

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 20, 2022**

The Lincoln County Board of County Commissioners met on June 20, 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  
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, June 20, 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~~ June 6, 2022

- b. Release of Performance Guarantee (IG #89) - Westshore subdivision
  - c. Release of Performance Guarantee (IG #82) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 3
  - d. Release of Performance Guarantee (IG #71) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 2
  - e. Performance Guarantee (IG #120) - Sylvan Creek
  - f. Release of Performance Guarantee (IG #61) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 1
  - g. Performance Guarantee (IG #121) - Rivercross 2B
  - h. Performance Guarantee (IG #121) - Rivercross 3A
  - i. Surplus Property
  - j. VTS Refunds – May 2022
  - k. JCPC Lincoln County Plan 2022-23
  - l. Releases over \$100 – 4/16 – 5/15/22
  - m. BOA #14
  - n. BOA #15
  - o. Health Department Fee Schedule
  - p. GPOA #6
3. Planning Board Recommendations– Jeremiah Combs
4. Public Hearing for the Re-Adoption of Ordinances Designating Certain Lincoln County Properties as Historic Landmarks – Joshua Grant
- a. Alexander Graham House
  - b. Andrew Seagle Farm
  - c. Caldwell-Cobb-Love House
  - d. Magnolia Grove
  - e. Shadow Lawn
  - f. Woodside
5. Road Naming Public Hearing – Proposed Private Road Name – Dorothy Ln – Netta Anderson
6. Lincoln County Water System Local Water Supply Plan Resolution – Charles King
7. Approval and Acceptance of an LSTA EZ Grant in the amount of \$50,000 in Support of a Digital Arts Studio – Jennifer Sackett
8. Approval and acceptance of LSTA Bright Ideas grant in the amount of \$15,000 – Jennifer Sackett
9. Award of Design Contract for Jail Expansion to Moseley in the amount of \$1,424,000 – John Henry

10. Award Contract for Westwinds Park Phase 2 to Beam Construction in the amount of \$497,000 – John Henry
11. Approval of Purchase of Park Equipment with Churchich Recreation in the amount of \$249,524 – John Henry
12. Resolution to Amend Lincoln County Personnel Policy with Respect to the Coverage 1.3 and Reinstatement 17.4.9 Sections – Candy Stevens
13. Public Comments
14. County Manager’s Report
15. County Commissioners’ Report
16. County Attorney’s Report
17. Vacancies/Appointments
18. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

19. Closed Session Pursuant to NCGS 143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

Adjourn

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adopt the agenda adding 1a – Special Recognition.

Sheriff Bill Beam presented outgoing County Manager Kelly Atkins with a Defender of Public Safety Award for his service to Lincoln County. He said Mr. Atkins was the most special County Manager in all of his years working for Lincoln County.

Chairman Mitchem echoed what Bill Beam said, that Kelly Atkins has always been a person that you could talk to, who would listen and give you his opinion. He said he cannot say enough about him to thank him for what he has done. He thanked Amy Atkins for being supportive and helping behind the scenes to keep him calm.

The Board presented Kelly Atkins with the Order of the Long Leaf Pine Award and thanked him for his service.

Kelly thanked the Board for the honor but said the biggest honor has been serving the citizens of Lincoln County for the past 32 years.

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

- a. ~~Approval of Minutes – June 6, 2022~~
- b. Release of Performance Guarantee (IG #89) - Westshore subdivision
- c. Release of Performance Guarantee (IG #82) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 3
- d. Release of Performance Guarantee (IG #71) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 2
- e. Performance Guarantee (IG #120) - Sylvan Creek
- f. Release of Performance Guarantee (IG #61) - Killian's Pointe (Parcel A Trilogy Lake Norman) Phase 1
- g. Performance Guarantee (IG #121) - Rivercross 2B
- h. Performance Guarantee (IG #121) - Rivercross 3A
- i. Surplus Property
- j. VTS Refunds – May 2022
- k. JCPC Lincoln County Plan 2022-23
- l. Releases over \$100 – 4/16 – 5/15/22
- m. BOA #14
- n. BOA #15
- o. Health Department Fee Schedule
- p. GPOA #6

**Planning Board Recommendations:** Joshua Grant presented the following:

**PD #2014-2-A6 First Federal Properties, Inc., applicant** (Parcel ID# 91819) A request to amend the master plan for the Rivercross mixed-use development to permit 75 townhomes and up to 100,000 square feet of commercial buildings on a 29-acre site that's currently approved for 40 townhomes and up to 100,000 square feet of commercial buildings. The property is located on the west side of N.C. 16 Business at Cherry Point Drive and Waterway Drive in Catawba Springs Township.

The Planning Board voted 7-2 to recommend approval.

Commissioner Cesena said he is opposed for a number of reasons, one being the applicant said they would reduce the commercial aspect to 90,000 square feet but has not submitted anything in writing and two was that he believes that the Board should continue to say no to people who want to come back and change plans.

Mr. Combs said at the public hearing the applicant said he was willing to modify the 100,000 square feet of commercial down to 90,000 square feet to mitigate the traffic impact. He said staff has not received anything formal from the applicant to amend the proposal.

Megan Gilbert stated that a memo was sent out earlier today with the TIA. She said if they want to amend their application, they may need a new hearing, but this is also a condition that could be placed on this request.

**A MOTION** by Commissioner Cesena to approve an alternate statement of consistency denying the request.

**A SUBSTITUTE MOTION** by Commissioner Sigmon to table until another meeting to get the correct information. **VOTE: 4 – 1 (Cesena against)**

**CZ #2012-3A RC Property Group, LLC, applicant** (Parcel ID# 77107) A request to amend the permitted uses in a conditional zoning district to permit an existing office to be used for retail and service uses in addition to office uses. The property is located at 6608 Campground Rd. in Catawba Springs Township.

The Planning Board voted 9-0 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 CZ #2012-3A – RC Property Group, LLC, applicant.

**CZ #2022-4 Dry Pond Brewing, LLC, applicant** (Parcel ID# 30338) A request to rezone 3.603 acres of a 7.79-acre tract from I-G (General Industrial) to CZ B-G (Conditional Zoning General Business) to permit the addition of an outdoor concert stage and an outdoor volleyball court to an existing brewery. The property is located at 1753 Triangle Cir. in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval. A condition was agreed to by the applicant to utilize noise reducing material on stage during concerts.

Commissioner Davis asked about the neighbor's concerns about noise. She asked to verify publicly what the time is. Jeremiah Combs said based on the Noise Ordinance, the day to day operations would be permitted until 11:00 PM but the applicant stated in the hearing they would wrap up by 10:00 PM, which is their current practice.

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

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for CZ #2022-4 Dry Pond Brewing, LLC, applicant, with the condition that was agreed to by the applicant to utilize noise reducing material on stage during concerts.

**CZ #2020-5A Sawyer's Towing & Transport, LLC, applicant** (Parcel ID# 25208 and 91011)

A request to amend a conditional zoning district to expand the vehicle storage area, revise the office/vehicle repair building, and reduce the size of the conditional zoning district.

Approximately 1.039 acres of this conditional zoning district is concurrently proposed to be rezoned in CZ #2022-5. The property is located at 3592 Gastonia Hwy. on the south side of Gastonia Highway about 200 feet west of its intersection with Salem Church Road in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

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

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for CZ #2020-5A – Sawyer's Towing & Transport, LLC, applicant.

**CZ #2022-5 Sawyer's Towing & Transport, LLC, applicant** (Parcel ID# 25208 and 91011) A request to rezone 1.039 acres from CZ I-G (Conditional Zoning General Industrial) to CZ B-G (Conditional Zoning General Business) to permit an existing building to be used as an event center with alcohol sales. The property is located at 3592 Gastonia Hwy. on the south side of Gastonia Highway about 200 feet west of its intersection with Salem Church Road in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

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

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for CZ #2022-5 – Sawyer's Towing & Transport, LLC, applicant.

**ZMA #691 Jeff Smiley, applicant** (Parcel ID# 33724) A request to rezone a 0.339-acre portion of a 2.145-acre tract from R-S (Residential Suburban) to B-G (General Business). The property is located at 6758 E N.C. 150 Hwy in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

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

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the rezoning as recommended by the Planning Board for ZMA #691 – Jeff Smiley, applicant.

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

On the agenda tonight is the re-adoption of ordinances certifying the following properties as Local Landmarks: Alexander Graham House, Andrew Seagle Farm, Caldwell-Cobb-Love house, Magnolia Grove, Shadow Lawn and Woodside. Ordinances were previously adopted but not recorded with the Register of Deeds.

**Alexander Graham House:**

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

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

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM HOUSE; and

**WHEREAS**, the historical and architectural significance of ALEXANDER-GRAHAM HOUSE has been well documented; and

**WHEREAS**, ALEXANDER-GRAHAM HOUSE has a property address of 613 South Aspen Street in Lincolnton, North Carolina; and

**WHEREAS**, ALEXANDER-GRAHAM HOUSE was constructed circa 1852; and

**WHEREAS**, ALEXANDER-GRAHAM HOUSE is a Greek Revival residence; and

**WHEREAS**, ALEXANDER-GRAHAM HOUSE is a distinctive one story, double pile, center hall plan rarely found in Lincoln County with such noteworthy Greek Revival features a pedimented, temple front form and classical portico; 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 ALEXANDER-GRAHAM HOUSE and have previously recommended to the Lincoln County Board of Commissioners designation of ALEXANDER-GRAHAM HOUSE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM HOUSE, and have previously designated ALEXANDER-GRAHAM HOUSE as a historic landmark on the 19<sup>th</sup> 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM HOUSE: including the exterior of the house, the half-acre parcel of land upon which it is located, listed under Parcel Identification Number 3623829226 (Parcel ID 01171) 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 2858 at Page 317 of the Lincoln County Public Registry.

2. That ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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 ALEXANDER-GRAHAM 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

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

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

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM; and

**WHEREAS**, the historical and architectural significance of ANDREW SEAGLE FARM has been well documented; and recognized through its listing in the National Register of Historic places; and

**WHEREAS**, ANDREW SEAGLE FARM has a property address of 2246 Byers Lane in Vale, North Carolina; and

**WHEREAS**, ANDREW SEAGLE FARM was built by Andrew Seagle in the mid 1800's on property he acquired from his father and Maxwell Warlick; and

**WHEREAS**, Andrew Seagle and his wife, Annie E. Havner farmed the land and raised a family at the farm; and

**WHEREAS**, the ANDREW SEAGLE FARM is a remarkably complete and intact grouping of farm buildings, many of them log, that reflect the unpretentious, self-sufficient character of the small farmers, most like Seagle of the German origins, who settled in northern Lincoln County. The mid-nineteenth century dwelling, barn, smokehouse, storage buildings, and of particular interest, the “beehive oven” compose a well-preserved and representative nineteenth-century small farm complex; and

**WHEREAS**, ANDREW SEAGLE FARM is highly representative of farming operations conducted by post-Civil War landowners; and

**WHEREAS**, ANDREW SEAGLE FARM retains much of its original buildings, including a bake-oven, a frame farmhouse, a log smokehouse, a utility shed, a frame garage and barns; 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 ANDREW SEAGLE FARM and have previously recommended to the Lincoln County Board of Commissioners designation of ANDREW SEAGLE FARM based on the property’s special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM, and have previously designated ANDREW SEAGLE FARM as a historic landmark on the 14<sup>th</sup> day of October, 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM: including the interior of the house, the nine acre parcel of land upon which it is located, listed under Parcel Identification Number 3605119977 (Parcel ID 14035) 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 475 at Page 585 of the Lincoln County Public Registry.
2. That ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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 ANDREW SEAGLE FARM 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

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

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Ordinance Certifying and Re-Establishing the Designation of Caldwell-Cobb-Love House as a Landmark in Lincoln County, NC.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE; and

**WHEREAS**, the historical and architectural significance of CALDWELL-COBB-LOVE has been well documented and recognized through its listing in the National Register of Historic places; and

**WHEREAS**, CALDWELL-COBB-LOVE has a property address of 218 East Congress Street in Lincolnton, North Carolina; and

**WHEREAS**, CALDWELL-COBB-LOVE was built by Paul Kiestler about 1829 on property he bought from Abner McAfee in 1825; and

**WHEREAS**, CALDWELL-COBB-LOVE is outstanding architecturally because it represents three very distinct periods of construction; a transitional Federal/Greek house built by Dr. Elam Caldwell, ca. 1841; then an extensive reworking in Victorian Cottage style by Dr. Beverly Cobb, ca. 1877; and a remodeling by Edgar Love, an industrialist at the turn of the century; and

**WHEREAS**, the present house, a one-and-a-half story, L-shaped main block on the original basement with two-story rear wing and a front and rear inset porch, reflects Cobb's and Love's expansion remodeling. The house retains the center-hall, two-room-deep plan of the 1841 house; and

**WHEREAS**, Numerous features of the original house and the remodeling remain. The pine floors, light-panel doors and fluted door surrounds survive from 1841. The hall stairway is from 1877 Renaissance Revival mantel, ca. 1870's also remains; and

**WHEREAS**, many other notable interior features include a Romanesque Revival, mantel, Greek Revival baseboard, Greek Revival mantel, East-lake style mantel, original windows, seven panel doors and surviving Victorian woodwork; and

**WHEREAS**, CALDWELL-COBB-LOVE evolved from three periods of construction roughly thirty years apart and coinciding with three locally prominent and affluent owners. It survives as an outstanding example of Lincoln County's nineteenth century architecture; 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 CALDWELL-COBB-LOVE and have previously recommended to the Lincoln County Board of Commissioners designation of CALDWELL-COBB-LOVE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE, and have previously designated CALDWELL-COBB-LOVE as a historic landmark on the 2<sup>nd</sup> 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE: including the exterior of the house, the quarter acre parcel of land upon which it is located, listed under Parcel Identification Number

3623931282 (Parcel ID 22073) 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 669 at Page 292 of the Lincoln County Public Registry.

2. That CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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 CALDWELL-COBB-LOVE 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

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

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

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF  
MAGNOLIA GROVE 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 MAGNOLIA GROVE; and

**WHEREAS**, the historical and architectural significance of MAGNOLIA GROVE has been well documented; and recognized through its listing in the National Register of Historic places; and

**WHEREAS**, MAGNOLIA GROVE has a property address of 1621 Magnolia Grove Road in Iron Station, North Carolina; and

**WHEREAS**, MAGNOLIA GROVE was built by David Smith about 1824 on Property he bought from Michael Dillenger in November 1818 which formerly held the county courthouse and jail in 1784; and

**WHEREAS**, David Smith and his wife, Elizabeth Arendt Smith operated MAGNOLIA GROVE as and inn for a number of years; and

**WHEREAS**, the MAGNOLIA GROVE is indicative of a second-generation prosperity which occurred in Lincoln County, bolstered by iron manufacturing and dissemination of the associated profits; and

**WHEREAS**, MAGNOLIA GROVE is notable for its brick corbeled cornice, raised basement, and Quaker plan, features frequently found in Lincoln County during the first half of the nineteenth century; and

**WHEREAS**, MAGNOLIA GROVE ranks as one of its types most monumental representatives in scale, in grandeur of setting, and in the severe functional dignity of its architectural treatment; and

**WHEREAS**, MAGNOLIA GROVE retains much of its original interior, including Federal style mantels in the three original rooms, wainscoting, six-panel doors, the unusual front and rear doors

(with raised panels on the exterior and diagonal sheathing on the interior side), and stairs with their marbled risers; and

**WHEREAS**, the MAGNOLIA GROVE exterior includes five-bay front and rear facades and its gable ends, one adorned with a single chimney, the other with two, are laid in Flemish bond, smoothly finished and most noteworthy for the cornice of alternating concave and convex courses of molded brick; 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 MAGNOLIA GROVE and have previously recommended to the Lincoln County Board of Commissioners designation of MAGNOLIA GROVE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that MAGNOLIA GROVE 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 MAGNOLIA GROVE, and have previously designated MAGNOLIA GROVE as a historic landmark on the 26<sup>th</sup> day of August, 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE: including the exterior of the house, the 3.81 acre parcel of land upon which it is located, listed under Parcel Identification Number 3651243445 (Parcel ID 27434) 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 1344 at Page 289 of the Lincoln County Public Registry.
  
2. That MAGNOLIA GROVE 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE 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 MAGNOLIA GROVE 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

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

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve Ordinance Certifying and Re-Establishing the Designation of Shadow Lawn as a Landmark in Lincoln County, NC.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF  
SHADOW LAWN 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 SHADOW LAWN; and

**WHEREAS**, the historical and architectural significance of SHADOW LAWN has been well documented and recognized through its listing in the National Register of Historic places; and

**WHEREAS**, SHADOW LAWN has a property address of 301 West Main Street in Lincoln, North Carolina; and

**WHEREAS**, SHADOW LAWN was built by Paul Kiestler about 1826 on property he bought from Abner McAfee in 1825; and

**WHEREAS**, the Kiestler family sold the home to the Augustus Pickney James Family; and

**WHEREAS**, the property was purchased by Congressman Charles Raper and Annie Elliot Jonas in 1935 and they renovated the property, made addition to the house and named it Shadow Lawn; and

**WHEREAS**, SHADOW LAWN is representative of finer Federal houses built in Lincoln County in the early nineteenth century. It is one of a few structures of this type remaining in an urban environment; and

**WHEREAS**, Federal house typically possess almost no ornamentation but have their distinction derived from the finer quality of building materials and workmanship and the clarity of the construction; and

**WHEREAS**, Numerous features of the original house and the remodeling remain. The pine floors, light-panel doors and fluted door surrounds survive from 1841. The hall stairway is from 1877 Renaissance Revival mantel, ca. 1870's also remains; and

**WHEREAS**, SHADOW LAWN is a large two-story brick mansion, five bays in width and two bays in length with a gable roof. Its chimneys and walls are laid in Flemish and have single-stepped shoulders and molded caps. The handsome cornice at the front and rear formed of molded brick in alternating concave and convex courses, is an unusually fine example of its type; and

**WHEREAS**, the plan of SHADOW LAWN consists of a central hall flanked by a single east room and two west rooms. A tall mantel in the Federal Style remains on the first floor. The interior of the second level remains essentially intact with plater walls accented by molded cornices, chair rails, and baseboards. The second floor mantel remains; 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 SHADOW LAWN and have previously recommended to the Lincoln County Board of Commissioners designation of SHADOW LAWN based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that SHADOW LAWN 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 SHADOW LAWN, and have previously designated SHADOW LAWN as a historic landmark on the 2<sup>nd</sup> 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 SHADOW LAWN 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 SHADOW LAWN: including the exterior of the house, the quarter acre parcel of land upon which it is located, listed under Parcel Identification Number 3623731672

(Parcel ID 51799) 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 2212 at Page 75 of the Lincoln County Public Registry.

2. That SHADOW LAWN 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 SHADOW LAWN 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 SHADOW LAWN 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 SHADOW LAWN 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 SHADOW LAWN 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 SHADOW LAWN 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 SHADOW LAWN 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

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

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve Ordinance Certifying and Re-Establishing the Designation of Woodside as a Landmark in Lincoln County, NC.

**AN ORDINANCE CERTIFYING AND RE-ESTABLISHING THE DESIGNATION OF  
WOODSIDE 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 WOODSIDE; and

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

**WHEREAS**, WOODSIDE has a property address of 1217 NC 182 HWY in Lincolnton, North Carolina; and

**WHEREAS**, WOODSIDE was built by Lawson Henderson soon after his marriage to Elizabeth Caruth on July 20, 1798; and

**WHEREAS**, the Henderson family was one of the most prominent pioneer families of western North Carolina, Lawson Henderson served as Sheriff of Lincoln County from 1796 to 1801 and Clerk of County Court from 1804 to 1837; and

**WHEREAS**, the WOODSIDE was the birthplace of James Pinckney Henderson; and

**WHEREAS**, James Pinckney Henderson organized a company of troops and traveled to Texas to aid the fight for independence there and went on to serve as Attorney General, Secretary of State, Minister to France and England, representative of the United States during annexation negotiations in 1844 and 1845, was elected first Governor of Texas in 1846 and was appointed a United States Senator from Texas in 1857; and

**WHEREAS**, WOODSIDE is a good example of the two-story brick Federal houses built in the area in the late eighteenth and early nineteenth century being a two-story brick structure, four bays wide and three bays deep laid in Flemish bond, has a gable roof, three single-shouldered exterior end chimneys and is built on a random granite foundation; and

**WHEREAS**, WOODSIDE retains much of its original interior, including the unusual vernacular Federal design and the unique twentieth century wooden medallions; 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 WOODSIDE and have previously

recommended to the Lincoln County Board of Commissioners designation of WOODSIDE based on the property's special significance in terms of their historical, pre-historical, architectural, or cultural importance and it was found that WOODSIDE 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 WOODSIDE, and have previously designated WOODSIDE as a historic landmark on the 26<sup>th</sup> day of August, 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 WOODSIDE 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 WOODSIDE: including the exterior and interior of the house, the 12.879 acres of land upon which it is located, listed under Parcel Identification Number 3623008307 (Parcel ID 18115) 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 1614 at Page 61 of the Lincoln County Public Registry.
2. That WOODSIDE 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 WOODSIDE 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 WOODSIDE 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 WOODSIDE 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 WOODSIDE 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 WOODSIDE 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 WOODSIDE .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

**Road Naming Public Hearing – Proposed Private Road Name – Dorothy Ln:** Chairman Mitchem opened the public hearing concerning the proposed private road name Dorothy Ln.

Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adopt the Ordinance Officially Naming an Existing Private Drive as Dorothy Lane.

**ORDINANCE OFFICIALLY NAMING AN EXISTING PRIVATE  
DRIVE AS DOROTHY LANE**

**WHEREAS**, pursuant to N.C.G.S. §153A-239.1, the County may, by ordinance, name or rename roads within its territorial jurisdiction pursuant to a procedure established by County ordinance; and

**WHEREAS**, on April 16, 2001, the Lincoln County Commissioners enacted Chapter 93 of the Lincoln County Code of Ordinances, which established a process for naming streets and assigning addresses for properties located within Lincoln County; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.10(A), any existing road within the County may be officially name or renamed by the Board of Commissioners upon recommendation by the Ordinance Administrator (the Lincoln County Tax Administrator) and subsequent adoption by the Board of Commissioners; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.04(E), all roads, both private and public, shall be named and numbered if three or more addressable structures, including mobile homes, are located on and accessed by them; and

**WHEREAS**, pursuant to the Lincoln County Code of Ordinances §93.10(B), in the event of road naming or renaming, a proper and adequate public hearing shall be scheduled and advertised in accordance with N.C.G.S. §153A-239.1; and

**WHEREAS**, the Ordinance Administrator is recommending the naming of a private drive located off of Long Shoals Road, near Wesleyan Church Road, in the Lincolnton Township as it meets the requirements for an official road name; and

**WHEREAS**, at least 10 days prior to this date, notice of the time, place and subject matter of the public hearing was prominently posted at the Lincoln County Courthouse, in at least two public places in the area where the roads are located, and notice of the same was published in a newspaper of general circulation in Lincoln County; and

**WHEREAS**, after due notice, a public hearing was held on this day, 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 Ordinance Administrator has recommended the naming of a private road located in the Lincolnton Township.
2. The Lincoln County Board of Commissioners held a public hearing pursuant to N.C.G.S. §153A-239.1, and the proper notice was provided as required therein.
3. The naming of the private road, located in the Lincolnton Township, shown on the attached maps as “Dorothy Ln” is approved by the Lincoln County Board of Commissioners.
4. The Ordinance Administrator is hereby authorized to amend the Street Addressing Map and the GIS maps to include said newly named street.
5. This Ordinance shall be effective upon its adoption by this Board.

Approved and adopted this the 20<sup>th</sup> day June, 2022.

**ATTEST:**

---

Amy S. Atkins, Clerk to the Board

---

Carrol Mitchem  
Chairman of the Lincoln County Board of  
Commissioners

**Lincoln County Water System Local Water Supply Plan Resolution:** Chuck King presented the following:

The Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and provides appropriate guidance for the future management of water supplies for Lincoln County WTP, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute.

Mr. King asked for the Board to adopt a Resolution for Approving the 2021 Lincoln county Water System Local Water Supply Plan.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the Resolution for Approving the 2021 Lincoln County Water System Local Water Supply Plan as presented.

### **RESOLUTION FOR APPROVING THE 2021 LINCOLN COUNTY WATER SYSTEM LOCAL WATER SUPPLY PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for Lincoln County WTP, has been developed and submitted to the Lincoln County Board of Commissioners for approval; and

**WHEREAS**, the Lincoln County Board of Commissioners finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Lincoln County WTP, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Lincoln County Board of Commissioners of Lincoln County WTP that the Local Water Supply Plan entitled, 2021 Lincoln County Water

System Local Water Supply Plan dated May 24, 2022, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Lincoln County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 20th day of June, 2022.

ATTEST:

\_\_\_\_\_  
Amy S. Atkins Clerk to the Board

\_\_\_\_\_  
Carrol Mitchem, Chairman  
Lincoln County Board of Commissioner

**Approval and Acceptance of a LSTA EZ Grant in the amount of \$50,000 in Support of a Digital Arts Studio:** Jennifer Sackett presented the following:

The Library has been awarded a LSTA EZ Grant in the amount of \$50,000 in support of a Digital Arts Studio. The Library will be partnering with the Lincoln County Arts Council which reduces the match requirement to \$5,500. The grant will be to develop a digital arts lab that will support and expand the library's arts programming. The library will partner with the Lincoln County Arts Council to offer classes and an art show to introduce the community to new technologies and techniques. Apple iPads, Apple Pencils and sublimation printers will be used to encourage creativity and also serve as a teaching tool to help bridge the digital divide.

She asked the Board to approve and accept the LSTA EZ Grant in the amount of \$50,000.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve and accept the LSTA EZ Grant in the amount of \$50,000.

**Approval and Acceptance of LSTA Bright Ideas Grant in the amount of \$15,000** – Jennifer Sackett presented the following:

The Library has been awarded a LSTA Bright Ideas grant in the amount of \$15,000 to purchase digital equipment that will allow staff to create virtual reality programming in-house. The virtual content will be focused on preserving Lincoln County history and will feature local historical sites and events. The goal is to present the content in a way that will allow viewers to have a fully immersive learning experience.

She asked the Board to approve and accept the LSTA Bright Ideas Grant in the amount of \$15,000.



**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve and accept the LSTA Bright Ideas Grant in the amount of \$15,000.

**Award of Design Contract for Jail Expansion to Moseley in the amount of \$1,424,000 –**  
John Henry presented the following:

Purchasing issued RFQ 2022-0317 in February and it was received on March 17. Four firms submitted and were scored, with Moseley Architects scored the highest by staff.

He asked the Board to award the design contract to Moseley in the amount of \$1,424,000.00 for the Jail Expansion Design Award.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to award the design contract to Moseley in the amount of \$1,424,000.00 for the Jail Expansion Design Award.

**Award of Design Contract for Westwinds Park Phase 2 to Beam Construction in the amount of \$497,000 –** John Henry presented the following:

Purchasing issued RFB 2022-0602 in May and it was received on June 2. Four contractors submitted and Beam Construction was the lowest responsible, responsive bidder.

He asked the Board to award the contract to Beam Construction in the amount of \$497,000.00. This includes the base bid of \$477,000.00 with a \$20,000.00 contingency.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to award the contract to Beam Construction in the amount of \$497,000.00. This includes the base bid of \$477,000.00 with a \$20,000.00 contingency.

**Approval of Purchase of Park Equipment with Churchich Recreation in the amount of \$249,524 –** John Henry presented the following:

A multi-generational park is part of Westwinds Park Phase 2. Churchich will provide the equipment through Sourcewell Contract 010521-LTS-3.

He asked the Board to approve the purchase of park equipment with Churchich Recreation in the amount of \$249,524.00. This includes the equipment price of \$233,200.00 and tax of \$16,324.00.

**UPON MOTION** by Commissioner, the Board voted unanimously to approve the purchase of park equipment with Churchich Recreation in the amount of \$249,524.00. This includes the equipment price of \$233,200.00 and tax of \$16,324.00.

**Resolution to Amend Lincoln County Personnel Policy with Respect to the Coverage 1.3 and Reinstatement 17.4.9 Sections** – Candy Stevens presented the following:

This is a request to amend the Lincoln County Personnel Policy with revisions to further clarify Section 1.3 Coverage and 17.4.9 Reinstatement.

Lincoln County Personnel Policy was effective September 1, 2005 and revised as of July 29, 2021. This will be corrections as to what positions are exempt from the provisions of this policy and revisiting qualifications for reinstatement of eligible service time.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to the approve Resolution to Amend Lincoln County Personnel Policy with Respect to Coverage 1.3 and Reinstatement 17.4.9.

**RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY WITH RESPECT TO THE COVERAGE 1.3 AND REINSTATEMENT 17.4.9 SECTIONS**

WHEREAS, the Lincoln County Personnel Policy adopted by Resolution of the Board of Commissioners in 2005 and made effective September 1, 2005, with revisions made and adopted and made effective July 19, 2021 contains provisions

WHEREAS, the Board believes that it is necessary and desirable to amend the existing provisions in the Personnel Policy Article Section 1.3 Coverage and Section 17.4.9 Reinstatement

NOW, THEREFORE, BE IT RESOLVED, the primary revisions are listed below:

- I. Section 1.3 Coverage adding Tax Administrator and deleting County Attorney and Assistant County Manager.
- II. Section 17.4.9 Reinstatement deleting the current policy and revising to Transfer of Eligible Service Time – A new, or returning, employee of Lincoln County may receive credit for years of service if said employee has previously been employed by a North Carolina state, city, county or other governmental agency that accrues service time within the North Carolina Retirement System. All service time transferred shall be used for the purposes of determining the annual leave accrual rate, and total years of service for Lincoln County. Any request for transfer of eligible service time under this Section shall be made to the Lincoln County Human Resources Department within 60 days of employment, or re-employment with Lincoln County. Upon receipt of said request, the Human Resources Department shall certify the amount of service time to be transferred by confirmation from the North Carolina Retirement System and the employee's previous eligible employer(s). An employee shall not be eligible to transfer any service time accrued at a previous governmental agency, if the employee has withdrawn funds for that service time from the North Carolina Retirement System. A determination of eligibility under this Section shall be made by the Human Resource Director, and shall be confirmed and approved by the County

Manager. Lincoln County is proposing the adoption of the requested revision in Section 1.3 Coverage and Section 17.4.9 Reinstatement in all policy revisions.

Adopted this the 20th day of June, 2022.

---

Carrol D. Mitchem, Chairman  
Lincoln County Board of Commissioners

ATTEST:

---

Amy Atkins Clerk to the Board of Commissioner

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

Being no speakers, Chairman Mitchem closed Public Comments

**County Manager's Report:** Kelly Atkins said the budget process has completed, but Davin Madden understands the budget calendar will go out in November.

He thanked the Board and also previous Boards for everything they have done for him. He thanked the department managers for their support and the citizens for the confidence. He thanked his wife and family for believing in him and being his rock.

**County Commissioners Report:** Chairman Mitchem announced that a retirement reception honoring Kelly Atkins will be held on June 29, 2022 from 3:00 to 6:00 PM at the Lincoln Cultural Center.

Commissioner Cesena thanked Amy Atkins and Kelly Atkins for their hard work on the Courthouse Grand Opening. He also thanked Candy Stevens and other staff that helped with the event.

Chairman Mitchem thanked Davin and all the other county employees who helped with the Courthouse Grand Opening.

Commissioner Davis thanked John Henry and his staff who make the Courthouse happen.

Chairman Mitchem asked for an update on the Register of Deeds office. Mr. Atkins said they are moving to the old Medical Arts Building, 2<sup>nd</sup> floor, and will be open next week for business.

**County Attorney's Report:** Megan Gilbert said the Catawba County line issue is being approved by Catawba County tonight at their meeting so the process will be started. She said she is working with an Interlocal Agreement with the Maiden Town Attorney concerning properties that are in Lincoln County, but were annexed into the Town of Maiden. Lincoln County will collect vehicle taxes in this area.

The property on Beth Haven was terminated because of some issues found during the due diligence period.

The Airport Property closed on May 26, 2022.

The Article 46 Agreement has been approved by the Board of Education and will be on the agenda for the Commissioners approval at the next meeting.

**Closed Session: UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. **Closed sessions.**(a)

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

The Board returned to open session and Chairman Mitchem announced that no action was taken in closed Session.

Candy Stevens, HR Director asked for a motion to adjust Susan Sain, Tax Administrator's salary to \$115,003.20 effective the first pay period in July, based on her annual evaluation.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adjust Susan Sain, Tax Administrator's salary to \$115,003.20 effective the first pay period in July, based on her annual evaluation.

Ms. Stevens asked for a motion to appoint Davin Madden as Interim County Manager, effective July 1, 2022, at a salary of \$157,560.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to appoint Davin Madden as Interim County Manager, effective July 1, 2022, at a salary of \$157,560.

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

---

Amy S. Atkins, Clerk  
Board of Commissioners

---

Carrol Mitchem, Chairman  
Board of Commissioners