

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 18, 2022

The Lincoln County Board of County Commissioners met on April 18, 2022, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carral Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Anita McCall
Bud Cesena

Commissioners Absent:

Cathy Davis

Others Present:

Kelly Atkins, County Manager
Davin Madden, Assistant County Manager
Megan Gilbert, County Attorney
Deanna Rios, Finance Director
Amy S. Atkins, Clerk to the Board

Chairman Mitchem 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, April 18, 2022
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 the Agenda

2. Consent Agenda
 - a. Approval of Minutes – April 4, 2022
 - b. BOA #9
 - c. BOA #10
 - d. VTS Refunds – March 2022
 - e. Refunds – Annuals over \$100 – 3/7/22 – 3/20/22
 - f. Releases over \$100 – 2/16 – 3/15/22
3. Planning Board Recommendation– Jeremiah Combs
4. Public Hearing for the Re-Adoption of Ordinances Designating Certain Lincoln County Properties as Historic Landmarks – Joshua Grant
 - a. ERA Stone Fence
 - b. Ingleside
 - c. Mundy House
 - d. Pleasant Retreat Academy
 - e. Reinhardt Building
 - f. Vesuvius
5. Public Hearing – Resolution to Abolish the East Lincoln County Water and Sewer District – Megan Gilbert
6. Charter Communications Grant Opportunity – NC GREAT Grant Program – Michael Tanck
7. Public Comments
8. County Manager’s Report
9. County Commissioners’ Report
10. County Attorney’s Report
11. Vacancies/Appointments
12. Other Business

Information only – no action needed

 - Register of Deeds Report
 - Property Tax Collection Report

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 as presented.

Consent Agenda

- a. Approval of Minutes – April 4, 2022
- b. BOA #9
- c. BOA #10
- d. VTS Refunds – March 2022
- e. Refunds – Annuals over \$100 – 3/7/22 – 3/20/22
- f. Releases over \$100 – 2/16 – 3/15/22

Planning Board Recommendations: Joshua Grant presented the following:

ZMA #686 Moe Abba, applicant (Parcel ID# 31659) A request to rezone a 0.7-acre parcel from R-SF (Residential Single-Family) to B-G (Business General). The property is located at 4282 N N.C. 16 Business in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as recommended by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #686 Moe Abba, applicant.

Public Hearing for the Re-Adoption of Ordinances Designating Certain Lincoln County Properties as Historic Landmarks – Joshua Grant presented the following:

There are 28 local landmarks in the County currently. We are in the process of readopting some of these landmarks due to the fact that the Board adopted Resolutions instead of Ordinances. The first six public hearings will be held tonight and after approval these will be recorded in the Register of Deeds office.

ERA Stone Fence

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of ERA Stone Fence as a Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF ERA STONE FENCE AS A LANDMARK IN LINCOLN COUNTY, NC

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office has previously reviewed the historical, architectural, educational and cultural significance of ERA STONE FENCE; and

WHEREAS, the ERA STONE FENCE is located in the southeastern corner of the property addressed as 311 E MCBEE ST in Lincolnton, North Carolina; and

WHEREAS, the ERA STONE FENCE or Emergency Relief Administration Stone Fence is a locally extant example of the government-supported projects of the 1930s.; and

WHEREAS, the ERA STONE FENCE is named after the Federal Emergency Relief Administration (FERA) program established by Franklin Roosevelt in 1933.; and

WHEREAS, the ERA STONE FENCE of Lincoln County is hereby appreciated for its high level of integrity, and rich historical context; and

WHEREAS, the current owner of ERA STONE FENCE is Lincoln County, Care/of County Manager; and

WHEREAS, the current owner of ERA STONE FENCE has faithfully maintained the structure and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of ERA STONE FENCE and have previously recommended to the Lincoln County Board of Commissioners designation of ERA STONE FENCE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that ERA STONE FENCE possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for ERA STONE FENCE, and have previously designated ERA STONE FENCE as a historic landmark on the 3rd day of February, 2014 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that ERA STONE FENCE has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The structure known as ERA STONE FENCE, listed under Parcel Identification Number 3623857663 (Parcel ID 01098) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date

of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said structure / landmark is noted as being situate on that tract of property more specifically described in that Deed recorded in Book 872 at Page 166 of the Lincoln County Public Registry.

2. That ERA STONE FENCE may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of ERA STONE FENCE may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).

3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of ERA STONE FENCE that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of ERA STONE FENCE from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that ERA STONE FENCE has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners of ERA STONE FENCE shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That ERA STONE FENCE as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins

Clerk to the Board of Commissioners

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve Ordinance Certifying and Re-Establishing the Designation of ERA Stone Fence as a Landmark in Lincoln County, NC.

Ingleside

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of Ingleside as a Historic Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF
INGLESIDE AS A HISTORIC LANDMARK IN LINCOLN COUNTY, NC**

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office (SHPO) has previously reviewed the historical, architectural, educational and cultural significance of INGLESIDE; and

WHEREAS, the historical and architectural significance of INGLESIDE has been well documented and recognized through its listing in the National Register of Historic Places; and

WHEREAS, INGLESIDE has a property address of 716 LATROBE DR in Iron Station, North Carolina; and

WHEREAS, INGLESIDE was built by Daniel M. Forney on land inherited from his father, General Peter Forney. Both father and son served as United States Representatives and played a significant role in Lincoln County politics and industry; and

WHEREAS, INGLESIDE is one of North Carolina's finest and earliest antebellum mansions. The two-story brick mansion, five bays wide and three deep, is monumental in design and conception; and

WHEREAS, the interior of INGLESIDE expresses the Piedmont architectural style. The curving stair and drawing-room are similar in design to those attributed to Jacob Stirwalt.; and

WHEREAS, INGLESIDE is a distinguished example of Federal refinement which existed in piedmont North Carolina; and

WHEREAS, the current owner of INGLESIDE is Darryl T. Saunders And Wife, Jie Zhu; and

WHEREAS, the current owner of INGLESIDE has faithfully maintained the dwelling and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the National Park Service of the United States Department of the Interior has INGLESIDE listed in the National Register of Historic Places; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of INGLESIDE and have previously recommended to the Lincoln County Board of Commissioners designation of INGLESIDE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that INGLESIDE possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for INGLESIDE, and have previously designated INGLESIDE as a historic landmark on the 19th day of August, 2002 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that INGLESIDE has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as INGLESIDE: including the exterior of the house, six (6+) acres of land upon which it is located, [the board and batten smokehouse, a slave house, and part of a log cabin] listed under Parcel Identification Number 3692266285 (Parcel ID 100423) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said building and property is noted as being situate on that tract of property more specifically described in that Deed recorded in Book 3070 at Page 859 of the Lincoln County Public Registry.
2. That INGLESIDE may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of INGLESIDE may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).
3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of INGLESIDE that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration,

moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of INGLESIDE from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that INGLESIDE has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners and the occupants of INGLESIDE shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That INGLESIDE as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve an Ordinance Certifying and Re-Establishing the Designation of Ingleside as a Historic Landmark in Lincoln County, NC.

Mundy House

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of Mundy House as a Historic Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF
MUNDY HOUSE AS A HISTORIC LANDMARK IN LINCOLN COUNTY, NC**

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office has previously reviewed the historical, architectural, educational and cultural significance of MUNDY HOUSE; and

WHEREAS, the historical and architectural significance of MUNDY HOUSE has been well documented; and

WHEREAS, MUNDY HOUSE has a property address of 4353 N NC 16 BUSINESS HWY in Denver, North Carolina; and

WHEREAS, the 1840 to 1850 portion of the MUNDY HOUSE is rare in Lincoln County with its high level of integrity, and its excellent structural condition for its architectural style; and

WHEREAS, Robert M. Mundy, son of Osborne Mundy of the same name acquired the house via a mysterious estate settlement in 1876, where the lack of filed records has left the actual construction date in question; and

WHEREAS, the MUNDY HOUSE remains to be one of only a few central-hall examples within Lincoln County; and

WHEREAS, the current owner of MUNDY HOUSE is Lincoln County Historical Association, Inc., a North Carolina corporation; and

WHEREAS, the current owner of MUNDY HOUSE has faithfully maintained the dwelling and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of MUNDY HOUSE and have previously recommended to the Lincoln County Board of Commissioners designation of MUNDY HOUSE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that MUNDY HOUSE possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for MUNDY HOUSE, and have previously designated MUNDY HOUSE as a historic landmark on the 3rd day of February, 2014 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that MUNDY HOUSE has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as MUNDY HOUSE: including the exterior of the house, the 1.34-acres of land upon which it is located, listed under Parcel Identification Number 3695183002 (Parcel ID 34683) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said building and property is noted as being situate on that tract of property more specifically described in that Deed recorded in Book 2388 at Page 237 of the Lincoln County Public Registry.

2. That MUNDY HOUSE may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of MUNDY HOUSE may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).

3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of MUNDY HOUSE that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of MUNDY HOUSE from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that MUNDY HOUSE has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners and the occupants of MUNDY HOUSE shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That MUNDY HOUSE as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve an Ordinance Certifying and Re-Establishing the Designation of Mundy House as a Historic Landmark in Lincoln County, NC.

Pleasant Retreat Academy

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of Pleasant Retreat Academy as a Historic Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF
PLEASANT RETREAT ACADEMY AS A HISTORIC LANDMARK IN LINCOLN
COUNTY, NC**

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office has previously reviewed the historical, architectural, educational and cultural significance of PLEASANT RETREAT ACADEMY; and

WHEREAS, the historical and architectural significance of PLEASANT RETREAT ACADEMY has been well documented and recognized through its listing in the National Register of Historic Places; and

WHEREAS, PLEASANT RETREAT ACADEMY has a property address of 129 E PINE ST in Lincolnton, North Carolina; and

WHEREAS, the PLEASANT RETREAT ACADEMY was chartered in 1813 and constructed between 1817 and 1820 and is one of the largest of the surviving early nineteenth-century examples of the many private academies developed before the development of the public school system; and

WHEREAS, the roster alumni included Governors, Senators, Cabinet Members and a General; and

WHEREAS, the restrained Federal-style brick building reflects the growing wealth and pride of Lincolnton during that area as well as its role as a center of trade and culture in Western North Carolina; and

WHEREAS, the building is four-bay wide, two deep, and is laid in Flemish bond on a low fieldstone foundation. Ornamentation is provided by flat arches above the windows, wide corbel cornices, single-shouldered chimneys, deep exterior reveals of windows, twelve over twelve and eight over twelve sashes, six-panel exterior door, and round-arched door reveals containing a fanlight; and

WHEREAS, the interior first floor is one large room and the second floor is two rooms with a stair rising from east to west along the middle of the rear wall. Mantels remain on the second floor; and

WHEREAS, the current owner of PLEASANT RETREAT ACADEMY is the Historic Preservation Foundation of North Carolina, Inc., a North Carolina Corporation; and

WHEREAS, the current owner of PLEASANT RETREAT ACADEMY has faithfully maintained the dwelling and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the National Park Service of the United States Department of the Interior has PLEASANT RETREAT ACADEMY listed in the National Register of Historic Places; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of PLEASANT RETREAT ACADEMY and have previously recommended to the Lincoln County Board of Commissioners designation of PLEASANT RETREAT ACADEMY based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that PLEASANT RETREAT ACADEMY possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for PLEASANT RETREAT ACADEMY, and have previously designated PLEASANT RETREAT ACADEMY as a historic landmark on the 2nd day of November, 1992 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that PLEASANT RETREAT ACADEMY has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as PLEASANT RETREAT ACADEMY: including the exterior of the house, the one-acre parcel of land upon which it is located, listed under Parcel Identification Number 3623842842 (Parcel ID 59804) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said building and property is noted as being situate on that tract of property more specifically described in that Deed recorded in Book 3070 at Page 592 of the Lincoln County Public Registry.

2. That PLEASANT RETREAT ACADEMY may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of PLEASANT RETREAT ACADEMY may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).

3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of PLEASANT RETREAT ACADEMY that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of PLEASANT RETREAT ACADEMY from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that PLEASANT RETREAT ACADEMY has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners and the occupants of PLEASANT RETREAT ACADEMY shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That PLEASANT RETREAT ACADEMY as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins

Clerk to the Board of Commissioners

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve an Ordinance Certifying and Re-Establishing the Designation of the Pleasant Retreat Academy as a Historic Landmark in Lincoln County, NC.

Reinhardt Building

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of Reinhardt Building as a Historic Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF REINHARDT BUILDING AS A HISTORIC LANDMARK IN LINCOLN COUNTY, NC

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office has previously reviewed the historical, architectural, educational and cultural significance of REINHARDT BUILDING; and

WHEREAS, the historical and architectural significance of REINHARDT BUILDING has been well documented; and

WHEREAS, REINHARDT BUILDING has a property address of 101 W COURT SQUARE in Lincolnton, North Carolina; and

WHEREAS, the REINHARDT BUILDING of Lincoln County is hereby appreciated for its high level of integrity, and rich historical context; and

WHEREAS, the REINHARDT BUILDING was built by Robert 'Bob' Reinhardt in 1909 to be used as an office, post office, and place of commerce; and

WHEREAS, the REINHARDT BUILDING is one of four three-story buildings in the Lincolnton Commercial District, a National Register District, which is evenly divided between one-story and two-story resources; and

WHEREAS, the Classical Revival building is considered one of three notable buildings that comprise the Lincolnton Commercial District; and

WHEREAS, the current owner of REINHARDT BUILDING is 101 Court Square, LLC; and

WHEREAS, the current owner of REINHARDT BUILDING has faithfully maintained the dwelling and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of REINHARDT BUILDING and have previously recommended to the Lincoln County Board of Commissioners designation of REINHARDT BUILDING based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that REINHARDT BUILDING possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for REINHARDT BUILDING, and have previously designated REINHARDT BUILDING as a historic landmark on the 16th day of November, 2015 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that REINHARDT BUILDING has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as REINHARDT BUILDING: including the exterior of the house, the 0.07-acre of land upon which it is located, listed under Parcel Identification Number 3623748160 (Parcel ID 16956) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said building and property is noted as being situate on that tract of property more specifically described in that Combination Deed recorded in Book 2480 at Page 431 of the Lincoln County Public Registry.
2. That REINHARDT BUILDING may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of REINHARDT BUILDING may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).

3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of REINHARDT BUILDING that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of REINHARDT BUILDING from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that REINHARDT BUILDING has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners and the occupants of REINHARDT BUILDING shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That REINHARDT BUILDING as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve an Ordinance Certifying and Re-Establishing the Designation of Reinhardt Building as a Historic Landmark in Lincoln County, NC.

Vesuvius Furnace

Chairman Mitchem opened the public hearing concerning the Ordinance Certifying and Re-Establishing the Designation of Vesuvius Furnace as a Historic Landmark in Lincoln County, NC. Being no speakers, Chairman Mitchem declared the public hearing closed.

AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF VESUVIUS FURNACE AS A HISTORIC LANDMARK IN LINCOLN COUNTY, NC

WHEREAS, all of the prerequisites to the adoption of this ordinance as prescribed in Chapter 160D, Article 9, as amended, of the North Carolina General Statutes have been met; and

WHEREAS, the North Carolina State Historic Preservation Office has previously reviewed the historical, architectural, educational and cultural significance of VESUVIUS FURNACE; and

WHEREAS, the historical and architectural significance of VESUVIUS FURNACE has been well documented and recognized through its listing in the National Register of Historic Places; and

WHEREAS, VESUVIUS FURNACE has a property address of 6173 VESUVIUS FURNACE RD in Iron Station, North Carolina; and

WHEREAS, VESUVIUS FURNACE was built by General Joseph Graham. The furnace was built in 1790 and the dwelling built-in 1792; and

WHEREAS, Joseph Graham manufactured iron in Lincoln County until 1834 when he transferred his business to his sons; and

WHEREAS, VESUVIUS FURNACE is indicative of an important antebellum industry where an ironmaster was essentially a planter dividing his time between iron manufacture and plantation agriculture; and

WHEREAS, VESUVIUS FURNACE is a dwelling notable for its imposing design which is two stories in height, five bays wide and two deep; and

WHEREAS, the eastern portion of the house was built in 1792 and contains a large double shouldered chimney of bricks laid in Flemish Bond and, the western portion of the house was built between 1810 and 1820 and contains a chimney of brick laid in common bond; and

WHEREAS, VESUVIUS FURNACE retains much of its original fabric including a notable Federal Style mantle, a Federal Style chair, and a Georgian Style Stair; and

WHEREAS, the current owner of VESUVIUS FURNACE is Lineberger Bros., Inc., a North Carolina corporation; and

WHEREAS, the current owner of VESUVIUS FURNACE has faithfully maintained the dwelling and has thereby made a substantial contribution to the cultural richness of Lincoln County; and

WHEREAS, the National Park Service of the United States Department of the Interior has VESUVIUS FURNACE listed in the National Register of Historic Places; and

WHEREAS, the Lincoln County Historic Preservation Commission, previously referred to as the Lincoln County Historic Properties Commission, had caused to be made and reviewed all reports on the historic, architectural, educational and cultural significance of VESUVIUS FURNACE and have previously recommended to the Lincoln County Board of Commissioners designation of VESUVIUS FURNACE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that VESUVIUS FURNACE possessed integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Lincoln County Board of Commissioners have previously taken into full consideration all statements and information presented at a public hearing for VESUVIUS FURNACE, and have previously designated VESUVIUS FURNACE as a historic landmark on the 18th day of November, 1991 (the "Date of Designation") by ordinance, which said decision is memorialized in the Minutes of the Lincoln County Board of Commissioners; and

WHEREAS, the Lincoln County Board of Commissioners wish to re-certify and re-establish that VESUVIUS FURNACE has previously been designated as, and shall remain designated as, a historic landmark in Lincoln County; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Lincoln County, North Carolina:

1. The property known as VESUVIUS FURNACE: including the interior of the house and the nine and 9/10-acre portion of a parcel of land upon which it is located, listed under Parcel Identification Number 3684035773 (Parcel ID 02420) was previously designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina on the Date of Designation, and said designation is hereby re-certified and re-established. For purpose of description only, the location of said building and property is noted as being situate on that tract of property more specifically described in that Deed recorded in Book 2789 at Page 540 of the Lincoln County Public Registry.
2. That VESUVIUS FURNACE may be materially altered, removed, or demolished only following the issuance of a Certificate of Appropriateness by the Lincoln County Historic Preservation Commission. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of VESUVIUS FURNACE may not be denied, except as provided in N.C.G.S. §160D-949(c). The effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval subject to N.C.G.S. §160D-949(a).
3. That nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of VESUVIUS FURNACE that does not involve a change in design, material, or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition. Furthermore, nothing in this Ordinance shall be construed to prevent the owner of VESUVIUS FURNACE from making any use of his or her property that is not prohibited by other laws, or to prevent the maintenance

or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the Lincoln County Historic Preservation Commission.

4. That a suitable sign may be posted indicating that VESUVIUS FURNACE has been designated as a historic landmark by Lincoln County and said sign may contain additional pertinent information. If the Owner consents, then the sign may be placed on said historical landmark. If the Owner objects, the sign shall be placed on a nearby public right of way.

5. The owners and the occupants of VESUVIUS FURNACE shall be given notice of this Ordinance as required by applicable law and that a copy of the Ordinance shall be recorded and indexed in the Office of the Register of Deeds of Lincoln County. Copies shall be filed with the City of Lincolnton (if located therein), and the Lincoln County Building Inspector's Office. Furthermore, the designation shall be clearly indicated on all tax maps maintained by Lincoln County for such period as the designation remains in effect.

6. That VESUVIUS FURNACE as a historic landmark shall remain subject to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina.

Adopted this the ____ day of _____, 20 ____.

Carrol D. Mitchem, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Amy Atkins
Clerk to the Board of Commissioners

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve an Ordinance Certifying and Re-Establishing the Designation of Vesuvius Furnace as a Historic Landmark in Lincoln County, NC.

Public Hearing – Resolution to Abolish the East Lincoln County Water and Sewer District:
Chairman Mitchem opened the public hearing concerning the Resolution to Abolish the East Lincoln County Water and Sewer District. Being no speakers, Chairman Mitchem declared the public hearing closed.

**RESOLUTION TO ABOLISH THE EAST LINCOLN COUNTY
WATER AND SEWER DISTRICT**

WHEREAS, the Lincoln County Board of Commissioners determined that it was in the best interest of the citizens of Lincoln County to create the East Lincoln County Water and Sewer District, and did create the East Lincoln County Water and Sewer District, by resolution, on the 20th day of May, 1992; and

WHEREAS, on the 18th day of June, 2007, the Lincoln County Board of Commissioners acting as the governing body of the East Lincoln County Water and Sewer District approved the transfer of all assets of the East Lincoln County Water and Sewer District, including the sewer system and all lines and interests related thereto, to Lincoln County; and

WHEREAS, at the time of the transfer of assets to Lincoln County there was outstanding debt remaining for the East Lincoln County Water and Sewer District; and

WHEREAS, the East Lincoln County Water and Sewer District has, or will by June 30, 2022, conveyed all remaining assets currently owned by the East Lincoln County Water and Sewer District, including all real property, to Lincoln County; and

WHEREAS, North Carolina General Statute §162A-87.2 authorizes the Board of County Commissioners to abolish a water and sewer district, by resolution, upon finding that there is no longer a need for a water and sewer district and that there are no outstanding bonds or notes issued to finance projects in the district; and

WHEREAS, all debts of the East Lincoln County Water and Sewer District have been paid, and there remains no outstanding bonds or notes issued to finance projects in the East Lincoln County Water and Sewer District; and

WHEREAS, the Lincoln County Board of Commissioners believes that there is no longer a need for the East Lincoln County Water and Sewer District to exist; and

WHEREAS, North Carolina General Statute §162A-87.2 requires that an abolishment of a water and sewer district requires a public hearing with proper notice as setout therein; and

WHEREAS, after due notice, a public hearing was held on April 18, 2022 at the Lincoln County Administration Building at 353 N. Generals Blvd, Lincolnton, North Carolina.

NOW, THEREFORE, be it and it is hereby resolved that:

1. The Lincoln County Board of Commissioners held a public hearing pursuant to North Carolina General Statute §162A-87.2, and the proper notice was provided as required therein.
2. The East Lincoln County Water and Sewer District is abolished as of the 30th day of June, 2022, as required by N.C.G.S. §162A-87.2(a).
3. A copy of this Resolution shall be filed with the North Carolina Secretary of State.

Adopted this the ____ day of April, 2022.

ATTEST:

Amy S. Atkins, Clerk to the Board

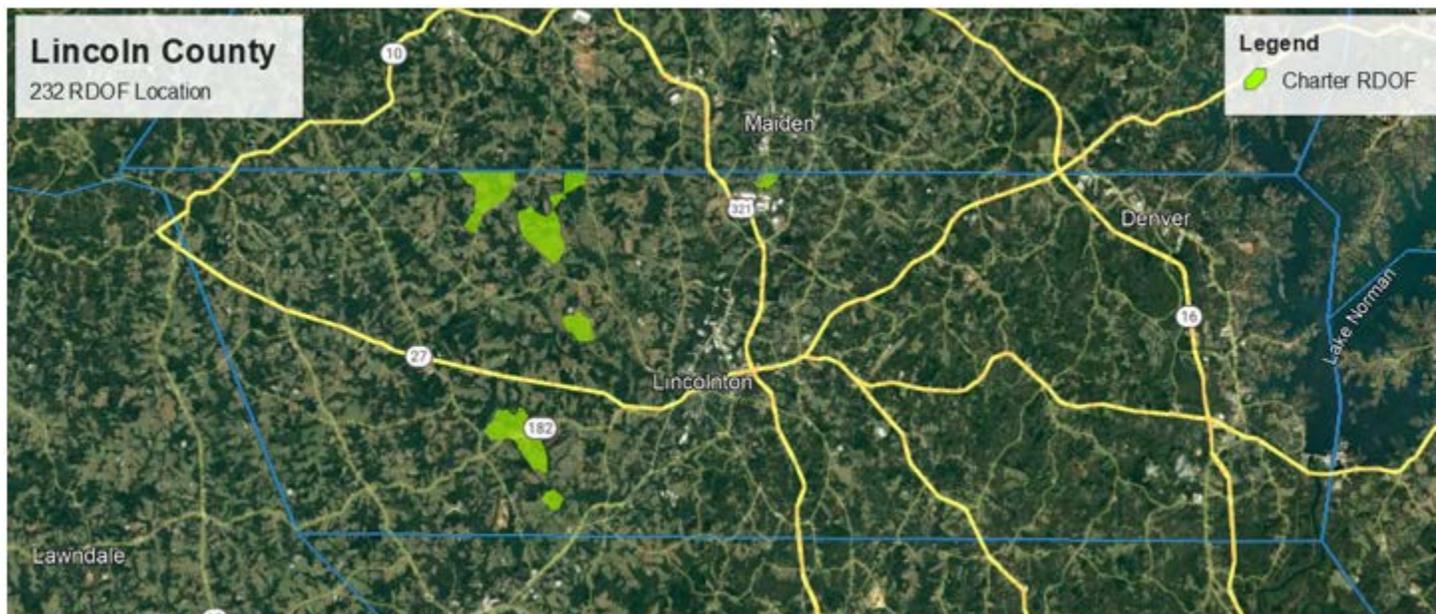
Carrol Mitchem
Chairman of the Lincoln County Board of
Commissioners

UPON MOTION by Commissioner Cesena, the Board voted unanimously to adopt the Resolution to Abolish the East Lincoln County Water and Sewer District.

Charter Communications Grant Opportunity – NC GREAT Grant Program: Michael Tanck with Charter Communications presented the following:

Charter representatives and county staff have been working together since January 2022 concerning the need to expand broadband in qualified rural areas of Lincoln County.

Due to a grant opportunity provided by North Carolina, Charter Communications contacted Lincoln County staff to determine if there was interest in pursuing the state "NC GREAT Grant program". After much discussion, it was determined there are broadband needs in Lincoln County and this opportunity could provide some relief in certain qualified areas of the county. Charter is requesting the County to use \$100,000 ARPA funds for this project.



NC GREAT Grant

- **NC State GREAT Grant Program**

(Growing Rural Economies with Access to Technology)

- \$350 M – State ARPA Funds
- Eligible areas without 25/3 Mbps
- Application by Provider
- Funding: State match up to 70 %
- Funding: Provider & County partnership
- Competitive evaluation based upon application score

- **Charter Application**

- Charter desires to partner with County
- Partnership with County bolsters application score
- Unserved application area in alignment with NC One Map eligible areas
- Fiber To The Home (FTTH) service
- Programs for affordable broadband service
- Competitive project with strong numbers for
 - Overall cost
 - Cost per passing
 - Number of passings
- Significant partnership investment by Charter

3



NC GREAT Grant Partnership Application

Due to the competitive nature of the GREAT grant process, specific project data will be shared with County Commissioners under the Non-Disclosure Agreement (NDA) Charter has with Lincoln County

GREAT Grant Partnership request between Lincoln County & Charter

- | | |
|--|---------------------|
| • Unserved Locations / Passings | 315 |
| • County Contribution | \$100,000 |
| • Anticipated GREAT Funding from State | 70% of project cost |

Total Unserved Locations / Passings

- | | |
|--|--------------|
| • Charter RDOF | 232 |
| • GREAT Grant | <u>315</u> |
| • Total Unserved Locations / Passings Impacted | 547 * |

** Subject to verification by field walkout and design*

5



STATE OF NORTH CAROLINA LINCOLN COUNTY

MEMORANDUM OF UNDERSTANDING BROADBAND DEPLOYMENT

This Memorandum of Understanding (the “MOU”) made and entered into this the ____ day of April, 2022 by and between **LINCOLN COUNTY** (“**County**”), a North Carolina body corporate and politic in the State of North Carolina, and **SPECTRUM SOUTHEAST, LLC**, by its Manager, Charter Communications, Inc. (“**Spectrum**”).

WHEREAS, Spectrum is a provider of broadband services in various locations throughout North Carolina; and

WHEREAS, Spectrum intends to submit an application under the Growing Rural Economies with Access to Technology (GREAT) Grant program administered by the North Carolina Department of Information Technology (“**NCDIT**”) for funding to construct broadband

facilities in unserved areas of the County (the “**Application**”), a summary of which is attached hereto as Attachment 1; and

WHEREAS, County wishes to support Spectrum’s Application by making the commitments set forth herein; and

WHEREAS, this MOU is intended as a written memorialization of the existence of a “partnership” within the meaning of Section 38.4(a)(8) of S.L. 2021-180 to document County’s commitment to support Spectrum’s broadband deployment proposal as set forth in the Application;

NOW THEREFORE, in consideration of the foregoing and the mutual representations, covenants and conditions contained herein, the parties hereby agree as follows:

1. Subject to grant of the Application by NCDIT and acceptance of the grant funds by Spectrum substantially consistent with the terms summarized on Attachment 1, County agrees to provide the following support:

Total Matching funds to be provided by County	\$100,000.00
Portion of County Matching Funds from Non-Federal Sources	\$0.00
Portion of matching funds comprised entirely of American Rescue Plan Act (P.L. 117-2) (“ARPA”) funding	\$100,000.00
Total aggregate funds received by County under ARPA	\$16,726,052.00 allocated with \$8,363,026.00 having been <i>received to date</i>

2. The parties acknowledge that this MOU is intended to satisfy the requirements of a written memorialization of the existence of a “partnership” within the meaning of Section 38.4(a)(8) of S.L. 2021-180 documenting County’s support for Spectrum’s broadband deployment.
3. Subject to and following award of the grant and Spectrum’s acceptance of same, Spectrum and County shall enter into an appropriate agreement that shall include such additional terms and conditions that are necessary to effectuate the understandings stated herein.
4. This MOU may be executed in any number of counterparts, all of which taken together shall constitute one and the same MOU. Any of the Parties hereto may execute this MOU by signing any such counterpart. An electronic signature or a handwritten signature

transmitted via facsimile or via email shall be as effective as an original ink signature for the purpose of signing this MOU.

5. **Governing Law.** This MOU shall be governed by the laws of the State of North Carolina.

[signature page follows]

IN WITNESS WHEREOF, the parties have caused this Agreement to be properly executed on the day and year first above written.

LINCOLN COUNTY

By: _____

Its: _____

Attest: _____

This instrument has been pre-audited
in the manner required by the
Local Government Budget and Fiscal Control Act.

Lincoln County Finance Director

**SPECTRUM SOUTHEAST, LLC,
by its Manager, Charter Communications, Inc.**

By: _____

Its: _____

Attest: _____

Attachment 1

Summary of NC GREAT Grant Application

Unserved locations proposed to be served	315
Total estimated cost of project	\$1,795,421.00
Technology to be deployed	Fiber-to-the-Premise

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Memorandum of Understanding as presented.

Public Comments: Chairman Mitchem opened Public Comments.

Being no speakers, Chairman Mitchem closed Public Comments

County Manager's Report: Kelly Atkins said the Grand Opening for the Courthouse has been moved to June 17 at 2:00 PM. Staff is in the process of balancing the budget, which will be presented on May 2, 2022. The budget public hearing will be held on May 16, 2022 and the Board will have the option to approve the budget at that meeting.

Chairman Mitchem thanked everyone for the calls, prayers, support and concern expressed to him while he was under the weather the last few weeks.

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