

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 1, 2021**

The Lincoln County Board of County Commissioners met on March 1, 2021, at the James W. Warren Citizens Center Auditorium, 115 W. Main Street., Lincolnton, at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman  
Milton Sigmon, Vice-Chairman  
Anita McCall  
Bud Cesena  
Cathy Davis

Others Present:

Kelly G. Atkins, County Manager  
Josh Grant, Programs Manager  
Amy S. Atkins, Clerk to the Board  
Deanna Rios, Finance Director

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

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, March 1, 2021  
6:30 PM**

**James W. Warren  
Citizens Center  
115 W. Main Street  
Lincolnton, NC 28092**

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
  - Approval of Minutes – February 15, 2021

- Performance Guarantee - The Farm at Ingleside Phase 4
- Performance Guarantee - The Farm at Ingleside Phase 5
- Performance Guarantee Extension - Canopy Creek Phase 2

### 3. Zoning Public Hearing – Randy Hawkins

CUP #436 Christopher McBee, applicant (Parcel ID# 76546) A request for a conditional use permit to sell vehicles in the I-G (Industrial General) district in the Eastern Lincoln Development District (ELDD) overlay district. The 0.64-acre parcel is located at 7917 Commerce Drive, on the north side of Commerce Drive about 300 feet west of N.C. 16 Business, in Catawba Springs Township.

CUP #437 Anthony Hutto, applicant (Parcel ID# 92614) A request for a conditional use permit to allow the addition of a guest house in the R-T (Transitional Residential) district. The 7.3-acre parcel is located at 5737 Vesuvius Furnace Road in Ironton Township.

CUP #430-A Denver Christian Academy, applicant (Parcel ID# 80841) A request to amend a conditional use permit to allow a four-classroom modular building to be added to a school campus in the B-N (Neighborhood Business) district and used until a previously approved six-classroom addition is completed. The 3.0-acre parcel is located at 2243 Charter Lane, about 300 feet west of N.C. 16 Business at Old Post Road in Catawba Spring Township.

CZ #2021-1 John and Carolyn Prime, applicants (Parcel ID# 02291) A request to rezone a 0.87-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. The property is located at 1656 N. NC 16 Business Hwy., on the east side of N.C. 16 Business at Galway Lane, in Catawba Springs Township.

CZ #2020-7 Tony Davis, applicant (Parcel ID# 101744 and 101745) A request to rezone 27 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill with a disposal area approximately two acres in size. The property is located on the east side of Camp Creek Road about 4,000 feet south of its intersection with Furnace Road in Ironton Township.

CZ #2020-8 Chelsea Horton, applicant (Parcel ID# 27353) A request to rezone a 0.7-acre lot from B-G (General Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle storage and offices. The property is located on the east side of N.C. 27 about 1,600 feet south of its intersection with N.C. 73 in Ironton Township.

UDO Proposed Amendments #2021-1 Lincoln County Planning and Inspections Department, applicant. A proposal to amend various sections of the Lincoln County Unified Development Ordinance to incorporate the provisions of new state legislation regarding zoning and planning. N.C. General Statutes Chapter 160D consolidates city and county enabling laws into one chapter, updates the language, replaces conditional use permits with special use permits, and simplifies the required adoption of an explanatory statement to approve or reject a zoning change, among other things.

4. FY 2020 Emergency Management Performance Grant-Supplemental (EMPG-S) – Ron Rombs
5. Howard’s Creek Volunteer Fire Department (HCVFD) Request for Franchise EMT Responder – Ron Rombs
6. Resolution to seek funding from the Environmental Protection Agency (EPA) 2021 Diesel Emission Reduction Act (DERA) National Grants – Don Chamblee
7. Request to purchase of CAT 306 Excavator and Trailer for Public Works – Don Chamblee
8. Public Comments
9. Other Business

Adjourn

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

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

- Approval of Minutes – February 15, 2021
- Performance Guarantee - The Farm at Ingleside Phase 4
- Performance Guarantee - The Farm at Ingleside Phase 5
- Performance Guarantee Extension - Canopy Creek Phase 2

**Zoning Public Hearings:** Megan Gilbert, for Wesley Deaton, County Attorney, gave information on the Legislative and Quasi-judicial cases on the agenda today. She asked if any Planning Board members or Commissioners had any ex parte communications or conflicts of interest.

**CUP #436 – Christopher McBee, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD) overlay district. A site plan has been submitted as part of the application. The plan includes a condition proposed by the applicant: that no more than three vehicles be displayed outdoors at any one time. Vehicles would mainly be displayed in an existing 7,200-square-foot building, where the sales office would be located. Vehicle sales is a conditional use in the I-G and ELDD districts.

**SITE AREA AND DESCRIPTION**

The 0.64-acre parcel is located at 7917 Commerce Drive, on the north side of Commerce Drive about 300 feet west of N.C. 16 Business. The subject property is adjoined by properties zoned I-G and B-G (General Business). Land uses in this area include industrial, business, institutional (charter school), and residential (opposite side of N.C. 16 Business). This property is located in an area designated by the Land Use Plan as an Industrial Center.

Chairman Mitchem opened the public hearing concerning CUP #436 – Christopher McBee, applicant.

Christopher McBee, applicant, said he is seeking approval to open an automotive dealership. He said they are an online web based dealership that will house 25 to 30 vehicles in an indoor, climate controlled building. He said it will be low traffic, vehicles will primarily be sold online and delivered to customers. Mr. McBee said he prepared and would like to incorporate the findings of fact into his testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**CUP #437 – Anthony Hutto, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to allow the addition of a guest house in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain standards. In this case, the applicant is proposing a 1,000-square-foot guest house to go along with an existing 2,341-square-foot house. A site plan has been submitted as part of the application. It shows the guest house would be located in front of the front building line of the main house, but more than 100 feet from the edge of the road right-of-way, meeting the minimum setback for an accessory structure that's located in the road yard.

**SITE AREA AND DESCRIPTION**

The request involves a 7.3-acre parcel located at 5737 Vesuvius Furnace Road in Howards Creek Township. The property is zoned R-T (Transitional Residential) and is surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural.

This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential.

#### ORDINANCE STANDARDS

Under the UDO, the term used for a guest house is “private residential quarters.” The following standards are set:

##### **§4.6.5. Residential Accessory Use Standards**

##### **K. Private Residential Quarters**

Private residential quarters may be permitted by conditional use permit (See §9.11) as an accessory use to a detached single-family dwelling, subject to the following requirements:

1. Private residential quarters approved as a conditional use shall be subject to annual review for continued compliance in accordance with the requirements of §9.11.
2. Private residential quarters may be attached to or detached from the principal dwelling in the form of a guest house or garage apartment.
3. Private residential quarters shall not be rented or occupied for gain.
4. The area of private residential quarters shall not exceed 1000 square feet or half the size of the principal dwelling, whichever is less.
5. Private residential quarters shall not have a separate electrical meter.
6. The owner of the property shall occupy either the primary structure or the private residential quarters.
7. One additional parking space on the same premises shall be required for the private residential quarters.
8. Private residential quarters shall be architecturally consistent with the principal structure.
9. Manufactured homes may not be used as private residential quarters.

Chairman Mitchem opened the public hearing concerning CUP #437 – Anthony Hutto, applicant.

Anthony Hutto, applicant, is seeking approval for a 1000 square foot guest house for his inlaws to live in. It will have a separate septic tank and will match the house. Mr. Hutton said he prepared and would like to incorporate the findings of fact into his testimony.

John Mackey said he is the father in law and has been a resident of Mecklenburg County. He said they want to be with their family and asked for approval of the request. He said they have spoken to all the neighbors and nobody has a problem with what they want to do.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**CUP #430-A – Denver Christian Academy, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to allow a four-classroom modular building to be added to an elementary school campus in the B-N (Neighborhood Business district and used until a previously approved six-classroom addition to the main school building is completed. Under the Unified Development Ordinance, a school is a conditional use in the B-N district. A school is a permitted use in the Eastern Lincoln Development District (ELDD) overlay district, in which this property is located. The campus currently has 14 classrooms, including three for preschoolers, and a total of 188 students.

#### SITE AREA AND DESCRIPTION

The 3.0-acre parcel is located at 2243 Charter Lane, on the west side of N.C. 16 Business and north side of Old Post Road. The subject property is adjoined by property zoned B-N and R-SF (Residential-Single Family). Land uses in this area include business and residential. The subject property is designated by the Lincoln County Land Use Plan as a Special District, suitable for institutional facilities.

Chairman Mitchem opened the public hearing concerning CUP #430-A – Denver Christian Academy, applicant.

David Lutz said there will be restrooms and there is not a definitive timeline. He said they are working through the logistics with the property owners. He said the modulares will be placed where modulares were previously. He said he prepared and would like to incorporate the findings of fact into his testimony.

Mike Kiser, owner of Denver Christian Academy, said he is here to answer any questions. He said the original plan was to add a six classroom extension that was approved last fall, but there is a legal issue with the property and he cannot move forward with building until it is resolved.

Megan Gilbert said there is an outstanding lawsuit on the property. There is a question about ownership of the land and it is currently in court.

Donna Scates, Manager of G.O. Reynolds Construction, LLC, said she hopes the legal battle is settled soon.

Gregory Scott Reynolds said he does not object to the use of this property. He said he owns 50% of this property, along with the property adjacent to it and has not received any money from it since 2014.

Ron Barbagli, said his wife is the other 50% owner of this property. He said he wants progress to continue for the school. He said there is a legal battle going on and his wife has not received any money from the property either.

Megan Gilbert pointed out that there are outstanding legal matters. The property is owned by G.O. Reynolds Construction, the manager is Donna Scates and the members are Gregory

Scott Reynolds and his sister. They own 50% interest in the company, but the only person who has managerial duties is Donna Scates.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**CZ #2021-1 John and Carolyn Prime, applicants** Randy Hawkins presented the following information:

The applicants are requesting the rezoning of a 0.87-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service, which is already permitted as an existing use. The sales office would be located in an existing commercial building.

Vehicle sales is not permitted in the B-N district and is a conditional use in the B-G district and in the Eastern Lincoln Development District (ELDD), in which this property is located.

A site plan has been submitted as part of the application. It shows proposed vehicle display areas at the front of the property and on the sides, with a proposed condition: that no more than 25 vehicles be displayed for sale at any one time. Also included with the application are minutes from a community involvement meeting that was held last March.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified uses in accordance with the approved site plan. Any major modification or change in use would require approval by the Board of Commissioners through a public hearing process.

#### Site Area & Description

The subject property is located at 1656 N. NC 16 Business Hwy., on the east side of N.C. 16 Business at Galway Lane. It is adjoined by property zoned B-N, I-G (General Industrial), CZ I-G and CU B-G (Conditional Use B-G) Land uses in this area include business, industrial, educational and residential. This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services.

#### Background

A similar rezoning request to permit vehicle sales on this property (CZ #2020-3) was turned down by the Board of Commissioner in a 4-1 vote last August after the Planning Board voted 6-1 to recommend disapproval. The only difference in the earlier application is that the accompanying site plan did not include a proposed limit on the number of vehicles that could be displayed for sale. In denying the rezoning request, the Board of Commissioners adopted the same statement of consistency and reasonableness that the Planning Board adopted. That statement is included in this packet immediately following

staff's proposed statement.

#### Additional Information

##### **Permitted uses**

Under current B-N zoning: vehicle service, retail sales, offices, personal services, etc.

Under proposed zoning: vehicle sales and vehicle service.

##### **Adjoining zoning and uses**

East: zoned B-N and CZ I-G, portion of undeveloped lot and undeveloped portion of tract containing body shop.

South: zoned CZ I-G, body shop.

West (opposite side of N.C. 16 Business): zoned I-G, B-N and CU B-G; parking lot for charter school, undeveloped strip of land, and self-storage facility.

North: zoned B-N, portion of undeveloped lot.

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the public hearing concerning CZ #2021-1 – John and Carolyn Prime, applicants.

Rob Brown, Attorney for the applicant, said the applicants purchased the property in 2014 and are now residents of Denver. Mr. Brown presented photos of the site, before the Prime's purchase and how it looks like today with the improvements his client has made. He said this building is designed to be an automotive service building, it is not set up to be a restaurant or other uses. He said the business can currently be used to service vehicles, since that was the prior use and can continue. He presented photos of other businesses on Highway 16 including auto repair sites and boat sales lots. Mr. Brown reminded the Board that the Land Use Plan is simply a guide. He said after reviewing the Highway 16 Corridor Plan, he found nothing in the plan that said car lots were something not wanted on the corridor. At the last hearing, there was a lot of discussion about whether vehicles were considered equipment and the UDO defines equipment saying vehicles are not considered equipment. The buffering his clients are doing is in full compliance with the Overlay Districts in the UDO. Mr. Brown presented an email from the adjacent property owner, who has his property for sale and he has no objection to this request. Mr. Brown requested that the Board review this and keep an open mind, evaluating everything on a case by case basis. He said he knows Steve Taylor and Mark Barbagli will be speaking on the case and he felt they should have been approved also.

Commissioner Sigmon, said the limitation of 25 vehicles displayed is one change from the previous request.

Rob Brown said that is correct, they are limiting it to 25 cars on display for sale.

Carolyn Prime, applicant, said she is here to answer any questions.

Steve Taylor said he stood before the Board three years ago and was turned down. He said this will set a precedence by approving this request. He asked the Board to turn down this request.

Linda Ostergaard spoke concerning the Vision Plan and ELDD. She spoke about the reversal with the Planning Board in approving this request.

Ron Barbagli said he was turned down in 2018 and is divided on this request. He said he supports what the applicant is doing, but his and Mr. Taylor's requests were turned down.

Martin Oakes, 8057 Lucky Creek Lane, said the reversal was with the Planning Department, not the Planning Board as stated by Ms. Ostergaard. He asked why this is allowed since it has not been a year and the rule is if you are turned down you have to wait a year to reapply.

Randy Hawkins said the one year is for conditional use permits that have been denied. This is a conditional rezoning so there is no time limit. He said to correct another thing, the Planning staff recommended approval of the first request, which was heard in August, as well as First Class Autos and Ron Barbagli.

Being no additional speakers, Chairman Mitchem closed the public hearing.

Chairman Mitchem called for a five minute recess and called the meeting back to order.

**CZ #2020-7 Tony Davis, applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of 27 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill (LCID) with a disposal area of approximately two acres in size. Materials that may be accepted at an LCID landfill are limited to stumps, limbs, brush, concrete, used asphalt, brick, concrete block, uncontaminated soil, rock and gravel.

Under the state's solid waste management rules, an LCID landfill must be located at least 50 feet from any stream and at least 100 feet from all property lines, dwellings and wells. In the case of an LCID landfill with a disposal area of less than two acres, an operator must file a notification form with the state.

Under the Lincoln County Unified Development Ordinance, a landfill is included under the use group Waste Service, which is permitted only in the I-G district as a conditional use and requires a minimum area of 20 acres.

A site plan and an operations plan have been submitted as part of the rezoning application. Also included in this info packet are minutes from a virtual community

involvement meeting that was held on January 12. In lieu of participating in the meeting, owners of property in the surrounding area were informed that they could provide comments by phone or email. Those comments are included with the minutes.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the use of the property would be limited to an LCID landfill.

#### Site Area & Description

The subject property is located on the east side of Camp Creek Road about 4,000 feet south of its intersection with Furnace Road in Ironton Township. It is surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Land Use Plan as Large Lot Residential, suitable primarily for single-family detached homes.

#### Planning Staff's Recommendation

Staff recommends disapproval of the rezoning request.

Commissioner Sigmon asked if this could be considered spot zoning. Mr. Hawkins said it could.

Commissioner Cesena asked for a run-down of the violations on this site. Mr. Hawkins said there was a fire at this site last fall and the State Air Quality inspector found there was construction debris materials under the fire. Scrap metal, construction debris, wood, block, tin and vinyl siding had been dumped in a gully on the property. They advised that all material would need to be removed from the site, which was done by Mr. Davis. Within the last 2 or 3 weeks, they have received reports that there is a building on the site that does not appear on the tax records.

Commissioner McCall asked what was allowed by right in the district. Mr. Hawkins reviewed the uses allowed by right in the R-T district.

Commissioner Davis asked if the hours of operation were typical. Mr. Hawkins said it is not atypical since builders work late and then dispose of debris.

Chairman Mitchem opened the public hearing concerning CZ #2020-7 Tony Davis, applicant, applicant.

David Ledford, 2730 Maiden Hwy, said he developed the site plan and operational manual. He said hours of operation can be adjusted. He said contractors are taking debris elsewhere or disposing of it illegally. He said this site lends itself to this type of use. The plan follows all state and EPA guidelines. He said it does not meet zoning regulations, but with a conditional use it would.

Commissioner Sigmon asked about owner being there at all times as is stated in the plans. Mr. Ledford said at all operational times, the owner will be on site. Commissioner Sigmon

asked about the tonnage allowed on the bridge on Camp Creek Road. Mr. Ledford said he could clarify with DOT

Dean Stroupe deferred his time to Jonathan Stoner.

Sharon Stroupe deferred her time to Jonathan Stoner.

Jonathan Stoner, 487 Camp Creek Road, spoke about violations on the property, including a house that was dumped there and a fire at the site. He said if they are allowed to have this landfill, there is no telling what will be place on the site. He voiced concerns about property values and spot zoning.

Al Johnson, 435 Camp Creek Road, objected to the request saying the landfill creates new public hazards. He said Andrew Bryant has stated that Lincoln County does not currently have the resources to monitor this site more than once or twice annually. He spoke about the traffic, spot zoning and water supply contamination.

Laurie Johnson, 435 Camp Creek Road, asked the Board to decline the request to rezone the property.

Tony Davis, applicant, said he has lived on the property for 59 years and has never had any issues until now. He said he has been a true neighbor that would help anyone. After the timber was harvested, huge gullies were exposed. The stump dump would allow him to stay with his 81 year old mother who he helps. Mr. Davis said the cost to have the debris removed was close to \$10,000.

Steve Atkinson, 354 Camp Creek Road said his property is right across the creek from Mr. Davis' property. He said he walked to the creek and it is just a muddy mess and there is no catch basin on the property.

Dean Stroupe. 969 Duncan Lane, said he saw the property hauled into the ravine and the fire burned for at least 2 weeks. He said even with all this, they still hauled 6 dump truck loads off.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**CZ #2020-8 Chelsea Horton, applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of a 0.7-acre lot from B-G (General Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle storage and offices. Vehicle storage is a permitted use in the I-G district, but not in the B-G district.

A site plan has been submitted as part of the rezoning application. Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property

could only be used for the specified uses in accordance with the approved site plan.

A virtual community involvement meeting regarding the rezoning request was held on January 20, but no one logged in or called in to participate. In lieu of participating in the meeting, owners of property in the surrounding area were informed that they could provide comments by phone or email in advance of the meeting, but no comments were received.

Applicants Chelsea Horton and Robert Gibson of Top Notch Recovery, LLC, which repossesses and temporarily stores vehicles, were present for the community meeting. According to Mr. Gibson, they have operated the business on the subject property since August 2019. The rezoning application was submitted after a citizen questioned whether the business was in compliance with zoning and staff contacted Mr. Gibson.

#### Site Area & Description

The subject property is located on the east side of N.C. 27 about 1,600 feet south of its intersection with N.C. 73 in Ironton Township. It is adjoined by property zoned B-G and I-G (opposite side of N.C. 27). Land uses in this area include business and residential). This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services.

#### Additional Information

##### **Permitted uses**

Under current B-G zoning, vehicle service, retail sales, offices, personal services, etc..

Under proposed CZ I-G zoning: vehicle storage, offices.

##### **Adjoining zoning and uses**

East: zoned B-G, commercial building and undeveloped property.

South: zoned B-G, undeveloped property.

West (opposite side of N.C. 27, zoned B-G, house and business.

North: zoned B-G, undeveloped property.

##### Staff's Recommendation

Staff recommends approval of the rezoning request.

Commissioner Sigmon asked if someone was living in the camper on the property.

Chairman Mitchem opened the public hearing concerning CZ #2020-8 Chelsea Horton, applicant, applicant.

Robert Gibson said that the camper is their personal camper and no one lives there. They are only storing the camper on the lot.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UDO Proposed Amendments #2021-1 Lincoln County Planning and Inspections Department, applicant** Randy Hawkins presented the following:

The planning staff is proposing amendments to numerous sections of the Lincoln County Unified Development Ordinance to comply with new state legislation that updates zoning and planning statutes and combines them into a single new chapter.

These enabling statutes for counties and cities have previously been found in separate chapters under different articles of the General Statutes and contained somewhat different provisions. The new Chapter 160D provides uniform authority and procedures, reorganizes the statutes and modernizes the language, but does not make any major policy shifts.

The 160D proposal was developed by the N.C. Bar Association with input from local government officials and organizations and interest groups such as developers and homebuilders. A number of consensus reforms that have the broad support of stakeholders are incorporated into the new chapter.

One of the main changes is the elimination of conditional use permits and conditional use districts. Instead, 160D relies on special use permits and conditional zoning districts to avoid confusion.

Another main change simplifies the required adoption of an explanatory statement to approve or reject a rezoning request.

The full text of the proposed amendments is included in this packet. Text proposed to be deleted is shown as struck through. Text proposed to be added is shown as underlined. In the case of use tables, C (for conditional use) is simply replaced with S (for special use). In the case of the development review table, an X is used to show deletions.

The proposal is divided into six parts:

- 1) Replacement of conditional use permits with special use permits.
- 2) Statements of consistency and reasonableness for zoning amendments.
- 3) Provisions for establishing vested rights.
- 4) Conditional zoning districts.
- 5) Historic preservation.
- 6) References to General Statutes and the addition of associated provisions.

Randy Hawkins presented amendments to the text.

Chairman Mitchem opened the public hearing concerning UDO Proposed Amendments #2021-1 Lincoln County Planning and Inspections Department, applicant,

Linda Ostergaard, speaking on behalf of her neighborhood, voiced concerns about the amendments.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**FY 2020 Emergency Management Performance Grant-Supplemental (EMPG-S):** Ron Rombs presented the following:

The EMPG Program provides states with federal funds to sustain and enhance all-hazards emergency management capabilities. North Carolina uses EMPG to enhance its ability and to help counties support emergency management activities while simultaneously addressing issues of national concern as identified in the National Priorities of the National Preparedness Guidelines. A statewide comprehensive emergency management program begins at the local level; that is why NCEM coordinates EMPG activities through its 100 counties and the Eastern Band of Cherokee Indians.

These funds are used to offset salary cost of the transitioning of Emergency Management Coordinators

He asked the Board to approve the FY 2020 Emergency Management Performance Grant-Supplemental (EMPG-S) in the amount of \$12,695.45.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the FY 2020 Emergency Management Performance Grant-Supplemental (EMPG-S) in the amount of \$12,695.45.

**Howard's Creek Volunteer Fire Department (HCVFD) Request for Franchise EMT Responder:** Ron Rombs presented the following:

HCVFD had been operating as an EMT department while operating under a AED Plus Franchise since March 2012. They have requested to upgrade their franchise to an EMT Responder level. The request was reviewed by the LCEMS Peer Review Committee with a recommendation for approval on February 17, 2021.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve an EMT Provider Franchise to HCVFD.

**Resolution to seek funding from the Environmental Protection Agency (EPA) 2021 Diesel Emission Reduction Act (DERA) National Grants:** Don Chamblee presented the following:

Lincoln County Solid Waste is requesting that the Board of Commissioners approve the application for an EPA 2021 DERA Grant. Lincoln County Solid Waste is applying for the EPA DERA Grant for 2021 to replace a Diesel 1994 Volvo GMC Road Tractor Truck 5th wheel with a new Granite 64FT MACK SPEC. The Granite 64FT MACK SPEC has a MP8 Engine package which meets the CARB 2008 Idle regulation and meets the EPA certification. There is a cost share with the grant. Lincoln County portion of the grant is 75% or total amount of \$97,091.52 and the EPA DERA Grant portion of 25% \$32,363.83 with a total project cost of \$129,455.35.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the application for an EPA DERA Grant as presented.

**Approval to purchase of CAT 306 Excavator and Trailer:** Don Chamblee presented the following:

Public Works budgeted FY21 to purchase a new excavator and trailer for Water and Sewer. The CAT 306 is \$97,995.90 and the trailer is \$9,892.47.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the purchase of a CAT 306 Excavator and Trailer as presented.

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

**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