years, but this year the reduction will be just under 5%.

Chairman Mitchem said it is a challenging time and he commended all teachers and county staff. He said this is a tentative budget and will be looked at going forward. He said he has a hard time understanding with the amount of money going to the schools that there is not paper and glue

sticks. He said if any teacher needs paper or glue sticks, they can come see him and he will provide them.

Commissioner Sigmon sincerely thanked everyone for speaking tonight. He said when considering the budget, there are two factors, revenue and expense. He said no one knows what will be coming in, during times that have we have never seen before. He asked the public to try and understand and have patience. He said the Board will go back and address the budget later when it is determined what will be coming in.

Commissioner Permenter said it is simply not true that the Commissioners are cutting teachers . He also expressed frustration that with the ¼ cent sales tax, there is still a shortage of paper and supplies.

Commissioner McCall applauded and said she appreciates the teachers. She praised them for the job they have done educating from home. She said the Board of Education is an elected board, that sees where the money allocated gets dispersed. She said if the money is not getting allocated appropriately, that is a problem. Commissioner McCall spoke concerning the 2% supplement increase for the teachers who touch the children.

Commissioner Cesena said he started talking to Dr. Morrow about 4 months ago about supplements and recommended that teachers get 2%.

Chairman Mitchem declared a 15 minute recess.

Public Comments: Chairman Mitchem opened Public Comments.

Dr. Lory Morrow spoke concerning accounting misunderstandings between the Board of Commissioners and Board of Education.

Heather Rhyne spoke concerning funding for Lincoln County Schools.

Aaron Allen spoke concerning funding for the Lincoln County Schools.

Amy Maddox spoke concerning funding for Lincoln County Schools.

Stephanie Mullen spoke concerning funding for Lincoln County Schools.

Dawn Rasmussen spoke concerning funding for Lincoln County Schools.

Amy Chandler spoke concerning funding for Lincoln County Schools.

Shana Thomas spoke concerning funding for Lincoln County Schools.

Being no additional speakers, Chairman Mitchem closed Public Comments

Second 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, Inc. - Don Chamblee presented the amendment to the Ordinance, which is on the agenda for the second reading and vote. The first reading was on March 17, 2020.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the second 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, Inc.

ORDINANCE #2020-____ : AMENDMENT TO ORDINANCE #2010-4: AN ORDINANCE APPROVING AN
AGREEMENT GRANTING A NONEXCLUSIVE CONSTRUCTION AND DEMOLITION DEBRIS
LANDFILL FRANCHISE TO TAKE TO LAKE NORMAN LANDFILL, LLC
LINCOLN COUNTY, NORTH CAROLINA

Pursuant to the authority conferred by N.C.G.S. Section 153A-136(a)(3), THE BOARD OF COUNTY
COMMISSIONERS OF LINCOLN COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND
ENACT INTO LAW THE FOLLOWING BY ORDINANCE:

Lincoln County ORDINANCE #2010-4 effective October 18, 2010 (hereinafter "2010 Franchise Ordinance and Agreement") is hereby amended as follows:

Section 3 is deleted in its entirety and replaced with the following:

Section 3: The renewal term of the Franchise and Agreement shall be for a fifteen (15) year term, beginning on October 1, 2010 and ending on September 20, 2025.

Section 8 is deleted in its entirety and replaced with the following:

Section 8: To enable secure, safe and economical disposal of solid waste in Lincoln County, Republic is granted a nonexclusive franchise for the Landfill for the "Life of Site" of the Landfill (as the term "Life of Site" is defined in North Carolina General Statute § 130A-294(a2)).

If any terms of this 2020 Franchise Ordinance Amendment and the 2010 Franchise Ordinance conflict, this 2020 Franchise Ordinance Amendment controls.

Adopted and executed in open session, this _____ day of _____, 2020, after being passed at the regular meeting of the Lincoln County Board of Commissioners held on the _____ day of _____, 2020. This 2020 Franchise Ordinance Amendment shall become effective on September 20, 2020.

LINCOLN COUNTY, NC BOARD OF COMMISSIONERS:

ATTEST:

By: _____

Carrol Mitchem, Chairman
Chairman, Board of Commissioners

Amy S Atkins

Clerk to the Board

LAKE NORMAN LANDFILL, LLC.

By: _____

NAME: SHANE WALKER
TITLE: 2/24/20

ATTEST:

Debbie Sneyd
NAME: Debbie Sneyd
TITLE: Project Specialist

Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for Pump Station 15 - Don Chamblee presented the following:

Lincoln County is requesting that the Board of Commissioners adopt a resolution regarding the acceptance and compliance requirements of the NC DEQ Clean Water State Revolving Fund and Drinking Water State Revolving Fund grant applications to seek funding from the North Carolina Department of Environmental Quality for the design and construction of raised manholes, splitter box, grinder and valves. Authorizing the County Manager to execute grant and loan application. This resolution is a requirement of the application.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for Pump Station 15.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project), and

WHEREAS, Lincoln County has need for and intends to construct a wastewater collection system project described as the fortification of existing County Sewer Pump Station 15 that lies within the flood plain of Forney Creek in Lincoln County in order to mitigate and limit future impacts to the system by subsequent weather events, and

WHEREAS, Lincoln County intends to request state loan and grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY:

That Lincoln County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Lincoln County to make scheduled repayment of the loan, to withhold from the Lincoln County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Kelly Atkins, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at Lincolnton, North Carolina.

(Signature of Chief Executive Officer)

(Title)

Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for a waterline along Saint James from Business Highway 16 to west crossing new Highway 16 -
Don Chamblee presented the following:

Lincoln County is requesting that the Board of Commissioners adopt a resolution regarding the acceptance and compliance requirements of the NC DEQ Clean Water State Revolving Fund and Drinking Water State Revolving Fund grant applications to seek funding from the North Carolina Department of Environmental Quality for the design and construction a Waterline along portions of Saint James/ Authorizing the County Manager to execute grant and loan application. This resolution is a requirement of the application.

Commissioner Sigmon pointed out that the reimbursement from the developer was going from an 8" line up to a 12" line, which is very wise to get a larger amount of flow, but no more labor costs.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Resolution to seek funding from NCDEQ State Revolving Funds and ASSDRA Grant for a waterline along Saint James from Business Highway 16 to west crossing new Highway 16

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project), and

WHEREAS, Lincoln County has need for and intends to construct a drinking water distribution system project described as the installation of a 12" water line from Highway 16 Business to the existing 12" on St. James Church Rd to provide a redundant feed south of the Lincoln County Water Treatment Plant, and

WHEREAS, Lincoln County intends to request state loan and grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY:

That Lincoln County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Lincoln County to make scheduled repayment of the loan, to withhold from the Lincoln County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Kelly Atkins, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at Lincolnton, North Carolina.

(Signature of Chief Executive Officer)

(Title)

Killian Creek Waste Water Treatment Plant Construction and Engineering Contracts -
Don Chamblee presented the following:

The County received 7 bids submitted on May 12, 2020. The lowest responsive bidder is PC Construction Company with a total base bid of \$29,964,007.50 for construction of the Killian

Creek Waste Water Treatment Plant Expansion. Additional engineering services are needed during construction with WK Dickson for \$993,000 and Southern Engineering for \$122,486.

He asked for approval of the resolution and to authorize the Chairman to execute the contract with PC Construction Company, WK Dickson and Southern Engineering contingent on approval of DWI-CWSRF and LGC.

Commissioner Cesena said he will vote no since he feels we need to wait until the beginning of the year.

UPON MOTION by Commissioner McCall, the Board voted 4 – 1 (Cesena against) to approve the Resolution and authorize the Chairman to execute the Contract with PC Construction Company, WK Dickson and Southern Engineering contingent on approval of DWI-CWSRF and LGC as presented.

Public Works Utility Hydraulic Model Update - Don Chamblee presented the following:

The County last updated the water system hydraulic model in 2016. There have been over 65 new developments phases added in the last few years adding over 4,000 new lots. This update will incorporate these new connections into the water system model.

He asked for authorization of the Chairman to execute contract with WK Dickson for 2020 water system hydraulic model update for \$ 71,500.

UPON MOTION by Commissioner Permenter, the Board voted 4 – 1 (Cesena against) to authorize the Chairman to execute contract with WK Dickson for 2020 water system hydraulic model update for \$ 71,500.

Waterline Design from Airlie to Highway 73 - Don Chamblee presented the following:

Adoption of this agenda item will begin the survey, geotechnical engineering, design and permitting of this project that will provide improved water service in Lincoln County by providing a redundant feed to the Highway 73 area.

He asked for authorization of the Chairman to execute contract with WK Dickson for Waterline Design from Airlie to Highway 73.

UPON MOTION by Commissioner McCall, the Board voted unanimously to authorize the Chairman to execute a contract with WK Dickson for Waterline Design from Airlie to Highway 73.

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

Nursing and Adult Care Home Advisory Committee – Appoint Becky Putnam and Teresa Crisson

Child Protection and Fatality Team – Appoint Sgt. Tiffany Cline with the Lincolnton Police Department.

Other Business: Commissioner Permenter reported on a recent video conference of the Gaston Cleveland Lincoln MPO that he and Commissioner Sigmon participated in. He said on the consent agenda was putting off the intersection of Unity Church, Triangle Circle and Business 16 again until 2023. There was no notification of this, it simply showed up on the consent agenda. He said he and Commissioner Sigmon asked to have this take out of consent agenda and after discussion a motion was made that the GCLMPO tell DOT to modify their plans to keep this project on track. The motion passed and they are going to send a letter to DOT to adjust their plan to make this intersection happen on time. Commissioner Sigmon thanked the fellow MPO members for their help with this matter.

Kelly Atkins and Crystal Watson, Controller, presented the appeal of Ida Duckworth. Mrs. Watson said Ms. Duckworth had 2 large bills, which were adjusted according to our adjustment policy.

UPON MOTION by Commissioner Sigmon, the Board voted to deny the appeal and send a letter to Ms. Duckworth letting her know the Board appreciates her bringing the matter to their attention, but are unable to adjust the bill further.

Closed Session: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to enter Closed Session Pursuant to § 143-318.11. Closed sessions. (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on 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

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.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners